

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 12, 2017**

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

Roll call was recorded as follows:

Present: Meischker, D’Adamo, Dill, Gerety, Toto, Tapp, McGuigan

Also Present: Mayor Glasser (present for Executive Session only), Administrator Swain, City Clerk Samuelsen, Deputy City Clerk Mollenkopf, Attorney Franklin and Assistant to the Administrator Jason Frost

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.

Proclamations:

Proclamation No. 7-2017

No. 7 of 2017

October 10, 2017, has been Declared Put the Brakes on Fatalities
Day by the City of Somers Point

WHEREAS, Across the nation, traffic crashes caused nearly 35,092 fatalities in 2016, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 562 individuals lost their lives in traffic crashes in 2016; and

WHEREAS, Alcohol-related crashes accounted for 28 percent of the State’s traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and

WHEREAS, 50 motorcyclists, 17 bicyclists and 173 pedestrians were killed in New Jersey in traffic-related crashes in 2016; and

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WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I, John L. Glasser, Jr., Mayor of the City of Somers Point, do hereby proclaim October 10, 2017

PUT THE BRAKES ON FATALITIES DAY

and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

Communications:

None

Mayor's Report:

None

City Administrator's Report:

None

Committee Reports:

None

Approval of Minutes:

M/S – Gerety/Toto

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Minutes of 6/8/17 were approved by a unanimous vote of those present, with Councilman Meischker abstaining.

Ordinances:

Ordinance No. 17 of 2017

Second Reading/Public Hearing/Adoption

M/S – Tapp/Dill

The meeting was opened and duly closed.

**An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197.6. and
N.J.S.A. 39: 4-197.7, granting the Authority to establish a Restricted Parking
Zone in Front of a Residence Occupied by a Handicapped Person Under
Certain Conditions; Amending and Supplementing Section 250-50 of the
Somers Point City Code;**

**Repealing All Ordinances Heretofore Adopted, the Provisions of Which are Inconsistent
Herewith**

WHEREAS, N.J.S.A. 39:4-197.6. authorizes a Municipality, by Ordinance, to establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued by the Division of Motor Vehicles for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person; and

WHEREAS, N.J.S.A. 39:4-197.7 authorizes a Municipality, by ordinance, to provide for the issuance of permits which identify a specific motor vehicle and the location wherein it is to be parked, such permits to be issued only to persons who can prove ownership and operation of the motor vehicle and residency at the location specified thereon; and

WHEREAS, Section 250-57 of the Somers Point Municipal Code “[Restricted parking zones authorized; conditions](#)” [sets forth the requirements which are to be adhered to by the permit holder including payment of the Permit fee, and placement of the Permit within the vehicle; and .](#)

WHEREAS, a request has been made by Ms. Dawn Kay on behalf of her father Maxwell Greenstein, who resides with her, stating the need for a Handicapped Parking Space for his benefit on and within Campbell Avenue, the City street which fronts her 100 Shore Road, Apartment F residence, Somers Point, NJ; and

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WHEREAS, the request did include both the required verified Permanent Disability Parking Placard and Person With A Disability ID issued by the New Jersey Motor Vehicle Commission; and

WHEREAS, the Somers Point Chief of Police has reviewed the request and has determined that the application is in order; and

WHEREAS, the Somers Point City Engineer has reviewed the request and determined the proper placement of the Handicapped Parking space signage; and

WHEREAS, the request and the recommendation of the City Engineer have been reviewed by the Somers Point Police Department Traffic Officer and deemed appropriate and reasonable and will not interfere with the normal flow of traffic.

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

SECTION 1. The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 Designation of spaces is hereby amended to designate the following location as a Permit Only Handicapped Parking spaces and shall be so marked by sign indicating "Handicapped Parking by Permit Only", in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways:

Name of Street	Location
Campbell Avenue	Directly in front of Apartment F-6 (Sign to be placed 109 feet north of northerly curb line of Ocean Avenue).

SECTION 2. Further Conditions.

1) The Traffic Division of the Police Department in conjunction with the City Engineer shall designate an area of 25 feet in length in front of the residence of the handicapped persons, to be painted as a no-parking zone.

2) A "Handicapped Parking by Permit Only" sign is to be placed alongside the designated area.

3) A permit 5 1/2 inches by 8 1/2 inches in size, bearing an appropriate certification of authenticity shall be issued and shall be placed in the vehicle as required by Code Section 250-57 G.

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4) The holder of a City handicapped parking permit must notify the City Clerk immediately if the designated handicapped person changes his or her residence, changes his or her vehicle registration number, or if the special vehicle identification card and certificate issued by the Director of Motor Vehicles shall be modified, revoked or expired.

5) The permit shall be issued upon payment of the initial fee and shall be subject to payment of the annual renewal fee in compliance with Code Section 250-57 I.

SECTION 2: All other provisions of Chapter 250 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.

Ordinance No. 18 of 2017

Second Reading/Public Hearing/Adoption

M/S – Toto/Gerety

The meeting was opened and duly closed.

**AN ORDINANCE OF THE CITY OF SOMERS POINT AUTHORIZING THE GRANT
OF AN ACCESS EASEMENT OVER A LIMITED PORTION OF BLOCK 1815, LOT
1.02 LOCATED WITHIN THE CITY OF SOMERS POINT WHICH WAS ACQUIRED
BY THE CITY OF SOMERS POINT THROUGH THE EXERCISE OF EMINENT
DOMAIN NECESSARY FOR COMPLETION OF THE BIKE PATH**

Whereas, through exercise of its power of eminent domain in the New Jersey Superior Court in Docket No. L-672-16, the City of Somers Point ("City") did acquire a portion of block 1815, Lot 1.02 as shown on Sheet 22 of the Official tax Map of the City of Somers Point, New Jersey (the "Area of the Taking") which are was owned by Himmelstein Associates, LLC (Associates"); and

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Whereas, a Declaration of Taking was filed with the Clerk of the Superior Court of New Jersey on May 23, 2016 and was recorded in the Office of the Clerk of Atlantic County on June 8, 2016 as Instrument 2016034375 in Volume 14079; and

Whereas, negotiations have taken place between the City and Associates regarding a grant of continued vehicular access over and across a portion of the Area of the Taking to accommodate continued truck ingress and egress; and

Whereas, it is in the best interest of the City and Associates to grant to Associates a vehicular access easement over, across an through a portion of the Area of the Taking comprising an area 25 feet by 30 feet as more specifically described below as prepared by Mott Associates, LLC dated 9.17.17 which is on file with the City Clerk, subject to certain terms and conditions which will authorize the City to terminate the easement under certain circumstances and facts; and

Whereas, the granting of easements requires approval by Ordinance of the City Council pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 40A:12- 13.

Now, therefore, it is hereby Ordained by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey that:

1. The City Solicitor is authorized to prepare an access easement on behalf of the City (“Grantor”) in favor of Himmelstein Associates, LLC (“Grantee”) which shall contain the terms and conditions set forth below.

a) The legal description of the access area is:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, New Jersey bounded and described as follows:

BEGINNING AT the intersection of the Southerly Line of Somers Avenue West (30 feet wide) and the Westerly line of an unnamed alley (12 feet wide); extending thence

1. South 32 degrees 14 minutes 9 seconds West, 30.0 feet along the Westerly line of an unnamed alley (12 feet wide) to a point; thence
2. North 57 degrees 0 minutes 0 seconds West, 25.0 feet to a point; thence
3. North 32 degrees 14 minutes 9 seconds East, 30.0 feet to a point; thence
4. South 57 degrees 00 minutes 00 seconds East, 25.0 feet along the Southerly line of Somers Avenue West (30 feet wide) and place of BEGINNING.

Being known as a former portion of Block 1815, Lot 1.02 on Sheet 22 of the Official Tax Map of Somers Point, New Jersey.

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Containing a total area of 750 square feet (0.017Acres).

b) Grantee, its successors and assigns shall maintain a general commercial liability policy of insurance, including contractual liability coverage, with minimum coverage of \$2.0M single limit acceptable to the City and which shall at all times:

i) include an Additional Insured Endorsement to add the City of Somers Point as an additional insured for any incident arising or alleged to arise out of the use of the easement area by Grantee, its successors and assigns or their licensees, invitees, contractors and suppliers which shall be adjusted for inflation as required by the City and its Risk Manager,

ii) include a waiver of subrogation endorsement in favor of the City, and

iii) include a Primary and Non Contributory Endorsement in favor of the City;

c) Grantee, its successors and assigns, shall file annually with the City Clerk a Certificate of Insurance and policy endorsement confirming that the required insurance coverage remains in place and providing for not less than thirty (30) days notice to the City of termination or cancellation; and

d) Grantee, its successors and assigns, shall indemnify, defend and hold harmless the City from and against any claims arising out of the operation or use of the easement area by Himmelstein Associates, LLC its successors and assigns, or their licensees, invitees, contractors and suppliers, and shall be responsible to make payment to the City for the total cost to repair any portion of the easement area or adjacent bike path area caused by the operation of vehicles over and across the easement area.

e) All of the benefits and burdens of the Easement shall be binding upon and inure to the benefit of the Grantee its successors and assigns. Should the Grantee or its successors and assigns fail to meet the burdens of the Easement, upon notice and the expiration of a ten (10) day cure period, the City shall unilaterally terminate the Easement and thereafter all rights conveyed under the Easement shall revert to the City, and the City shall file a Termination of Easement in the Office of the Atlantic County Clerk.

f) Consideration is for the sum of One Dollar and other good and valuable non-monetary compensation the adequacy and sufficiency of which is accepted by the Grantor.

2. This grant of Easement is further subject to compliance by Associates of the terms of settlement which include filling in of a sink hole and cleaning of a drainage access or swale to the satisfaction of the City Engineer and Code Enforcement Officer, permanent removal from Somers Avenue of all trailers and other personal property owned or used by Associates, and compliance with the terms and conditions of a Decision and Resolution adopted by the Somers

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Point Planning Board on February 15, 2017. Failure to do any of those compliance actions shall render the easement null and void and the City shall have the absolute right to terminate further right of access.

3. The City of Somers Point officials, its employees, professionals and agents are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance, including the execution of the Easement by the Mayor and recordation by the City Solicitor of the executed Easement in the Office of the Atlantic County Clerk.
4. If any subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.
5. This Ordinance shall take effect following final passage and publication in accordance with law.

Ordinance No. 19 of 2017
Second Reading/Public Hearing/Adoption
M/S – Dill/Tapp
The meeting was opened and duly closed.

**AN ORDINANCE VACATING A PORTION OF A 16.85 FT. WIDE PORTION OF
BRADDOCK AVENUE IN THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY
WHICH REMAINED AFTER A TAKING BY THE STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION AND A PRIOR PARTIAL STREET
VACATION**

WHEREAS, by Ordinance 16 - 2008 adopted June 12, 2008, the Somers Point City Council did vacate a section of Braddock Avenue containing 2.376 square feet more or less, which was necessitated by the Route 52 Braddock Avenue East Intersection as constructed by the New Jersey Department of Transportation; and

WHEREAS, in order to accommodate improvements to be made by Himmelstein Associates, LLC, the owner of property situated on Block 1815, Lot 2 which were approved by the Somers Point Planning Board in a Decision and Resolution adopted on February 15, 2017 the owner has requested the City to vacate the remaining section of Braddock Avenue which was not included within the scope of Ordinance 16-2008; and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

WHEREAS, it has been determined by the Somers Point City Council as follows:

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1. The portion of a 16.85 foot wide street described below is a portion of Braddock Avenue which has not been previously vacated by the City Council and which remains following actions taken by the State of New Jersey Department of Transportation in the

2. widening and improvement to Route 52 (MacArthur Boulevard) (the "Area to be Vacated"); and

2. It has been confirmed by the City Engineer that the City of Somers Point does not own in fee that portion of the Area to be Vacated.

3. The Area to be Vacated has does not now provide public access, and is no longer needed for public road purposes.

4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Somers Point that any public easements, rights and interests in and to same shall be vacated, released and extinguished.

5. The City Engineer has confirmed that the right - of - way proposed to be vacated is sixteen and eighty five one hundredth feet (16.85') in width and one hundred thirty and forty seven one hundredth feet (130.47') in length.

6. The portion of the property abutting the Area to be Vacated to which the title to the right – of – way will revert upon vacation is Block 1815, Lot 1.02 which is currently owned by a single entity. No other entity will take title to any portion of the Area to be Vacated.

7. The City Engineer has prepared a legal description of the Area to be Vacated and a marked up aerial showing the Area to be Vacated and the abutting property which is on file in the Office of the City Clerk. **NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey as follows:

SECTION 1. A PORTION OF PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

All public easements, rights and interests to the portion of the Area to be Vacated described below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. DESCRIPTION OF THE PORTION OF THE AREA TO BE VACATED:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, New Jersey bounded and described as follows:

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BEGINNING AT the intersection of the Northerly Line of Braddock Avenue (width varies) and the Easterly line of NJ Rt. 52 (width varies); extending thence

1. North 75 degrees 02 minutes 38 seconds East, 16.85 feet along the existing Northerly line of Braddock Avenue (width varies) to a point; thence
2. South 60 degrees 59 minutes 24 seconds East, 130.47 feet along the existing Northerly line of Braddock Avenue (width varies) to a point; thence
3. South 75 degrees 02 minutes 38 seconds West, 16.85 feet along the proposed Northerly line of Braddock Avenue (width varies) to a point; thence
4. North 60 degrees 59 minutes 24 seconds West, 130.47 feet along the Northerly line of Braddock Avenue (width varies) to a point and place of BEGINNING.

BEING KNOWN AS A PORTION of Braddock Avenue on Sheet 22 of the Official Tax Map of Somers Point, New Jersey.

CONTAINING a total area of 1,526.50 square feet (0.035 Acres).

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

A. The City Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be effected by this Ordinance insofar as has been ascertained by the City engineer. Said notices shall be made by the City Clerk to the record owner of:

Block 1815, Lot 1.02 [HIMMELSTEIN ASSOCIATES, LLC]

C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNERS.

All fees and costs associated with preparation and publication of this ordinance shall be paid by the beneficial owners to which title will revert upon vacation. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Planning Board.

SECTION 5. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 6. EFFECTIVE DATE.

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This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Ordinance No. 20 of 2017

First Reading/Introduction

M/S – Tapp/Toto

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

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

**SECTION 1. FULL TIME EMPLOYEES
(for full year)**

Position	From:	To:
Account Clerk Typist	23,400	49,200
Bookkeeper	23,400	49,650
City Administrator	60,000	146,900
City Clerk/Registrar of Vital Statistics, Municipal Search Officer, first year	40,000	73,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 1 year	73,000	75,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 2 years	75,000	77,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 3 years	77,000	80,000
Clerk Typist	23,400	28,950
Clerk Typist/Matron	23,400	51,250
Chief Financial Officer	5,000	25,000
Construction Official	40,000	56,400
Court Administrator	40,000	81,000
Department of Public Works Worker	24,500	66,400
Department of Public Works Work Leader	48,000	74,200
Deputy City Clerk/Deputy Registrar	30,000	44,850
Deputy Court Administrator	28,400	53,450
Deputy Tax Collector	28,400	52,800

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Dispatcher	25,000	66,700
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary	20,000	63,050
Police Patrol Officer	31,000	85,300
Police Sergeant	83,600	94,300
Police Lieutenant	107,700	118,500
Police Captain	116,400	128,000
Police Chief	99,200	151,000
Principal Manager of Public Works	60,000	93,150
Superintendent of Public Works	60,000	93,150
Asst. Supervisor of Public Works	40,000	75,500
Tax Assessor	40,000	81,400
Tax Collector/Tax Search Officer/Sewer Utility Collector	40,000	69,100
Confidential Asst. to the City Administrator	22,000	64,550
Waste Water Collection System Operator	5,000	12,100
Qualified Purchasing Agent	1,200	18,000
Joint Insurance Fund Commissioner	1,200	2,500
Confidential Secretary to the Police Chief, first year	22,000	25,500
Confidential Secretary to the Police Chief, after completion of first year	25,500	27,200
Confidential Secretary to the Police Chief, after completion of second year	27,200	28,900
Confidential Secretary to the Police Chief, after completion of third year	28,900	30,600

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

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

Position	From:	To:
<u>Building Department</u>		
Electrical Sub-Code Official	7,000	11,650
Plumbing Sub-Code Official	7,000	11,650
Fire Sub-Code Official	7,000	11,650
Building Inspector	10.00	20.00
	per inspection	

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Construction Official	per inspection	10.00	25.00
Temporary UCC Sub-code Official	per inspection	10.00	25.00
Zoning Code Enforcement Officer	per hour	10.00	20.00
Asst. Code Enforcement Officer		2,500	6,000
Asst. Code Enforcement Officer	per hour	10.00	25.00
Clerk-Typist	per hour	8.50	20.00
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary	per hour	8.50	20.00

Police Department

Dispatcher	per hour	9.00	20.00
School Traffic Guard	per day	27.00	48.00
Special Officer	per hour	11.00	20.00
Data Processing Clerk	per hour	8.50	16.00
Clerk Typist	per hour	8.50	16.00

Recreation

Summer Recreation Coordinator	per hour	10.00	25.00
Lifeguard	per hour	8.50	16.00
Recreation Workers	per hour	8.50	40.00
Boat Ramp Attendant	per hour	8.50	15.00

Public Works Department

Clean Communities Coordinator		500	1,200
Clean Communities Laborer	per hour	8.50	18.00
Recycling Coordinator		200	800
Public Works/Sanitation Workers	per hour	8.50	18.00
Public Works Secretary	per hour	8.50	16.00
Parking Lot Attendant	per hour	8.50	15.00
Waste Water collection System Operator		5,000	12,100
Custodian	per hour	8.50	15.00

Administration, Finance, Tax Collector, Tax Assessor and Court

Mayor		4,500	9,000
Council President		4,000	8,500
Council Persons		4,000	8,500
Chief Financial Officer		5,000	25,000
City Engineer		5,000	13,000
Clerk Typist	per hour	8.50	22.00
Municipal Alliance Coordinator		500	1,600
Safety Coordinator	per hour	19.00	25.00

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Blood Borne Pathogens Coordinator		500	1,000
Qualified Purchasing Agent		1,200	18,000
Joint Insurance Fund Commissioner		1,200	2,500

Municipal Magistrate		10,000	23,000
Temporary Court Clerk	per court session	60.00	100.00

Bureau of Fire Prevention

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

Fire Department

Fire Chief		Up to	7,000
Deputy Fire Chief		Up to	5,400
Assistant Chief		Up to	3,900
Captain		Up to	3,600
Lieutenant		Up to	3,300
Fire Marshall		Up to	2,500
Fire Marshall	per inspection hour	10.00	20.00
Deputy Fire Marshall		Up to	2,500
Deputy Fire Marshall	per inspection hour	10.00	20.00
Fire Safety Officer		Up to	1,600

Emergency Management

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

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

SECTION 3. REPEALER

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

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City Council President McGuigan announced that Halloween trick or treat will be held on 10/31/17 between the hours of 6:00 p.m. and 8:00 p.m. Additionally, he announced that Somers Point Municipal Alliance and Somers Point Police Department will hold the first annual Trunk or Treat.

Resolutions:

Public Portion on Resolutions

M/S – D’Adamo/Gerety

Meeting was opened to the public and duly closed.

Resolution No. 187 of 2017

M/S – Tapp/Toto

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

Subject: Authorizing Lease with Atlantic County Library

Introduced By: Council President McGuigan

WHEREAS, the Somers Point Branch of the Atlantic County Library has been situated at 801 Shore Road; and

WHEREAS, Atlantic County has proposed a form of lease between the City of Somers Point and the County of Atlantic for the property situated at 801 Shore Road for use as the Somers Point Branch of the Atlantic County Library system; and

WHEREAS, the City of Somers Point desires to lease the property to the County of Atlantic for the period commencing January 1, 2017 through December 31, 2017 with an option to renew for an additional term of one (1) year through December 31, 2018.

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

1. The Mayor is hereby authorized and directed to execute the lease between the County of Atlantic and the City of Somers Point in a form acceptable to the City Solicitor for the period commencing January 1, 2017, through December 31, 2017, with an option to renew for an additional term of one (1) year through December 31, 2018
2. Upon its execution, a copy of the lease will be attached hereto and made a part hereof.

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Resolution No. 188 of 2017

M/S – Dill/Toto

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

Subject: Change Order – Contract No. 43 – 2016 CDBG – Centre Street

Introduced by: Councilmen Dill and Toto

WHEREAS, in accordance with Resolution 106 of 2017, Jerry and Son Excavating, Inc., of Mays Landing, NJ, was awarded the contract for the 2016 CDBG for the Reconstruction of Centre Street for the sum of \$66,275.00; and

WHEREAS, during the course of construction, changes were made to reflect as-built quantities; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$66,275.00		
Change order 1 (to reflect as-built quantities)	-\$6,808.60		
Revised Contract Amount	\$59,466.40		
Total Deduction: \$6,808.60	Total Additional: \$0	Net Change: -10.27%	

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for 2016 CDBG – Centre Street is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolution No. 189 of 2017

M/S – Meischker/Dill

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

AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor / Special COAH Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on October 12, 2017 during a public meeting to be held commencing at 7:00 P.M, and

WHEREAS, there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

1	“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”
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The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

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

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

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

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Approval by City Council Action / Hearing / Court Order / Ordinance(s).

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 12, 2017**

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Resolution No. 190 of 2017

M/S – Dill/Tapp

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

Authorizing Executive Session

Introduced by: Council President McGuigan

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A. 10:4-

12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that **ONE** topic which involves the status of certain pending Tax Appeals which may be discussed and a recommendation for settlement of claims for reduction in assessed tax valuations or other resolution of claims for reduction in assessed tax valuations which have been asserted against the City in the Tax Court which require the advice and counsel of the City Solicitor and / or Special Tax Counsel to the City of Somers Point and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on October 12, 2017 during a public meeting to be held commencing at 7:00 P.M, and

WHEREAS, there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”

A report by the Somers Point City Solicitor and / or Special Tax Counsel on the status of certain tax appeals filed or pending against the City of Somers Point, and explanation of the basis for settlement or other resolution recommendations made by the Tax Assessor and Counsel. The list of the matters pending before the Tax Court of New Jersey for which such recommendation has been made and which may be discussed is:

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

DOCKET # YEAR	CAPTION	BLOCK / LOT	TAX
005439-2014	GMH Restaurant Holdings v. City of Somers Point	Block - 1810 Lot – 3	2014
002887-2015	GMH Restaurant Holdings v. City of Somers Point	Block - 1810 Lot – 3	2015
001776-2016	GMH Restaurant Holdings v. City of Somers Point	Block - 1810 Lot – 3	2016
014049-2014	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043 Lot – 6	2014
011119-2015	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043 Lot – 6	2015
012146-2016	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043 Lot – 6	2016

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

WHEREAS, the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

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

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
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See Exception 7 Above	June 23, 2016 for the listed tax appeals.	City Council Approval by Resolution
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Old Business:

None

New Business:

City Council President McGuigan indicated the City received a race application for the Trail of Two Cities, which is sponsored by the Somers Point Board of Education and the City of Somers Point. City Council duly approved the application contingent upon the Police Chief's approval.

Discussion of Bills:

Administrator Swain reported a bill list dated 10/10/17 in the amount of \$256,216.83.

Public Portion

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

Payment of Bills

M/S – Gerety/Dill

The bills were approved by a unanimous vote of those present with City Councilman Meischker abstaining from all ERCO bills. A complete list of bills is on file in the Office of the Municipal Clerk.

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Recess:

City Council recessed at 7:24 p.m. prior to going into Executive Session.

Adjournment

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

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: