

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
December 17, 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

**Absent:** None

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**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

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**Public Portion – Resolution No. 179A**

Meeting was opened to the public and duly closed.

**Resolution No. 179A**

M/S – Dill/Tapp

Councilman Dill thanked the team for their hard work and dedication, as did the other members of City Council. Resolution was approved by a unanimous vote of those present and each member was presented with a copy of the resolution.

**No. 179A of 2015**

**Subject:** Recognizing the 2015 Somers Point Sharks Pee Wee Football Team  
**Introduced By:** Councilman Smith

**WHEREAS**, the Atlantic County Junior Football League is comprised of organizations from Atlantic County, Cape May County and Cumberland County that compete at the Varsity, Junior Varsity, Pee Wee and Taxi Squad levels; and

**WHEREAS**, Somers Point is represented in the Atlantic County Junior Football League by the Somers Point Sharks; and

**WHEREAS**, the 2015 Somers Point Sharks Pee Wee Football Team amassed a record of twelve wins and no losses; outscored their opponents by more than three hundred points; played forty-six consecutive quarters during which they were unscored upon; and, on Sunday, November 22, 2015 the 2015 Somers Point Sharks Pee Wee Football Team won the Atlantic County Junior Football League Championship; and

**WHEREAS**, accomplishments of this caliber are remarkable at any age level and in any sport; and

**WHEREAS**, these accomplishments reflect the high degree of dedication of these young men to the ideals of sport, the sport of football, and, importantly, to their individual success and the success of their team; and

**WHEREAS**, these accomplishments bring honor to the City of Somers Point and are worthy of the praise and admiration of our community.

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Resolution No. 179A (Continued)**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Somers Point, on behalf of themselves and our community, hereby congratulate the 2015 Atlantic County Junior Football League Champions Somers Point Sharks Pee Wee Football Team.

Players:

<u>Name</u>	<u>No.</u>	<u>Name</u>	<u>No.</u>	<u>Name</u>
Darius Shanks 28	1	Jalil Gray	13	Jaevien Swain
Jacob Meyers 42	2	LJ Pryor	17	Rashawn Summers
Elijah Mirabale 34	3	Sean Bogatin	18	Cohen Cook
Dean Randazzo 54	4	Alex Rivera	20	Dylan Freiling
Christian Elliot 55	5	Dylan Ireland	21	Jeremiah Sinclair
Antonio Tartaglia 66	6	Josiah Williams	22	Brock Martin
Nasir Mahmoud 80	7	Morris Thompson	23	Isaiah Henderson
Joseph Zappile 88	9	Lionel Wilson	24	Mathew Wagner
Kheegan Stover 99	11	Tre'vor Gist	25	Joey Tenaglia

Coaches:

Eric Meyers, Head Coach	Ron Moody, Asst. Coach
Amir Mahmoud, Asst. Coach	Jake Cook, Asst. Coach
Mikal Washington, Asst. Coach	Nick Wagner, Asst. Coach
Wes Swain, Asst. Coach	

**BE IT FURTHER RESOLVED** that the Mayor and City Council wish these individuals continued success in all of their future endeavors, both athletic and otherwise.

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**Communications**

Proclamation No. 11

The proclamation was read in full by the City Clerk. Mayor Glasser reminded everyone that this is the time of year to drink and drive responsibly.

**No. 11 of 2015**

**WHEREAS**, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

**WHEREAS**, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

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**Proclamation No. 11 (Continued)**

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from December 11, 2015 through January 1, 2016; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**THEREFORE**, be it resolved that the City of Somers Point declares it's support for the *Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown* from December 11, 2015 through January 1, 2016 and pledges to increase awareness of the dangers of drinking and driving.

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**Mayor's Report**

Mayor Glasser wished everyone a save and healthy holiday stating that he is very proud to be the Mayor of the City of Somers Point. He then gave the Police Department Report in full for the month of November. He also reported that the holiday parade and tree lighting went well and that the Pearl Harbor Day Memorial was well attended. He also reported that he attended a centralized dispatching meeting recently along with other City Officials. He advised that the County Administrator has asked us to get back to him as to where we stand with this. He asked that the Committee get together with the City Administrator to discuss this further.

**Administrator's Report**

Administrator Swain reported that we received two quotes on our bond anticipation notes and awarded it to Jersey LLC at 1.2398 percent.

**Committee Reports**

Councilman Smith gave the Recreation Commission report in full explaining that there was a group who recently used the Park unlawfully after being told they would need a permit and replied that they would hold the rally in Ocean City instead.

Councilman McGuigan advised that the Green Team has achieved Bronze certification and would like to introduce a resolution congratulating them at the first regular meeting in January. With regard to the Arts Commission, he advised that there is an awareness event scheduled for February 21<sup>st</sup>.

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**Minutes**

M/S – Tapp/Gerety

The minutes of the regular meetings of October 22<sup>nd</sup> and November 12<sup>th</sup>, as well as the special meeting of November 30<sup>th</sup> and the Executive Session (as to content only) of November 30<sup>th</sup> were approved unanimously

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**ORDINANCES**

**Ordinance No. 29 – Final Reading**

M/S – Gerety/Dill

Meeting was opened to the public and duly closed. Ordinance No. 29 was then adopted on final reading 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**

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

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**Ordinance No. 30 – Final Reading**

M/S – Gerety/Tapp

Meeting was opened to the public and duly closed. Ordinance No. 30 was then adopted 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.**

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

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**RESOLUTIONS**

**Public Portion on Resolutions**

Council President Kern explained that Resolutions No. 195 and 196 were being pulled and deferred to January. She also removed Resolutions No. 183, 184 and 187 from the Consent Agenda. Meeting was then opened to the public and duly closed.

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**Resolution No. 191**

M/S – Gerety/Tapp

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 191 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

**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 December 17, 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)

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Resolution No. 191 (Continued)

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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.

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**Resolution No. 192**

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

**RESOLUTION No. 192 of 2015**

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

**Introduced By: COUNCILMAN SMITH**

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

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

**WHEREAS**, this Governing Body has directed that whenever a settlement of a pending matter would result in an assessed tax revenue reduction in excess of Ten Thousand Dollars (\$10,000.00) for any such property within a single tax year no such settlement shall be entered into without a presentation to the City Council explain the proposed settlement, the reason for the settlement recommendation, and the impact upon the current and prior tax years; and

**WHEREAS**, Special Tax Counsel and the Somers Point Tax Assessor have identified the following series of pending tax appeals and have discussed the implications and recommendations during Executive Sessions held on November 12, 2015 relative to the following pending Tax Appeal which exceeds the approval threshold:

<b>Caption:</b>	<b>Tax Year:</b>	<b>Docket #:</b>
Jordan Development		
v. City of Somers Point	2012	004152-2012
“ “	2013	005342-2013
“ “	2014	007887-2014
“ “	2015	002167-2015
And		
FreeMan of Somers Point		
v. City of Somers Point	2010	007405-2010
“ “	2011	004283-2011
“ “	2012	006832-2012
“ “	2013	009550-2013
“ “	2014	008716-2014
“ “	2015	005763-2015

**WHEREAS**, after giving due and careful consideration to the recommendations made

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

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**Resolution No. 192 (Continued)**

<b>Caption:</b>	<b>Tax Year:</b>	<b>Docket #:</b>
Jordan Development		
v. City of Somers Point	2012	004152-2012
“ “	2013	005342-2013
“ “	2014	007887-2014
“ “	2015	002167-2015

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

<b>Block / Lot #:</b>	<b>Tax Year:</b>	<b>Stipulated Assessed Value:</b>
499 / 6	2012	\$2,371,500.00
“ “	2013	\$1,975,000.00
“ “	2014	\$3,500,000.00
“ “	2015	\$3,500,000.00

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

And

<b>Caption:</b>	<b>Tax Year:</b>	<b>Docket #:</b>
FreeMan of Somers Point		
v. City of Somers Point	2010	007405-2010
“ “	2011	004283-2011
“ “	2012	006832-2012
“ “	2013	009550-2013
“ “	2014	008716-2014
“ “	2015	005763-2015

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

<b>Block / Lot #:</b>	<b>Tax Year:</b>	<b>Stipulated Assessed Value:</b>
516 / 13	2010	\$2,250,000.00
“ “	2011	\$2,100,000.00
“ “	2012	\$2,200,000.00
“ “	2013	\$2,120,400.00
“ “	2014	\$3,830,000.00
“ “	2015	\$3,830,000.00

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.

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

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**Resolution No. 193**

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

**No. 193 of 2015**

**A Resolution of Support for the Designation by the New Jersey Department of Transportation of Route NJ 152 within the City of Somers as a No Passing Zone**

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**Resolution No. 193 (Continued)**

**WHEREAS**, the City Clerk has received notice that an investigation conducted by the Staff of the Bureau of Traffic Engineering (BTE) within the New Jersey Department of Transportation (NJDOT) to inventory the existing centerline markings along Route NJ 152 in the city of Somers Point, County of Atlantic has been completed; and

**WHEREAS**, the existing center-line markings along Route NJ 152 were found to be appropriate; and

**WHEREAS**, NJDOT will nonetheless need to update its records to legally establish "No Passing Zones" which require a Traffic Regulation Order (TRO) to be issued by NJDOT; and

**WHEREAS**, in order to complete the TRO process a certified copy of a Resolution of Support (Concurrence) from the municipal governing body has been requested

**NOW, THEREFORE**, it is hereby **RESOLVED** by the governing body of the City of Somers Point in the County of Atlantic, State of New Jersey, that it supports the designation of Route NJ 152 within the City of Somers Point as a "No Passing" Zone as recommended by NJDOT; and

It is further **RESOLVED** that the City Clerk is requested to send a certified copy of this Resolution to the NJDOT, to the attention of Michael E. Mihalic - Supervisor, Traffic Investigations.

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**Resolution No. 194**

M/S – D'Adamo/Dill

Adopted by a unanimous vote of those present.

**RESOLUTION No. 194 of 2015**

**AUTHORIZING FILING OF AN APPLICATION FOR THE APPLICATION FOR THE  
FLOOD HAZARD RISK REDUCTION AND RESILIENCY GRANT PROGRAM**

**Whereas**, the New Jersey Department of Environmental Protection provides funding through the Flood Hazard Risk Reduction and Resiliency Grant Program; and

**Whereas**, Applicants of the Flood Hazard Risk Reduction and Resiliency Grant Program must be counties and municipalities in one of the nine most affected counties by Superstorm Sandy, which includes Atlantic County; and

**Whereas**, the Flood Hazard Risk Reduction and Resiliency Grant Program is a competitive program and only projects considered ready for construction will be selected; and

**Whereas**, the proposed project area must present a high vulnerability or risk to storm surge or flooding, as developed by a science-based analysis; and

**Whereas**, \$25 million has been allocated to fund this grant program and awards will be based on the size and complexity of the projects; and

**Whereas**, an application with the required engineering and design specifications included must be submitted prior to April, 2016; and

**Whereas**, the governing body of the City of Somers Point is willing to fund, at a minimum, the design of the construction ready project at an approximate cost of Forty Thousand Dollars (\$40,000.00) in order to prepare the necessary plans and specifications required to accompany the application subject to availability of funds in the budget; and

If the Project is selected for funding, the HUD Environmental Assessment will also be prepared; and

**Whereas**, the purpose of the grant application is to fund or to assist in partially funding the construction of three (3) waste-water pump stations to provide resiliency and protection against future storm and flooding damage within the City of Somers Point.



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**Resolution No. 194 (Continued)**

**Now Therefore, it is hereby Resolved** that the City Council of the City of Somers Point authorizes the filing of an application for funding through the Flood Hazard Risk Reduction and Resiliency Grant Program; and

Be it further resolved that the City Council of the City of Somers Point authorizes

- i) the City Engineer to prepare the necessary documents to accompany the application,
- ii) Rutala Associates to participate in the preparation of the application; and
- iii) the Mayor to execution the necessary application and, if awarded, the grant agreement and associated documents required for the Hurricane Sandy Coastal Competitive Grant Program.

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**Resolution No. 195 & 196**

These resolutions were pulled from the agenda and deferred to January.

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**Resolution No. 197**

M/S – Tapp/Gerety

Adopted by a unanimous vote of those present.

**No. 197 of 2015**

**A Resolution Supporting enactment Senate Bill S-3277 sponsored by Senator Nilsa Cruz-Perez as Primary Sponsor and Assembly Bill A-4764 sponsored by Assemblyman John J. Burzichelli as Primary Sponsor which reaffirms the authority of a municipality to inspect, license, register and regulate the rental of residential real property.**

**Whereas**, as a result of a decision rendered earlier this year by the New Jersey Superior Court, Appellate Division in the matter of Timber Glen v. Hamilton Township, the authority of municipalities to license, inspect, regulate, and register residential real property rentals was brought into question notwithstanding the provisions of N.J.S. 40:48-2.12a (authorizing ordinances regulating buildings and structures, their use and occupancy), 48:2-12a1 (authorization for inspections notwithstanding any "exemption from inspection pursuant to the provisions of statutory law"), and 48:2-12c (authorizing local registration of owners of 2 or more family units and identifying the occupants); and

**Whereas**, Senate Bill S-3277 sponsored by Senator Nilsa Cruz-Perez as Primary Sponsor and Assembly Bill A-4764 sponsored by Assemblyman John J. Burzichelli as Primary Sponsor reaffirms the authority of a municipality to inspect, license, register and regulate the rental of residential real property; and

**Whereas**, both bills would be effective immediately and be retroactive to August 6, 2015.

**Now, therefore**, it is hereby **RESOLVED** that the City Council of the City of Somers Point in the County of Atlantic supports the enactment of this legislation; and

It is further, **RESOLVED**, that the City Clerk is requested to send a certified copy of this Resolution to Governor Chris Christie, State Senator James Whelan, State Senator Nilsa Cruz-Perez, State Assemblyman Chris Brown, State Assemblyman Vincent Mazzeo, State Assemblyman John J. Burzichelli and the New Jersey League of Municipalities.

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**Resolution No 198**

M/S – Gerety/D'Adamo

Adopted by a unanimous vote of those present.

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Resolution No. 198 (Continued)

No. 198 of 2015

**A Resolution Supporting enactment Senate Bill S-2143 sponsored by Senator Jeff Van Drew which exempts government owned property from Adverse Possession and eliminates a Statute of Limitation period for recovery by a government**

**WHEREAS**, in a decision rendered in 1991 the Supreme Court of New Jersey in the matter of Devins v Borough of Bogota 124 N.J. 570 reversed the long standing rule that municipally owned property could not be subject to acquisition by adverse possession; and

**WHEREAS**, in rendering their decision, recognizing the wide spread impact such a ruling would have upon governmental entities, the Supreme Court further held that the impact of their decision would not become effective until twenty (20) years after their decision had been rendered; and

**WHEREAS**, the twenty year grace period expired in 2011; and

**WHEREAS**, within the twenty years since the Supreme Court rendered its decision the Legislature has not enacted any Law to restore the long standing rule that government owned property cannot be acquired by adverse possession; and

**WHEREAS**, in 2010 Assembly Bill No. 1681 was introduced on January 12, 2010 to cure this deficiency and protect government entities from wrongful seizure of publicly owned properties but was not enacted; and

**WHEREAS**, unless Legislative action is taken, Municipalities and other governmental entities will not only be subject to taking by adverse possession but in order to prevent such wrongful taking, may be obligated to spend considerable public funds to identify incidents of adverse possession which may exist in order to protect the public interest and incur legal fees which would otherwise not be necessary; and

**WHEREAS**, in these times of fiscal restraint such monies should be better spent on more worthwhile projects; and

**WHEREAS**, S-2143 sponsored by Senator Jeff Van Drew was received, reviewed, and voted upon favorably by both the Senate Community and Urban Affairs Committee and the Senate Budget and Appropriations Committee; and

**WHEREAS**, S-2143 was passed by the Senate on December 7, 2015 by a vote of 25-7, and was received in the Assembly on December 10, 2015 for Second Reading; and

**WHEREAS**, the Governing Body of the City of Somers Point believes that such legislation is in the best interest of the citizens and taxpayers of the City of Somers Point, the State of New Jersey and of the municipalities and counties situated herein

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Governing Body of the City of Somers Point supports enactment of S-2143 which will preclude the taking of government owned property through adverse possession and would further provide that actions brought by any governmental entity for recovery of any such property not be time barred; and

**IT IS FURTHER, RESOLVED** that a copy of this resolution with the attached A-1681 be sent to Governor Chris Christie, State Senator James Whelan, Senator Jeff Van Drew, State Assemblyman Chris Brown, State Assemblyman Vincent Mazzeo, and the New Jersey League of Municipalities.

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**Resolution No. 199 - Tabled**

M/S – McGuigan/Gerety

After discussion, Councilman Smith made a motion to table, seconded by Councilman Dill. Resolution No. 199 was then tabled by a 5-2 vote with Councilman McGuigan and Council President Kern voting no.

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**Resolution No. 199 (Continued)**

**RESOLUTION No. 199 of 2015**

**AUTHORIZING THE EXECUTION AND DELIVERY OF A SHARED SERVICES  
AGREEMENT BETWEEN THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY AND  
THE CITY OF SOMERS POINT TO PROVIDE A COUNTY-WIDE REGISTRATION  
PROGRAM FOR ABANDONED PROPERTIES**

WHEREAS, The Uniform Shared Services and Consolidation Act, N.J.S. 40A:65-1 et seq., (the “Act”) authorizes local units such as the City of Somers Point (the “City”) to enter into shared service agreements with other local units; and

WHEREAS, The Atlantic County Improvement Authority (the “ACIA”) is a local unit as defined in the Act; and

WHEREAS, ACIA has utilized the Local Public contracts Law to solicit responses to Requests for a Proposal to provide professional services to administer a County-Wide Mortgagee Registration Program available to those municipalities within Atlantic County which have or will adopt Mortgagee Registration Ordinances as authorized by N.J.S. 46:101-51 and N.J.S. 55:19-100; and

WHEREAS, in November of 2015 the ACIA Board of Commissioners approved the proposal submitted by Community Champions Corporation (“Community Champions”) to provide the professional services requested; and

WHEREAS, the ACIA has presented a form of Shared Service Agreement together with the form of Agreement proposed to be entered into between ACIA and Community Champions; and

WHEREAS, in July, 2014, this governing body did enact the Mortgagee Registration Ordinance, as supplemented and amended, which is codified as Article VII in Chapter 169 of the Somers Point City Code (the Registration Ordinance”); and

WHEREAS, Community Champions will, among other things, work with the City to catalog each abandoned property which falls within the scope of the City’s Registration Ordinance and provide all the required services necessary to implement and enforce the City’s real property registry and fee collection program; and

WHEREAS, the governing body of the City of Somers Point has reviewed the services to be provided by Community Champions through the Shared Services Agreement and has evaluated the benefits associated with participation in the Shared Services Agreement in consideration of the fee to be paid to ACIA and Community Champions - which shall be entirely funded through the collection of Registration Fees; and

Whereas, the cost to the City of Somers Point to hire additional personnel necessary to track the registration of properties and to chase the mortgagees and other responsible parties would far outweigh the cost to the City through participation; and

WHEREAS, participation in the Shared Services Agreement will also provide access to a much needed proprietary data base used to track ownership and mortgagees

**Now, therefore, it is hereby Resolved** that City Council of the City of Somers Point authorizes the Mayor to execute and deliver a Shared Services Agreement, generally in the form submitted, between the City of Somers Point and the Atlantic County Improvement Authority and to take any such other action as may be deemed by the City Administrator, the City’s Code enforcement Officer, and the City Solicitor to be necessary or desirable in order to effectuate the intent of this Resolution.

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**Resolution No. 183 - Defeated**

M/S – Dill/D’Adamo

Administrator Swain advised that he needs direction as this came in way over what we had originally budgeted because it kept changing as the residents involved with the easements changed their minds. He explained that it came in double the amount and that we could consider taking the 2015 grant as well and allocating it to this project, however, we would not be able to award until the end of January or February. After discussion, Council agreed that they did not want to spend more than double the money for this project. Resolution No. 183 was then defeated by a unanimous vote of those present.

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Resolution No. 183 (Continued)

**No. 183 of 2015 – (DEFEATED)**

**Subject:                    Delaying Awarding or Rejecting Bids for the 2014 CDBG  
Pierson/Dawes Storm water Improvements an additional 60 days**

**Introduced by:            Councilman Dill**

**WHEREAS**, on November 10, 2015 the City of Somers Point received bids for the 2014 CDBG Pierson/Dawes Storm water Improvements, a project that is funded in part by a 2014 Community Development Block Grant; and

**WHEREAS**, Seashore Associated Mechanical Contractors, Inc. of Egg Harbor City, New Jersey was the lowest responsible bidder; and

**WHEREAS**, the bid submitted by Seashore Associated Mechanical Contractors, Inc. significantly exceeds the grant amount of the 2014 Community Development Block Grant, and

**WHEREAS**, City Council wishes to delay awarding or rejecting bids an additional sixty (60) days beyond the required sixty (60) day period after the bid opening as permitted in NJSA 40A:11-24a to investigate other funding options, and

**WHEREAS**, Seashore Associated Mechanical Contractors, Inc. has agreed to hold the bid prices an additional sixty (60) days beyond the required sixty (60) day period after the bid opening as permitted in NJSA 40A:11-24a.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the bid submitted by Seashore Associated Mechanical Contractors, Inc. will be held an additional sixty (60) days beyond the required sixty (60) day period after the bid opening as permitted in NJSA 40A:11-24a.

\*\*\*\*\*

**Resolution No. 184**

M/S – Dill/Tapp

Adopted by a unanimous vote of those present.

**No. 184 of 2015 (corrected copy)**

**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 1<sup>st</sup> 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.

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**Resolution No. 184 (Continued)**

Current Fund

From:

Police S&W	5-01-25-240-100	\$ 22,000
Sanitation S&W	5-01-26-305-100	<u>23,000</u>
	Total	\$45,000

To:

City Clerk S&W	5-01-20-120-100	\$ 5,000
Mayor and Council OE	5-01-20-110-200	5,000
Data Processing OE	5-01-20-140-200	3,000
Unemployment Compensation	5-01-23-225-111	20,000
Public Works S&W	5-01-26-300-100	5,000
Street Lighting	5-01-31-435-276	<u>7,000</u>
	Total	\$45,000

\*\*\*\*\*

**Resolution No. 187**

M/S – Dill/Tapp

Adopted by a 6-0 vote with Councilman McGuigan recusing himself from voting as his primary employer is included on the list.

**No. 187 of 2015**

**Subject: Approving proposals – Goods and Services 2015**  
**Introduced By: Council President Kern**

**WHEREAS**, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the following proposals, received on December 15<sup>th</sup>, 2015 are approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of January 1, 2015 through December 31, 2015:

**a) Plumbing / HVAC Maintenance and Repair Contractor Services**

Falasca Mechanical  
Multi-Temp Mechanical

\*\*\*\*\*

**Consent Agenda**

M/S – D’Adamo/Dill

Adopted by a unanimous vote of those present.

**Resolution Nos. 180A, 181, 182, 185, 186, 188, 189, 190**

**No. 180A of 2015**

**Subject: Authorizing the Chief Financial Officer to Cancel Grant Balances**  
**Introduced By: Council President Kern**

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**Resolution No. 180A (Continued)**

**WHEREAS**, the City Administrator/Chief Financial Officer and the has completed a review of the Grant Fund; and

**WHEREAS**, as a result of the review, the City Administrator/Chief Financial Officer recommends that the following balances be canceled from The Grant Fund general ledger and transferred to Current Fund Balance, subject to whatever modifications may be necessary as a result of activity in those accounts occurring on or before December 31, 2015:

<u>Description</u>	<u>Cancel</u>	<u>Cancel</u>
<u>Grants Receivable</u>		
Municipal Alliance - 2013	\$3,478.21	
Municipal Alliance - 2014	8,526.41	
Reconstruction of Bala Drive	1,268.36	
 <u>Appropriated Reserves</u>		
Municipal Alliance - 2013		\$ 5,836.35
Municipal Alliance - 2014		9,647.88
Safe & Secure – 2014		10,886.29
Reconstruction of Bala Drive		1,268.36
	\$13,272.98	\$27,638.88

To Current Fund Balance:     \$14,365.90

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the City Administrator/Chief Financial Officer is hereby authorized to cancel the aforementioned amounts and make adjustments to the appropriate accounts subject to whatever modifications may be necessary as a result of activity in those accounts occurring on or before December 31, 2015.

\*\*\*\*\*

**No. 181 of 2015**

**Subject:                    Requesting Change in Title, Text or Amount of Appropriation**

**Introduced By:         Council President Kern**

**WHEREAS**, N.J.S. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the provisions of N.J.S. 40A:4-85, the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to make the following correction in the 2015 budget:

That the appropriation provided for in the approved budget entitled:  
     General Appropriations  
     ( A ) Operations - Excluded from "CAPS"  
     Public and Private Programs Offset by Revenues

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**Resolution No. 181 (Continued)**

Matching Funds

in the amount of \$5,000.00 be reduced by the sum of \$3,760.00 to \$1,240.00

and that an appropriation in the like amount of \$3,760.00 be added to the budget entitled:

General Appropriations

( A ) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance on Drug and Alcohol Abuse City Match

**BE IT FURTHER RESOLVED** that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the municipality for the reasons set forth:

The City provided for the possibility of receiving an additional grant that might require a cash match after the adoption of the 2015 budget by providing a line item "Matching Funds." The amount of the grant and the cash match required for the 2015 Municipal Alliance on Drug and Alcohol Abuse grant program are now known after the adoption of the budget. The City has received a grant of \$15,038.00 for the 2015 Municipal Alliance on Drug and Alcohol Abuse program, and a municipal cash match of 25%, in the amount of \$3,760.00 is required as a legal provision of the grant. The above correction of this budget appropriation will allow the City to make the necessary cash match.

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

\*\*\*\*\*

**No. 182 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 \$5,000.00 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 \$5,000.00 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:

NJ Division of Highway Traffic Safety

Drive Sober Year End Crackdown 2015

\$5,000.00

pursuant to the provision of Statute; and

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Resolution No. 182 (Continued)

**BE IT FURTHER RESOLVED** that a like sum of \$5,000.00 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:

NJ DHTS Drive Sober Year End Crackdown 2015 \$5,000.00

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

\*\*\*\*\*

**No. 185 of 2015**

**Subject: Amending LOSAP Investment Company**  
**Introduced By: Councilmen Dill and McGuigan**

**WHEREAS**, Resolution 193 of 2002 authorized an agreement with VFIS to administer the City of Somers Point Length of Service Award Program; and

**WHEREAS**, investments in that program have been made to a Lincoln Benefit Life Fixed Annuity fund; and

**WHEREAS**, due to recent changes in the administration of the Lincoln Benefit Life fund, VFIS has recommended that the City consider moving those investments to a MassMutual Fixed Group Annuity Contract; and

**WHEREAS**, the City desires to remove Lincoln Benefit Life from the Adoption Agreement and Service Fee Agreement and replace it with MassMutual.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby authorizes moving the LOSAP funds of the City from Lincoln Benefit Life to MassMutual.

**BE IT FURTHER RESOLVED** that the City Administrator is authorized to execute an amendment to the adoption agreement in the form attached hereto and made a part hereof, and to complete whatever other steps may be necessary in order to effectuate the purpose of this resolution.

\*\*\*\*\*

**No. 186 of 2015**

**Fixing the Date of the  
Annual Organization Meeting of the  
Somers Point City Council**

**WHEREAS**, N.J.S.A. 40-45A-1 provides that a municipality in which any of the members of the governing body are elected for terms commencing on January 1 may, by ordinance, fix the date and time of its annual reorganization meeting at a specified day and hour during the first week of January; and

**WHEREAS**, by Ordinance 5 of 1988 which has been codified as Section A266-2 in the Somers Point Municipal Code as supplemented and amended by Ordinance No. 32 of 2014, the annual organization meeting of the City Council is to be held commencing at 7:00 p.m. on a weeknight during the first week in January.



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**Resolution No. 186 (Continued)**

Now, therefore, it is hereby **RESOLVED** that the 2016 Organization Meeting of the Somers Point City Council shall be held on January 4, 2016 at 7:00 p.m. in Council Chambers; and

It is further, **RESOLVED** that the City Clerk shall cause a public notice of the Organization Meeting to be posted and published in compliance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*

\*\*\*\*\*

**No. 188 of 2015**

**Subject: Reducing Sewer Utility Bill due to incorrect billing.**

**WHEREAS**, the City Council of the City of Somers Point may make adjustments in Sewer Utility billings in such cases as it deems appropriate; and

**WHEREAS**, Michael Carson have requested that his 2015 Sewer Utility bill be adjusted because the units on their property were listed incorrectly and billed incorrectly; and

**WHEREAS**, the Tax Collector/Sewer Utility Collector has verified that the 2015 sewer billing was incorrect; and

**WHEREAS**, the Tax Collector/Sewer Utility Collector has determined that the correct billing should be Three units not Four; and

**WHEREAS**, The Tax Collector/Sewer Utility Collector has determined the amount of \$1480.00 is incorrect and should be \$1110.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, the Sewer Utility bill for Michael Carson is hereby reduced to the corrected sum of \$1110.00.

\*\*\*\*\*

**No. 189 of 2015**

**Subject: Reducing Sewer Utility Bill due to incorrect billing.**

**WHEREAS**, the City Council of the City of Somers Point may make adjustments in Sewer Utility billings in such cases as it deems appropriate; and

**WHEREAS**, Michael & Tracey Fitzgerald have requested that their 2015 Sewer Utility bill be adjusted because the units on their property were listed incorrectly and billed incorrectly; and

**WHEREAS**, the Tax Collector/Sewer Utility Collector has verified that the 2015 sewer billing was incorrect; and

**WHEREAS**, the Tax Collector/Sewer Utility Collector has determined that the correct billing should be Two units not Three; and

**WHEREAS**, The Tax Collector/Sewer Utility Collector has determined the amount of \$1110.00 is incorrect and should be \$740.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, the Sewer Utility bill for Michael & Tracey Fitzgerald is hereby reduced to the corrected sum of \$740.00.

\*\*\*\*\*

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Consent Agenda (Continued)

No. 190 of 2015

**Subject: Canceling Outstanding Checks & Bank Reconciliations Items**  
**Introduced by: Council President Kern**

**WHEREAS**, the CFO has determined that certain outstanding checks and bank reconciliation items should be cancelled.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the following outstanding checks and bank reconciliation items are hereby cancelled.

**General Account**

Check Number	Amount
10295	35.00
10308	105.00
<b>Total</b>	<b>140.00</b>

**Payroll**

Check Number	Amount
56583	1394.82
56731	1347.02
56733	1625.20
56780	138.88
<b>Total</b>	<b>4505.92</b>

\*\*\*\*\*

**Old Business**

There was no Old Business.

**New Business**

The Reorganization meeting was briefly discussed with regard to dates of Council meetings for next year, swearing in of newly re-elected Mayor and Council and Invocation.

**Discussion of Bills**

The bill list in the amount of \$2,130,032.03 as well as the additional bill list in the amount of \$14,249.09 were presented for discussion. Councilman McGuigan advised that he will be recusing himself from voting on any bills from Falasco Mechanical as this is his primary employer. Council President Kern advised that she will be recusing herself from voting on the first two bills listed on page 3.

**Public Portion**

Meeting was opened to the public and duly closed.

\*\*\*\*\*

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**Payment of Bills**

M/S – D’Adamo/Dill

The bills were approved by a unanimous vote with Councilman McGuigan recusing himself from voting on any bills from Falasco Mechanical and Council President Kern recusing herself from voting on the first two bills on page 3. A complete list of bills is on file in the Office of the Municipal Clerk.

\*\*\*\*\*

**Recess**

Council recessed at 8:15 p.m. prior to going into Executive Session.

**Adjournment**

Council reconvened in open session after Executive Session to adjourn at 8:51 p.m.

\*\*\*\*\*

Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 02/25/16