

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 20, 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, Smith, D’Adamo, Dill, Gerety, Toto, Tapp, McGuigan

Also Present: Mayor Glasser Administrator Swain, City Clerk Samuelsen, 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:

The Christmas/Holiday annual parade will be held on 12/1/17 start at 5:30 p.m. Then Santa Claus will light the new Christmas tree. Mayor Glasser announced that the Pearl Harbor ceremony will be held on 12/3/17 at 1:00 p.m. at the beach.

City Administrator’s Report:

Mr. Swain reported the results regarding Bond Anticipation Notes.
Mr. Swain explained the Stormwater Report – Tier A in full detail for the Governing Body and the public.

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Committee Reports:

None

Approval of Minutes:

M/S – Gerety/Toto

The minutes of 8/10/17 were approved by a unanimous vote of those present. Councilman Dill and Councilman Meischker recused from voting.

Ordinances:

Ordinance No. 20 of 2017

Second Reading/Public Hearing/Adoption

M/S – Dill/Toto

The meeting was duly opened, hearing nothing from the public, the Public Hearing was closed. The ordinance was adopted by a unanimous vote of those present.

No. 20

**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,		

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Municipal Search Officer after completion of 2 years	75,000	77,000
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

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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.

**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

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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

Custodian	per hour	8.50	15.00
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Administration, Finance, Tax Collector, Tax Assessor and Court

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

Bureau of Fire Prevention

Fire Official		1,400	7,000
Senior Inspector		1,200	6,600
Inspector		1,000	6,000
Inspector	per hour	10.00	20.00

Fire Department

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

Emergency Management

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Emergency Management Coordinator	Up to 4,000
Deputy Emergency Management Coordinator	Up to 3,000
Assistant Emergency Management Coordinator	Up to 500

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.

Ordinance No. 21 of 2017

First Reading/Introduction

M/S – Toto/Dill

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

Attorney Franklin mentioned that the spoils are delineated in the Engineer's plan.

No. 21

**AN ORDINANCE OF THE CITY OF SOMERS POINT AUTHORIZING THE
ACCEPTANCE OF A LICENSE AGREEMENT AND ACCESS EASEMENT LOCATED
ON AND WITHIN A PORTION OF LAND OWNED BY DAVID AND DEBORAH ERB
WHICH ARE NECESSARY FOR THE CONSTRUCTION OF A RESILIENCY
EMBANKMENT WITHIN THE CITY OF SOMERS POINT AND THE DREDGING OF
A PORTION OF THE GREAT EGG HARBOR BAY ABUTTING CITY OWNED
PROPERTY**

SECTION 1. STATEMENT OF INTENT AND PURPOSE.

WHEREAS, the City of Somers Point applied for and received from the New Jersey Department of Transportation a National Boating Infrastructure Grant (NBIG) in the amount of \$1,448,449 to fund a portion of a Transient Marina on the site of the Higbee Pier to accommodate boaters travelling north and south along the Inter - Coastal Waterway; and

WHEREAS, the City of Somers Point applied for and received a National Fish and Wildlife Foundation Grant to partially fund the dredging of that portion of Great Egg Harbor Bay adjacent to City owned property; and

WHEREAS, dredging of the shipping channel within the bay is essential to the transient marina; and

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WHEREAS, the Angelou Economics Report prepared on behalf of the County of Atlantic recognized the need for the County and each municipality within the County to identify projects and initiatives to successfully migrate reliance upon casino gaming to a more robust and viable economy based upon tourism, technology, education and healthcare; and

WHEREAS, the City through its Economic Development Committee, Arts Commission, Green Team and other efforts has diligently pursued opportunities to improve the economy of the City and the rejuvenation and revitalization of the Bay Avenue area; and

WHEREAS, the dredging grant requires an environmental enhancement utilizing the dredge materials; and

WHEREAS, the City has developed plans and specifications for the construction of a Resiliency Embankment within the City of Somers Point and, after examining alternate sites has determined that a portion of the embankment needs to be constructed along and within certain of the uplands areas of land owned by David and Deborah Erb (the "Owner"), which property was formerly known as the Gateway Marina and now having a mailing address of 95 Mays Landing Road, also designated as Block 1953, Lot 1.01 as shown on the official Tax Map of the City of Somers Point (the "Property"); and

WHEREAS, pursuant to N.J.S.A. 40A:12-1, et seq., the City of Somers Point ("City") may acquire such interest or rights in and to lands as may be necessary and suitable for municipal public purposes; and

WHEREAS, the Owner has agreed to grant to the City a Right of Way License Agreement and Access Easement (the "Agreement") for the purpose of access to, construction, and maintenance of the embankment.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, as follows:

SECTION 2. The City hereby accepts the licensed interest in and to the use of the Property described below and as further set forth with the Agreement:

ALL THAT CERTAIN tract or parcel of land and premises lying, being and situate in City of Somers Point, Atlantic County, and State of New Jersey being more particularly described as follows:

BEGINNING in the formerly Northwesterly line of Oak Lane (60 feet wide) at the division line between Lots 1 and 2, Block 88, Plan 1 of Del-Rey and extending:

- 1.) North 74 degrees 23 minutes 01 seconds West, 7.00 feet; thence
- 2.) South 60 degrees 36 minutes 59 seconds West, 56.57 feet; thence
- 3.) North 04 degrees 32 minutes 35 seconds East, 228.41 feet; thence
- 4.) North 27 degrees 14 minutes 23 seconds East, 151.96 feet; thence
- 5.) South 46 degrees 15 minutes 11 seconds East, 67.60 feet; thence

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6.) South 01 degrees 57 minutes 37 seconds West, 256.86 feet; thence
7.) South 15 degrees 36 minutes 59 seconds West, along said former Southeasterly line of Oak Lane, 36.57 feet; thence
8.) North 74 degrees 23 minutes 01 seconds West, 60.00 feet to the former Northwesterly line of Oak Terrace; thence

19.) South 15 degrees 36 minutes 59 seconds West, 15.00 feet to the point and place of beginning, BEING premises No. 95 Mays Landing Road, Somers Point, New Jersey 08244.
BEING Block: 1953, Lot: 1.01 on the official tax map of Somers Point City, New Jersey
For the sum of one dollar and other good and valuable non-monetary compensation the adequacy and sufficiency of which is accepted by the Grantors.

SECTION 3. The actions of the appropriate City of Somers Point officials, its employees, professionals and agents to take any and all steps necessary to effectuate the purposes of this Ordinance, including the execution of documents required to proceed with the acceptance of the license agreements and continuation with the embankment project are hereby approved, affirmed and ratified.

SECTION 4. All ordinances of the City of Somers Point that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 5. If any subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall take effect following final passage and publication in accordance with law.

Ordinance No. 22 of 2017

First Reading/Introduction

M/S – Gerety/Toto

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

No. 22

AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AMENDMENT #1 TO A LONG TERM TAX ESEMPTION AND CAPITAL CONTRIBUTION AGREEMENT AND AMENDMENT #1 TO A REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF SOMERS POINT AND BAYVIEW COURT URBAN RENEWAL ENTITY, LLC

Whereas, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*

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by Resolution 183 of 2014 adopted on October 23, 2014 the Somers Point City Council accepted the recommendation of the Somers Point Planning Board and designated the area consisting of Block 1114, Lots 3, 4.01, 4.02, 4.03 and 4.04 as a non- condemnation area in need of redevelopment (the Redevelopment Area); and

Whereas, by Ordinance 5 of 2015 adopted on February 26, 2015 a Redevelopment Plan for Bayview Court (the "Redevelopment Project") was approved and adopted; and

Whereas, by Resolution 61 of 2016 adopted on February 25, 2016 Bayview Court Urban Renewal Entity, LLC was designated as the Redeveloper for the Redevelopment Area and the execution and delivery of a Redevelopment Agreement (the "Redevelopment Agreement") between the City of Somers Point and Bayview Court Urban Renewal Entity, LLC was approved and authorized which incorporated the Redevelopment Plan; and

Whereas, on March 24, 2016 by Ordinance 2 of 2016 a Long Term Tax Exemption and Capital Contribution Agreement (the "Long Term Agreement") was authorized to be entered into between the City of Somers Point (the "City") and Bayview Court Urban Renewal Entity, LLC (the "Redeveloper"); and

Whereas, the Redeveloper has diligently pursued the Redevelopment Project as contemplated by the Redevelopment Plan; and

Whereas, due to circumstances beyond the control of the Redeveloper including, but not limited to, relocation of tenants to rehabilitate and improve the individual units as specified in the Redevelopment Plan, increased capital costs due to structural conditions which needed to be addressed but which were not evident until the Redevelopment Project had commenced, phasing in of the improvements, and other necessities, the construction schedule which had been originally submitted, has been delayed; and

Whereas, as a result, although the budget submitted by the Redeveloper has been significantly exceeded, the Redeveloper is absorbing the additional cost and is not requesting any additional capital contribution from the City; and

Whereas, as a result of the unforeseen delays and cost increases which necessitated Redeveloper obtaining additional financing, the Redeveloper has submitted a request that the City Council amend the construction schedule which had been included as Exhibit D to the Long Term Agreement and the Redevelopment Agreement granting an extension of time for achieving Substantial Completion, modifying the dates for completion of certain of the Redevelopment Project elements, increasing the number of competed units to achieve substantial completion, and extending the date of final completion of the entire Redevelopment Project until June 30, 2029; and

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Whereas, this governing body, the Code Enforcement Officer and the City Administrator have reviewed the scope of work completed to date, the annual certified audit and other financial details submitted to the City as required by the Redevelopment and Long Term Agreements, and has taken into consideration the achievement of the Redeveloper in vastly improving the property but also the beneficial improvement to the entire neighborhood for which Redeveloper has been nominated by the New Jersey Apartments Association and the 2017 Garden States Award Committee as a finalist and won the award for the Bayview Court Exterior Visual Restoration / Curb appeal and Management; and

Whereas, the requested amendment will not result in any incremental cost to the City; and

Whereas, this governing body has determined that it is in the best interest of the City, the Redeveloper, and the community to grant the requested amendment.

Now, therefore, it is hereby Ordained by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey that the Mayor is authorized to execute and the City Clerk is authorized to witness and deliver a First Amendment to the Long Term Tax Exemption and Capital Contribution Agreement between the City of Somers Point and. Bayview Court Urban Renewal Entity, LLC dated May 3, 2016 (the "First Amendment") substantially similar to the form of the First Amendment attached hereto and made a part hereof, subject to such modifications as may be deemed necessary or desirable by the City Solicitor and City Administrator; and

It is further Ordained that the Mayor is authorized to execute and the City Clerk is authorized to witness and deliver a First Amendment to the Redevelopment Agreement between the City of Somers Point and Bayview Court Urban Renewal Entity, LLC dated May 3, 2016 consistent herewith; and

It is further Ordained that all other terms and conditions of the Ordinances, Resolutions and Agreements heretofore enacted, adopted, and executed shall remain in full force and effect; and

It is further Ordained that that if any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered; and

It is further Ordained that this Ordinance shall become effective following final passage and publication as required by law.

Resolutions:

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Public Portion on Resolutions

M/S – Dill/Gerety

Meeting was opened to the public and duly closed.

Resolution No. 212 of 2017

M/S – Dill/Gerety

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

No. 212

**Subject: Amending Resolution No. 160 of 2017 Person-to-Person & Place-to-Place
 Liquor License Transfer**

Introduced by: City Council President McGuigan

WHEREAS, an Application has been filed for a place-to-place and person-to-person transfer of Plenary Retail Consumption License Number 0121-33-014-008 (the “license”); and

WHEREAS, said License is in the name of D & S Hospitality Consulting, LLC; and

WHEREAS, the Applicant RFB Properties 908 LLC has submitted an application which is complete in all respects, the Application and transfer fees have been paid, the license has been renewed for the current license term, an Application for Bulk Sale Permit has been filed, and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

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WHEREAS, the license is a Pocket License which is currently inactive but is to be transferred to the licensed premises situated within the building as now constructed at 908 Shore Road in the City of Somers Point, County of Atlantic, State of New Jersey 08244 as described in the License Application as reviewed and approved by this licensing authority;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Somers Point Governing Body does hereby approve, effective September 14, 2017, the transfer of Plenary Retail Consumption License Number 0121-33-014-008 with a premise location of 908 Shore Road, Somers Point, New Jersey, 08244 with a mailing address of c/o Republic 1st Bank, 2 Liberty Place, 50 S. 16th Street, Suite 2400 Attn: Lou Chiaranza; and

IT IS FURTHER RESOLVED that the Somers Point Governing Body does hereby approve, effective September 14, 2017, the transfer of Plenary Retail Consumption License Number 0121-33-014-008 to RFB Properties 908 LLC, and does hereby direct the Somers Point City Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to RFB Properties 908 LLC and to the new premise located at 908 Shore Road, Somers Point, New Jersey, effective September 14, 2017.

Resolution No. 213 of 2017

M/S – Dill/Toto

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

No. 213

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) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on November 20, 2017 during a public meeting to be held commencing at 7:00 P.M, and

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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

“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public’s interest and the employee’s privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is:

A DISCUSSION OF TERMS AND CONDITIONS OF RENEWAL , EXTENSION, OR EXECUTION OF A NEW EMPLOYMENT AGREEMENT BETWEEN THE CITY AND THE CITY ADMINISTRATOR. [a Rice notice has been delivered as required by law]

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

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

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)

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Subject of Discussion	Estimated Date	Necessary Occurrence
See # 8	Following Council Action.	Formal Action taken by City Council.

Resolution No. 214 of 2017

M/S – Toto/Dill

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

No. 214

Authorizing Executive Session

Introduced by: Councilman Tapp

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 which may be discussed and a recommendation for settlement of claims for reduction in assessed tax valuations or other resolution of claims for reduction in assessed tax valuations which have been asserted against the City in the Tax Court which require the advice and counsel of the City Solicitor and / or 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 20, 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.

1 “(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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A report by the Somers Point City Solicitor acting as 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 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:

DOCKET # YEAR	CAPTION	BLOCK / LOT	TAX
008997-2010	Harbour Cove Marina, LLC v. City of Somers Point	Block- 1211 Lot - 2	2010
011651-2011	Harbour Cove Marina, LLC v. City of Somers Point	Block- 1211 Lot - 2	2011
006813-2012	Harbour Cove Marina, LLC v. City of Somers Point	Block- 1211 Lot - 2	2012
005012-2013	Harbour Cove Marina, LLC	Block- 1211 Lot - 2	2013

Assessments for the properties for the 2014 through 2017 tax years may also be discussed.

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

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

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

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necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Cannot be determined at this time.	City Council Approval by Resolution or Order of the New Jersey Tax Court following a trial of the matter.

Resolution No. 215 of 2017

M/S – Dill/Toto

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

No. 215

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 November 20, 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.

1 “(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 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.

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).

Resolution No. 216 of 2017

M/S – Gerety/Dill

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

Subject: Chapter 159 Resolution 2017 Drunk Driving Enforcement Fund Grant

Introduced By: Council President McGuigan, Councilmen Gerety and Dill

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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 \$10,428.10 from the New Jersey Division of Highway Traffic Safety and wishes to amend its 2017 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 2017 in the sum of \$10,428.10 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:

2017 Drunk Driving Enforcement Fund Grant \$10,428.10

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$10,428.10 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:

2017 Drunk Driving Enforcement Fund Grant \$10,428.10

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

Resolution No. 217 of 2017

M/S – Meischker/Tapp

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

No. 217

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**SUPPORTING S2872 AND A4510 CREATING CERTAIN INCENTIVES TO
QUALIFIED BUSINESSES IN GARDEN STATE GROWTH ZONE IN ATLANTIC
CITY AND
CREATING A GARDEN STATE GROWTH ZONE AT THE
FAA WILLIAM J. HUGHES CENTER AND SURROUNDING AREA**

WHEREAS, the State of New Jersey provides incentives to qualified businesses under the Grow New Jersey Assistance Program and Economic Redevelopment and Growth Grant Program for businesses located in the Garden State Growth Zone and enhanced incentives available only to businesses located in the Garden State Growth Zone in Camden; and

WHEREAS, to provide incentives for economic growth in the Atlantic City region the late Senator Whelan introduced Senate Bill 2872; and

WHEREAS, this legislation to all the Garden State Growth Zones in Atlantic City, Passaic, Paterson and Trenton; and

WHEREAS, this legislation creates a Garden State Growth Zone within an “aviation district,” meaning all areas within the boundaries of the Atlantic City International Airport and the Federal Aviation Administration William J. Hughes Technical Center, and the area within a one-mile radius of the outermost boundary of that airport and technical center and adds to the definition of an Urban Transit Hub any property within a one mile radius from the mid-point of a NJ Transit rail station platform if the platform is within a Garden State Growth Zone. ; and

WHEREAS, the legislation provides enhanced incentives to qualified businesses within the newly created Garden State Growth Zone which were only available to qualified businesses within the Camden Garden State Growth Zone; and

WHEREAS, the Atlantic City region has witnessed significant economic decline resulting in a reduction of the Atlantic City ratable base from \$20.3 billion in 2009 to \$6.5 billion in 2016; a declining labor force from 142,000 in 2010 to 123,000 in 2016; a high unemployment rate of 7.2 percent compared to 4.8 percent Statewide and the highest foreclosure rate in the nation; and

WHEREAS, the Atlantic County Economic Development Strategy and Action Plan provides guidance for the region’s economic recovery stresses the need for diversification; and

WHEREAS, the Action Plan stresses the regions leverageable assets including the FAA William J. Hughes Technical Center, Stockton University, proximity to major markets and affordability; and

WHEREAS, the FAA William J. Hughes Technical Center is the nation’s premier air transportation system laboratory; and

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WHEREAS, aviation-related assets at the FAA William J. Hughes Technical Center and Atlantic City International Airport can foster training, technology and service-related growth industries including drone technology and testing; and

WHEREAS, technology programs at local universities coupled with EDA incentives would create incubators for growth; and

WHEREAS, with the Stockton Aviation Research & Technology Park construction underway, these incentives will serve to attract new businesses to the region, provide employment and expand the economy of the region; and

WHEREAS, many properties have been identified in Atlantic City that are served by all utilities and development ready; however, enhanced incentives are needed to attract new companies to the region; and

WHEREAS, the governing body of the City of Somers Point has enacted various ordinances, has applied for and received various grants, and through its Economic Development Advisory Committee and other Committees and Boards has taken actions to increase economic, business, and residential growth; and

WHEREAS, enactment of this legislation will provide further future benefits not only to the County and the region but also to the City of Somers Point through increased development and employment

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Somers Point call on the elected officials of New Jersey to adopt and sign into law S2872 to stimulate the economic recovery and diversification of Atlantic County and our entire region.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Chris Christie, Senate President Steve Sweeney, Assembly Speaker Vincent Prieto and the following New Jersey State Legislators:

Senator Nellie Pou

Senator Ray Lesniak

Senator Jeff Van Drew

Senator Tom Kean

Senator Joe Kyrillos

Senator Steve Oroho

Senator Nilsa Cruz-Perez

Senator Colin Bell

Assemblyman Vince Mazzeo

Assemblyman Chris Brown

Assembly Minority Leader Jon Bramnick

Assemblyman Benji Wimberly

Assemblyman Lou Greenwald

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Assemblyman Reed Gusciora
Assemblywoman Elizabeth Maher Muoio
Assemblyman Craig Coughlin
Assemblywoman Nancy Munoz
Assemblyman Anthony Bucco
Assemblywoman Eliana Pintor Marin
Assemblyman Nicholas Chiaravalloti
Assemblyman Raj Mukherji
Assemblywoman Sheila Oliver
Assemblyman Tim Eustace
Assemblyman Robert Auth

Old Business:

The Senate Bill regarding clamming on Sundays has some issues. Councilman Meischker reached out to Senator Bell for additional information.

New Business:

The Governing Body approved Anthony R. Jurasz’s membership application for the N.J. State Firemen’s Association.

Discussion of Bills:

Administrator Swain reported a bill list dated 11/17/17 in the amount of \$ 526,451.86. Councilman Meischker recused himself from Capri Construction and Dan Lundberg – Think Ink.

Public Portion

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

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Payment of Bills

M/S – Gerety/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 7:30 p.m. prior to going into Executive Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 4/12/18