

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 27, 2015**

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

President Kern requested a moment of silence in memory of Carl Mell who recently passed away. Carl was a former City Councilman, Fire Chief, and Construction Official and volunteered in numerous positions in our community over the years.

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

The City's Poet Laureate did a "Pop Up" reading of her poem "A Star to the City".

The following proclamations were read in full by the City Clerk:

Proclamation No. 8

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; 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 summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

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 2015 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; 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 its support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.

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Proclamations (Continued)

Proclamation No. 9

Subject: Planning Board Appointment

WHEREAS, a vacancy exists in the Class IV category of the Somers Point Planning Board due to the resignation of Michael Kennedy whose term expires on December 31, 2016; and

WHEREAS, in accordance with NJS 40:55D-23 I, Mayor John L. Glasser, Jr. hereby appoint Robert Green to serve as a Class IV category member of the Somers Point Planning Board to fill the unexpired term of Michael Kennedy, said term expiring December 31, 2016; and

WHEREAS, as a result of the appointment of Robert Green to fill the Class IV vacancy, in accordance with NJS 40:55D-23 I, Mayor John L. Glasser, Jr. hereby appoint James Toto to serve as the Alternate #1 member of the Somers Point Planning Board to fill the unexpired term of Robert Green said term expiring December 31, 2015; and

WHEREAS, as a result of the appointment of James Toto to fill the Alternate # 1 vacancy, in accordance with NJS 40:55D-23 I, Mayor John L. Glasser, Jr. hereby appoint John Conover as Alternate #2 member of the Somers Point Planning Board to fill the unexpired term of James Toto, said term expiring December 31, 2016.

BE IT PROCLAIMED THAT the Planning Board as of this date consists of the following members with the expiration of terms noted:

CLASS I	EXPIRATION OF TERM
Mayor John L. Glasser, Jr.	Term of Office
CLASS II Lionel Crossman	1 Year Term 12/31/15
CLASS III Howard Dill	1 Year Term 12/31/15
CLASS IV Paul Striefsky Robert Green Brian Cotton Greg Sykora James Toto (Alt. No. 1) John Conover (Alt. No. 2)	December 31, 2015 December 31, 2016 December 31, 2017 December 31, 2018 December 31, 2015 December 31, 2016

Public Portion on Resolution No. 145

Meeting was opened to the public and duly closed.

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Resolution No. 145 (Continued)

Resolution No. 145

M/S – Dill/Tapp

Adopted by a unanimous vote of those present. Council President Kern thanked all of the participants for taking their time to make our community beautiful. Mayor Glasser then presented the winners with a certified copy of the resolution.

No. 145 of 2015

Subject: Congratulating winners of the Garden Club Contest
Introduced by: Mayor and City Council

WHEREAS, the Somers Point Green Thumb Garden Club held their annual garden contest; and

WHEREAS, the winners of the contest are as follows:

Category	Winner
Commercial	Anchorage Tavern (Designscape Landscaping) 823 Bay Avenue, owner, Don Mahoney
Members Only	Carol Bennett, 154 Crescent Blvd., Mays Landing
Residential	
Flower Garden	Bob & Carole Trautz, 6 North Village Drive
Vegetable Garden	Jim & Ronnie Hoagland, 107 W. Meyran Ave.
Container Garden	Lynn Rogowski, 13 Greate Bay Drive
Junior Garden	Isabella Berret, 117 Osborne Road

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby congratulate the above listed winners and thanks them for taking an interest in their community and participating in the contest.

Mayor's Report

Mayor Glasser reported that he received a thank you from Northfield's Acting Chief for our assistance during the funeral of their Police Detective Sergeant Perry. He also reported that the Garden Club, along with David Hughes from the Hospital, Michael Bray from EDAC and hospital volunteers went down and cleaned up the flower beds at the intersection of Route 52 and Shore Road. He stated that they did a great job, however, we need to find ways to keep up on this in the future. He also reported that our beach water quality has been excellent throughout the summer. Mayor Glasser then gave the Police Department report in full for the month of July. He thanked the Council President for the moment of silence in memory of Carl Mell stating that he knew him very well and that he did so much for our town, especially when he became the Fire Chief during a difficult time in our history. He stated that Carl will be greatly missed.

Administrator's Report – No Report

Committee Reports – No Reports

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Minutes

Minutes of the Regular Meeting of 7/30/15; Executive Session of 7/30/15 as to content only; Executive Session of 8/25/11, 9/22/11, 12/19/13 and 02/13/14 for release were approved by a unanimous vote of those present.

ORDINANCES

Ordinance No. 20 – Final Reading

M/S – Gerety/Dill

Meeting was opened to the public as follows:

Christopher Baylinson, Esq. representing the Meischkers, who are one of the three adjoining property owners, came forward and addressed the governing body. He explained that he has correspondence from Robert Loper, one of the other adjoining property owners, and the other property owner is present tonight. He explained that the vacate will be conditioned upon a cross easement as well as a deed restriction that no improvements can take place.

Robert and Patricia Roberts, the other adjoining property owners, addressed the governing body stating that they have no objections, subject to the conditions mentioned earlier.

Atty. Franklin read into the record the letter received from Robert Loper which stated that he consents to the proposal to vacate, contingent upon the execution of the cross easement and building restrictions agreed to between the property owners.

Public portion was then closed.

Atty. Franklin stated that because Mr. Meischker is the chairman of the Somers Point Zoning Board of Adjustment and has personal business with most of the governing body and because a vacate can only be granted by the governing body, the doctrine of necessity would apply allowing all to vote. Ordinance No. 20 was then adopted on final reading contingent upon receipt of the cross easements and deed restriction, by a unanimous vote of those present.

**CITY OF SOMERS POINT
ORDINANCE No. 20 of 2015
AN ORDINANCE VACATING A PORTION OF A 20 FT. WIDE ALLEY DESIGNATED
AS STRETCH'S ALLEY IN THE CITY OF SOMERS POINT, COUNTY OF
ATLANTIC,
STATE OF NEW JERSEY**

***FIRST READING:* July 30, 2015
PUBLICATION: August 8, 2015
FINAL PASSAGE: August 27, 2015**

Ordinance No. 21 – Final Reading

M/S – McGuigan/Gerety

Meeting was opened to the public and duly closed. Ordinance No. 21 was then adopted on final reading by a unanimous vote of those present.

ORDINANCE NO. 21 OF 2105

**AN ORDINANCE OF THE CITY OF SOMERS POINT AUTHORIZING THE
ACQUISITION OF AN EASEMENT FOR A PORTION OF BLOCK 1815, LOT 9.02
LOCATED WITHIN THE CITY OF SOMERS POINT FROM THE ATLANTIC
COUNTY HISTORICAL SOCIETY NECESSARY FOR COMPLETION OF THE BIKE
PATH**

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Ordinance No. 21 (Continued)

FIRST READING: July 30, 2015
PUBLICATION: August 5, 2015
FINAL PASSAGE: August 27, 2015

Ordinance No. 22 – Final Reading

M/S – Tapp/Gerety

Meeting was opened to the public and duly closed. Ordinance No. 22 was then adopted on final reading by a unanimous vote of those present.

**CITY OF SOMERS POINT
ORDINANCE NO. 22 OF 2015**

**An Ordinance Supplementing and Amending Section 169-74 E. (1) of the Mortgage
Registration Fee Requirements**

FIRST READING: JULY 30, 2015
PUBLICATION: AUGUST 5, 2015
FINAL PASSAGE: AUGUST 27, 2015

Ordinance No. 24 – First Reading

M/S – D’Adamo/Tapp

Ordinance No. 24 was approved on first reading by a unanimous vote of those present.

Ordinance No. 24 of 2015

**An Ordinance Enacted Under Authority Granted by N.J.S.A. 39:4-197 Regulating the
Parking of Vehicles on Certain Streets and Portions Thereof; Amending and
Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article
V “Residential Parking Permits” Section 250-54 A and Section 250-56 Q; and Repealing
All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.**

Whereas, the governing body of the City of Somers Point enacted Ordinance No.18 of 1999 to provide residential permit parking for four (4) properties located on Bay Avenue due to the inability of those properties to provide off street parking as more specifically set forth in section 254-54.3. F of said ordinance; and

Whereas, in 2011 the governing body enacted Ordinances No. 2 and No. 9 of 2011 expanding permit parking to other areas of the City to alleviate parking congestion; and

Whereas, in 2011 the governing body enacted Ordinance No.15 of 2011 in which it was specifically stated that “Notwithstanding anything elsewhere contained within this Section 250-56, within the designated area of Bay Avenue described in Section 250-54A: (i) only one (1) Residential Parking Permit will be issued to any single street address and only for a single vehicle from each address in compliance with the intent of Ordinance 18 of 1999” thus reaffirming the intent and purpose of Ordinance No. 18 of 1999; and

Whereas, subsequent thereto, one of the properties included within Ordinance No, 18 of 1999 and continued to be included in Ordinance No. 5 of 2011 located at 812 Bay Avenue on August 12, 2013 received from the Somers Point Zoning Board of Adjustment approval to undertake reconstruction which included off street parking; and

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Ordinance No. 24 (Continued)

Whereas, as a result, the underlying purpose for which such permit parking was granted for that property ceased to exist; and

Whereas, the Zoning Board of Adjustment has jurisdiction over land use, development and zoning variance issues within the City of Somers Point but the governing body has exclusive jurisdiction over streets and traffic including on street parking under authority of NJS 39:4-197 which authorizes a municipality, by ordinance, to regulate the parking of vehicles on municipal streets and portions thereof; and

Whereas a residential parking permit is a privilege and not a right.

Now, therefore, it is hereby ordained that

Section 1.

- a) Section 250-56 Q of the Somers Point City Code is repealed in its entirety and replaced with the following language:

Q. Notwithstanding anything elsewhere contained within this Section 250-56, within the designated area of Bay Avenue described in Section 250-54A: (i) only one (1) Residential Parking Permit will be issued to any single street address and only for a single vehicle from each address in compliance with the intent of Ordinance 18 of 1999; and (ii) the three (3) residential properties for which such Residential Parking Permits may be issued are designated as 814, 816 and 820 Bay Avenue.

- b) Section 250-54 A. of the Somers Point City Code is amended to delete the following language and description:

Name of Street	Side	Location
Bay Avenue	East	From a point 174 feet south of the southerly curblineline of New Jersey Avenue to a point 130 feet south therefrom

and is hereby replaced by the following language and description:

Name of Street	Side	Location
Bay Avenue	East	From a point 197 feet south of the southerly curblineline of New Jersey Avenue, to a point 85 feet south therefrom.

SECTION 2, All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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.

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

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Ordinance No. 24 (Continued)

SECTION 6. Upon final passage of this Ordinance the City Engineer and City Traffic Control Officer in conjunction with the Department of Public Works shall provide the required signage and markings.

SECTION 7. The residential parking permits issued for 814, 816 and 820 Bay Avenue shall continue in full force and effect until their annual expiration date at which time an application for renewal shall be required. The residential parking permit issued for 812 Bay Avenue shall terminate upon final passage of this ordinance and be of no further effect.

FIRST READING:	August 27, 2015
PUBLICATION:	September 1, 2015
FINAL PASSAGE:	September 10, 2015

Ordinance No. 25 – First Reading

M/S – D’Adamo/McGuigan

Ordinance No. 25 was approved on first reading by a unanimous vote of those present.

**CITY OF SOMERS POINT
ORDINANCE NO. 25 OF 2015
AN ORDINANCE AMENDING
SECTIONS 114-99 D (4), 114-100 D (3) AND 114-101 D. (4) OF CHAPTER 114
“DEVELOPMENT REGULATIONS”**

Whereas, the Somers Point Master Plan Re-Examination undertaken by the Somers Point Planning Board at the direction of City Council commenced in 2011 with the preparation of a Vision Plan prepared by Brown & Keener which was completed in 2012 and culminated in the adoption by the Planning Board of the Master Plan Re-Examination Report prepared by Rutala Associates in December 2014; and

Whereas, an Historic Preservation Element is contained as Section 5.2.5 in the Master Plan Re-Examination Report; and

Whereas, a recommendation had been made to the Master Plan Steering Committee to consider an amendment to Sections 114-99 D (4), 114-100 D (3) and 114-101 D. (4) of Chapter 114 “Development Regulations” to expand "existing single family dwellings" to include "single family dwellings which have sustained damage of 75% or greater due to fire or other causes and which are either a) being rebuilt on the same footprint or b) being rebuilt using a design which satisfies the criteria set forth in this subparagraph"; and

Whereas, this recommendation was referred to the Somers Point Planning Board for review and recommendation as required by N.J.S.A. 40:55D-26; and

Whereas, this recommendation was reviewed and considered by the Somers Point Planning Board at a public meeting of that Board on June 17, 2015; and

, the Planning Board referred the draft ordinance to the Somers Point Historical Society for review and recommendation; and

Whereas, the Somers Point Historical Commission did review the draft ordinance at a public meeting held on August 12, 2015 and submitted a report and recommendation to the Somers Point Planning Board; and

Whereas, the Somers Point Planning Board did again review the draft ordinance at a meeting held on August 19, 2015 at which Ms. Donna Mohr did appear to speak on behalf of the Somers Point Historical Society in support of the modification to Chapter 114; and

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Ordinance No. 25 (Continued)

Whereas, the Somers Point Planning Board did review and consider the recommendation and the draft ordinance; and

Whereas, a formal recommendation dated August 25, 2015 was submitted from the Planning Board to the City Council finding that proposed amendments to Chapter 114 are consistent with the 2015 Master Plan re-Examination Report and the Historic Preservation Element at Section 5.2.5; and

Whereas, the Somers Point City Council accepts the recommendation from the Planning Board and deems it appropriate to adopt the recommended amendments and incorporate them into the Somers Point Development Regulations

Now, therefore, it is hereby Ordained by the City Council of the City of Somers Point in the County of Atlantic and State of New Jersey as follows;

SECTION 1. Amend Code Sections 114-99 D (4), 114-100 D (3) and 114-101 D. (4) of Chapter 114 “Development Regulations”

A) Subsection D (4) of Section 114-99 Historic Village Commercial (HVC) Zone is hereby amended to read:

The area and bulk regulations of Sections [114-12](#) through [114-17](#), inclusive, shall be reduced for existing single-family dwellings for nonconforming lots and for single family dwellings which have sustained damage of 75% or greater due to fire or other causes and which are either a) being rebuilt on the same footprint or b) being rebuilt using a design which satisfies the criteria set forth hereafter in this subparagraph; and the front yard, side yard, rear yard and lot coverage requirements shall be determined as follows: A percentage shall be computed by dividing the area of the nonconforming lot by the area of a conforming lot; e.g. 40 l.f x 100 l.f. = 4,000 s.f. 7,500 s.f. = 0.60 or 60% which would reduce the existing requirement for a front yard from 20 feet to 12 feet; a side yard from 10 feet to six feet and a rear yard from 35 feet to 21 feet. However, the front yard setback must be the same as the setback which existed prior to the damage being sustained, and in no case shall the minimum setback shall be less than four(4) feet for a side yard and twenty (20) feet for a rear yard. The maximum lot area coverage shall be increased in nonconforming lot situations to not exceed 40% lot coverage while maintaining the new reduced setbacks.

B) Subsection D (3) of Section 114-100 Historic Village Residential (HVR) Zone is hereby amended to read:

The area and bulk regulations of Sections 114-12 through 114-17, inclusive, shall be reduced for existing single-family dwellings for nonconforming lots and for single family dwellings which have sustained damage of 75% or greater due to fire or other causes and which are either a) being rebuilt on the same footprint or b) being rebuilt using a design which satisfies the criteria set forth hereafter in this subparagraph; and the front yard, side yard, rear yard and lot coverage requirements shall be determined as follows: A percentage shall be computed by dividing the area of the nonconforming lot by the area of a conforming lot; e.g. 40 l.f x 100 l.f. = 4,000 s.f. 7,500 s.f. = 0.60 or 60% which would reduce the existing requirement for a front yard from 20 feet to 12 feet; a side yard from 10 feet to six feet and a rear yard from 35 feet to 21 feet. However, the front yard setback must be the same as the setback which existed prior to the damage being sustained, and in no case shall the minimum setbacks be less than four (4) feet for a side yard and twenty (20) feet for a rear yard. The maximum lot area coverage shall be increased in nonconforming lot situations to not exceed 40% lot coverage while maintaining the new reduced setbacks.

C) Subsection C (4) of Section 114-101 Historic Village Waterfront Zone amended to read:

The area and bulk regulations of Sections 114-12 through 114-17, inclusive, shall be reduced for existing single-family dwellings for nonconforming lots and for single family dwellings which have sustained damage of 75% or greater due to fire or other causes and which are either a) being rebuilt on the same footprint or b) being rebuilt using a design which satisfies the criteria set

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Ordinance No. 25 (Continued)**

forth hereafter in this subparagraph; and the front yard, side yard, rear yard and lot coverage requirements shall be determined as follows: A percentage shall be computed by dividing the area of the nonconforming lot by the area of a conforming lot; e.g. 40 l.f x 100 l.f. = 4,000 s.f. 7,500 s.f. = 0.60 or 60% which would reduce the existing requirement for a front yard from 20 feet to 12 feet; a side yard from 10 feet to six feet and a rear yard from 35 feet to 21 feet. However, the front yard setback must be the same as the setback which existed prior to the damage being sustained, and in no case shall the minimum setbacks be less than four (4) feet for a side yard and 20 feet for a rear yard. The maximum lot area coverage shall be increased in nonconforming lot situations to not exceed 40% lot coverage while maintaining the new reduced setbacks.

SECTION 2. Amend Code Section 114-121 D. "Nonconforming uses and structures."
Subsection 114-121 D. is hereby amended to read as follows:

D.

Whenever a nonconforming structure has been damaged by fire or other causes to the extent of 75% of its structure or its market value, as determined by the Construction Official, it shall be rebuilt or repaired in conformity with the regulations of the district in which it is located. This restriction shall not apply to any structure which is rebuilt in compliance with the provisions of Code Sections 114-99 D. (4), 114-100 D. (3) or 114-101 D. (4).

Section 3. No Other Section of Chapter 114 is Amended.

All other Sections of Chapter 114 remain with no further amendments.

SECTION 4. Inconsistent Ordinances Repealed.

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

SECTION 5. Severability.

In the event that any provision of this ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 6. Effective Date.

This Ordinance shall take effect upon final passage, approval, and publication as required by law.

FIRST READING:	August 27, 2015
PUBLICATION:	September 1, 2015
FINAL PASSAGE:	September 24, 2015

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Consent Agenda

There were no items on the consent agenda.

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Resolution No. 142

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

No. 142 of 2015

Subject: Authorizing and Approving Application, Enrollment and Participation in the “Law Enforcement Support Office (LESO) 1033 Program”
Introduced By: Councilmen McGuigan, Gerety and D’Adamo

WHEREAS, pursuant to Senate Bill S2364, Federal law permits the Secretary of the United States Department of Defense to transfer to Federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities; and

WHEREAS, known as the “Law Enforcement Support Office (LESO) 1033 Program”, this program allows local law enforcement agencies to obtain, at little or no cost, surplus federal property originally intended for use by the United States Armed Forces; and

WHEREAS, although equipment is provided through the “Law Enforcement Support Office (LESO) 1033 Program” at no cost to county and municipal law enforcement agencies, these agencies are responsible for costs associated with the maintenance, fueling and upkeep of the equipment and for specialized training for its operation; and

WHEREAS, taxpayers are the primary consumers and financiers of services provided by county and municipal law enforcement agencies and have the right to be assured that their money is being spent in an efficient and effective manner and the right to know the purposes for which public funds are utilized; and

WHEREAS, it is appropriate to establish a system of local oversight for county and municipal law enforcement agencies that participate in and acquire equipment through the “Law Enforcement Support Office (LESO) 1033 Program” and guidelines for the use of this equipment by those agencies; and

WHEREAS, an application for the enrollment of a municipal law enforcement agency in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit prior to the transmittal of any such application to the State Coordinator of any such program.

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

- 1.) The application, enrollment and participation in the “Law Enforcement Support Office (LESO) 1033 Program” are hereby authorized.
- 2.) The City Administrator is hereby authorized to take all steps necessary to effectuate the application, enrollment and participation in the “Law Enforcement Support Office (LESO) 1033 Program.”

Record of Vote:

	Aye	Nay	Abstain	Absent
Tapp	x			
Gerety	x			
Dill	x			
McGuigan	x			
D'Adamo	x			
Smith	x			
Kern	x			

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Resolution No. 143

M/S – Dill/D’Adamo

Adopted by a unanimous vote of those present.

No. 143 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 Labor Day Crackdown 2015 \$5,000.00

pursuant to the provision of Statute; and

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 Labor Day 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.

Resolution No. 144

M/S – Dill/Tapp

Adopted by a unanimous vote of those present. Administrator Swain thanked Atty. Franklin for his diligence in getting this money.

No. 144 of 2015

Subject: Chapter 159 Resolution
Introduced By: Council President Kern

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Resolution No. 144 (Continued)

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

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Resolution No. 144 (Continued)

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 \$65,000.00 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 \$65,000.00 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:

Comcast Cable Communications

Technology Grant \$65,000.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$65,000.00 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:

Comcast Cable Technology Grant \$65,000.00

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

Resolution No. 146

M/S – Gerety/D’Adamo

Adopted by a unanimous vote of those present.

No. 146 of 2015

Subject: Liquor License Renewal
Introduced by: Council President Kern

WHEREAS, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed through June 30, 2016:

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Resolution No. 146 (Continued)

0121-33-003-008	Lost Boys, Inc., T/A Caroline's
0121-33-014-006	D & S Hospitality Consulting, LLC, T/A Sandy Pointe
0121-33-016-010	Plantation Bay Resort./Country Club,LLC, T/A Greate Bay
0121-33-018-005	Gingers on the Bay, LLC

Resolution No. 147

M/S – Dill/Tapp

Adopted by a unanimous vote of those present. Councilman Dill pointed out that this is replacing a 1985 vehicle.

No. 147 of 2015

Subject: Awarding the Bid for one Articulated Wheel Loader
Introduced By: Councilman Dill

WHEREAS, on July 30, 2015 the City of Somers Point received bids for an articulated wheel loader; and

WHEREAS, bid packages were received by four vendors and bids were received from one vendor; and

WHEREAS, Groff Tractor of New Jersey LLC of Vineland, New Jersey was the low and only responsible bidder; and

WHEREAS, the bid included an alternate trade-in allowance for one 1985 Case 580E loader backhoe; and

WHEREAS, the Superintendent of Public Works has recommended that the City award the contract to Groff Tractor of New Jersey LLC of Vineland, New Jersey in the amount of \$115,811.00 for one articulated wheel loader and take no action at this time with regard to the alternate bid for the trade-in allowance for one 1985 Case 580E loader backhoe; and

WHEREAS, the City Administrator concurs with that recommendation.

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

- 3.) The Contract for the articulated wheel loader is hereby awarded to Groff Tractor of New Jersey LLC of Vineland, New Jersey in the amount of \$115,811.00.
- 4.) The City Administrator is hereby authorized to enter into a formal contract for this purchase with Groff Tractor of New Jersey LLC of Vineland, New Jersey, signing on behalf of the City.

Resolution No. 148

M/S – Dill/D'Adamo

Adopted by a unanimous vote of those present.

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Resolution No. 148 (Continued)

No. 148 of 2015

**AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE
AGREEMENT WITH PARTICIPATING UNITS.**

WHEREAS, mutual aid and assistance agreements between municipalities, counties, emergency management agencies, law enforcement agencies police, Emergency Medical Service, fire departments, fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD) - 5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq, provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor or County or Local Emergency Management Coordinator control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency, and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq, and

WHEREAS, it is deemed to be in the best interests of the residents of this municipality to enter into a mutual aid and assistance agreement with the County of Atlantic and other municipalities including (but not limited to) emergency management agencies, municipal police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and/or fire districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Somers Point in the County of Atlantic and State of New Jersey that:

A. The City, its Police Department and Emergency Management Department are hereby authorized to participate in the Atlantic County Mutual Aid and Assistance Agreement Between Participating Units;

B. The Mayor is hereby authorized and directed to execute the Atlantic County Mutual Aid and Assistance Agreement Between Participating Units a copy of which is attached hereto as **Exhibit 1** and made part hereof, on the terms and conditions contained herein;

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Resolution No. 148 (Continued)

C. This governing body requests that the appropriate officers of Fire Company Number 1 and Fire Company Number 2 each adopt a similar resolution to authorize the execution and delivery of the same form of agreement on behalf of their respective volunteer corporations;

D. The City Clerk is hereby authorized and directed to forthwith forward a copy of this Resolution and an executed copy of **Schedule A** of the agreement to the offices of the Atlantic County Office of Emergency Management for review and filing by the appropriate Fire, EMS and County Prosecutor or his designee as appropriate.

Resolution No. 149

M/S – D’Adamo/Gerety

Adopted by a unanimous vote of those present.

No. 149 of 2015 (Corrected Copy)

Authorizing The Somers Point Chief of Police to Exercise his Professional Judgment in Procuring Equipment and Materials Deemed to be Appropriate for Public Safety and Law Enforcement Within the City of Somers Point and to Report to the City Administrator Upon the Acquisition of Any Such Property or Equipment

Whereas, on January 29, 2015 S-2364 authorizing local municipalities to participate in the federal 1033 Program was passed by both Legislative Houses and was approved and enacted into law on March 16, 2015; and

Whereas, the federal 1033 Program permits the Secretary of Defense to transfer to State and local agencies personal property of the United States Department of Defense that the Secretary of Defense determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities, and is excess to the needs of the Department of Defense; and

Whereas, that decision making has been delegated by the Secretary of Defense to the Defense Logistics Agency; and

Whereas, the New Jersey Office of Emergency Management in the New Jersey Division of State Police serves as the State Coordinator for local law enforcement agencies which participate in or seek to enroll in the 1033 Program; and

Whereas, participation in the 1033 program allows local police departments and municipalities to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters, such as hurricanes and severe floods; and

Whereas, the 1033 Program and the terms and conditions of participation therein have been reviewed by the Somers Point Chief of Police, members of the Police Department, and the Mayor and Council of the City of Somers Point; and

Whereas, state law requires that an application for enrollment in the 1033 Program must be approved by a resolution adopted by a majority of the full membership of the governing body prior to submission of an application to the State Coordinator; and

Whereas, this governing body did approve the enrollment in the 1033 Program by Resolution 142 of 2015; and

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Resolution No. 149 (Continued)

Whereas, the law further provides that the acquisition of any property by a municipal law enforcement agency enrolled in the 1033 Program shall be approved by a resolution adopted by a majority of the full membership of the governing body

Now, therefore, it is hereby RESOLVED by the City Council of the City of Somers Point as follows;

1) Following acceptance into the "Law Enforcement Support Office (LESO) 1033 Program" the Chief of Police of the City of Somers Point is hereby authorized to acquire such property as the Chief in his professional opinion determines to be in the best interest of the public safety and law enforcement for the City, our residents, and deemed appropriate for acquisition of and use by the Somers Point Police Department; and

2) The Chief of Police shall provide a notice to the City Administrator, the Mayor and Council promptly following the acquisition of any such property; and

3) Within the time frame provided under the Program Guidelines for return of such property or equipment the governing body shall have the right to direct the Chief of Police to return any such item or items by a resolution adopted by a majority of the full membership of the City Council.

Resolution No. 150

M/S – Gerety/Tapp

Adopted by a unanimous vote of those present.

No. 150 of 2015

Subject: Economic Development Advisory Commission Appointment

Sponsor: Councilman Gerety

WHEREAS, Ordinance No. 1 of 2006 authorized the establishment of an Economic Development Advisory Commission; and

WHEREAS, Ordinances No. 31 of 2007 and Ordinance 5 of 2014 amended said Ordinance so that the Commission shall consist of not less than nine (9) nor more than twelve (12) regular members to be appointed by City Council; and

WHEREAS, there are currently eight (8) appointed members serving as a result of the resignation of Bob Shore leaving a vacancy which must be filled in accordance with Section 20-3 of the City Code; and

WHEREAS, in order to fill the vacancy the City Council hereby appoints Glenn P. Monroe, Sr. to fill the unexpired partial term of Bob Shore which expires December 31, 2017; and

WHEREAS, the Somers Point City Code in Section 20-3.D provides that in any calendar year, the City Council may, at its option and discretion, select and appoint up to two ex officio nonvoting members, who shall be a local or regional public utility or banking institution, and any local or regional governmental organization, division or department whose functions, purposes and goals may be similar to those of the Commission, and the term of ex officio office shall be for one calendar year and shall expire each year at 11:59 p.m., December 31. The purpose of such membership will be to guide, advise, and offer assistance to the Commission; and

WHEREAS, a recommendation has been made to Council by EDAC for Council to exercise its option and discretion by appointing Nichol Hoff to serve as an ex officio nonvoting member for a term to expire on December 31, 2015; and

WHEREAS, this governing body has considered the recommendation and opts to add Nichol Hoff as a nonvoting ex officio member for a term to expire on December 31, 2015.

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Resolution No. 150 (Continued)

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Advisory Commission shall consist of the following members:

<u>Regular Members</u>	<u>Expiration of Term</u>
Glenn Monroe	December 31, 2017
Greg Sykora	December 31, 2017
Wendy Batten	December 31, 2017
Stephen Vogt	December 31, 2016
Michael Bray	December 31, 2016
Arthur T. Ford, III	December 31, 2016
David R. Hughes	December 31, 2016
Bill Hurst	December 31, 2015
Scott Rosen	December 31, 2015

And

<u>Advisory Ex Officio Member(s)</u>	<u>Expiration of Term</u>
Nichol Hoff	December 31, 2015

New Business

Two Raffle License applications for St. Joseph's Church were approved by a 5-0 vote with Councilman D'Adamo and President Kern recusing themselves from voting.

Raffle License applications for the Egg Harbor Township Street Hockey Association and the Atlantic County SPCA, Inc. were approved unanimously.

Old Business

There was no Old Business.

Discussion of Bills

Record of payments were presented in the amounts of \$9,300.00, \$9,955.00, \$8,160.00, and \$1,101.00, as well as a bill list in the amount of \$2,889,836.08 for discussion.

Public Portion

John Schetter, 8 Bayside Drive, came forward and addressed the governing body with regard to the recent court case where a municipality in Morris County was successful in taxing their hospital. He asked what Somers Point was going to do with regard to our hospital. Atty. Franklin advised that there is a Council Committee working on this and there will be meetings with the hospital to discuss it.

Several nurses from Shore Medical Center addressed the governing body with regard to the fact that they have been working without a contract since December of 2014 and have taken a strike vote, which they would like to avoid. They felt that the hospital may be focusing more on profits than the patients. They presented the governing body with a resolution which they hoped the Council would support.

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Payment of Bills

M/S – D’Adamo/Smith

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.

Adjournment

M/S – Gerety/Smith

There being no further business, meeting adjourned at 7:55 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 09/24/15