

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 23, 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: Smith, D'Adamo, Tapp (present but late), Dill, Smith, Toto, McGuigan

Also Present: Mayor Glasser, Administrator Swain, Clerk Samuelsen, Deputy Clerk Mollenkopf, Harbor Master Meischker, Attorney Franklin

Absent: None

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office

Communications:

None

Mayor's Report:

Mayor Glasser reported that he forwarded a letter to the Secretary of Defense Mattis requesting to recover the remains of the crew of the first USS Intrepid.

Administrator's Report:

None

Committee Reports:

None

Approval of Minutes:

M/S – Dill/Toto

Minutes of Executive Session Meetings of 1/26/17; 2/9/17; 2/23/17; 3/9/17 (as to content only); and Budget Workshop of 3/9/17 were approved by a unanimous vote of those present with

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Council President McGuigan recusing himself from the Budget Workshop meeting as he was absent. Councilmen Dill and Gerety recused themselves from the 3/9/17 Executive Session and the Budget Workshop minutes as they were absent.

Resolutions:

Councilman Gerety moved, seconded by Councilman Dill to consider Resolution No. 84-2017. Meeting was opened to the public regarding the Resolution, and hearing no comments, duly closed.

Resolution No. 84

M/S – Gerety/Toto

The resolution was duly adopted by a unanimous vote of those present. City Administrator Swain informed City Council that the delay in receiving the State figures forces the City to adopt a Temporary Emergency Budget. The Temporary Budget that is adopted in January is for 26.25% of last year's total appropriations.

ORDINANCES:

Ordinance No. 4 – First Reading

M/S – Dill/Toto

The ordinance was adopted by a unanimous vote of those present. City Administrator Swain informed City Council that the spending cap for this year is ½%. By adopting this ordinance, it will increase the cap to 3 ½% enabling the City to bank the difference.

ORDINANCE No. 4 of 2017

**CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Council of the City of Somers Point in the County of Atlantic finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

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WHEREAS, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$345,922.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Somers Point, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the City of Somers Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$345,922.44, and that the CY 2017 municipal budget for the City of Somers Point be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance No. 5 – First Reading

M/S – Dill/Toto

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

ORDINANCE NO. 5 OF 2017

**BOND ORDINANCE PROVIDING FOR VARIOUS
SEWER UTILITY CAPITAL IMPROVEMENTS IN
AND BY THE CITY OF SOMERS POINT, IN THE
COUNTY OF ATLANTIC, NEW JERSEY,
APPROPRIATING \$410,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$410,000
BONDS OR NOTES OF THE CITY FOR
FINANCING THE COST THEREOF.**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. Appropriation for Project-Down Payment

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$410,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

SECTION 2. Authorization of Bonds and Notes

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$410,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Project

The several acquisitions or improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each acquisition or improvement, and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each acquisition or improvement and the period of usefulness of each are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Replacements, improvements and renovations to various pump stations, mains, and other system components and all other necessary or desirable structures appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications,			

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permits, bid documents and construction inspection and administration.	<u>\$410,000</u>	<u>\$410,000</u>	<u>40 years</u>
 TOTAL	 <u>\$410,000</u>	 <u>\$410,000</u>	 <u>40 Years</u>

SECTION 4. Issuance of Notes

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any capacities described in this section.

SECTION 5. Capital Budget

The applicable capital budget of the City is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

SECTION 6. Additional Matters

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

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(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in

the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$410,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$61,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this ordinance and shall be deemed to have been taken pursuant to this ordinance.

SECTION 8. Application of Grants

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the

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issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has

been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 11. Inconsistencies

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

SECTION 12. Effective Date

This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance No. 6 – First Reading

M/S – Dill/Toto

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

ORDINANCE NO. 6 of 2017

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$1,550,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$1,472,500 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. Appropriation for Project-Down Payment

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The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"), as

general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,550,000 including the sum of \$77,500 as the down payment

required by the Local Bond Law. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this bond ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this bond ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

SECTION 2. Authorization of Bonds and Notes

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,472,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. Description of Projects

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Fire Department public safety equipment including turnout gear, turnout gear dryers, fire hose and nozzles, thermal imaging cameras, and cascade systems, and all attachments and appurtenances applicable thereto	\$77,000	\$73,150	5 years

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<p>b.) Acquisition by purchase of 800 megahertz radios for the Office of Emergency Management, and miscellaneous equipment and including all attachments and appurtenances applicable thereto.</p>	<p>\$5,000</p>	<p>\$4,750</p>	<p>5 years</p>
<p>c.) Acquisition by purchase of archival sleeves and books for vital records for the City Clerk offices and including all attachments and appurtenances applicable thereto.</p>	<p>\$10,000</p>	<p>\$9,500</p>	<p>15 years</p>
<p>d.) Improvements to municipal facilities including roofing, brickwork and trim for the Library and renovations for the Gateway Theatre, together with all materials and work necessary therefore, and incidental thereto. including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.</p>	<p>\$125,000</p>	<p>\$118,750</p>	<p>15 years</p>
<p>e.) Various Municipal Roadway Improvements in the City including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement</p>			

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<p>construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.</p>	\$1,333,000	\$1,266,350	10 years
TOTAL	<u>\$1,550,000</u>	<u>\$1,472,500</u>	<u>10.51 Years</u>

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

SECTION 4. Issuance of Notes

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser.

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If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

SECTION 5. Capital Budget

The applicable capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

SECTION 6. Additional Matters

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10.51 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically executed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,472,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$232,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 7. Application of Grants

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. Full Faith and Credit

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The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to

levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 10. Tax Covenants

The City hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
- (e) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

SECTION 11. Ratification of Prior Acts

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

SECTION 12. Inconsistencies

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

SECTION 13. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

Public Portion on Resolutions:

Meeting was opened to the public regarding the Resolutions on the agenda, and hearing no comments, duly closed. Councilman Smith motioned, seconded by Councilman Toto to add Resolution No. 85-2017 - Approving the Use of the City Logo for the School District.

Judith Pierce questioned the mosquito control agreement schedule. It was explained that there is no schedule; however, the schedule can be found on the County's website.

CONSENT AGENDA:

There were no items on the consent agenda.

RESOLUTIONS:

Resolution No. 74 A – (Budget Introduction)

M/S – Dill/Toto

Administrator Swain gave a lengthy report regarding the budget and reported that there have been many meetings regarding the budget process. Resolution No. 74A was then adopted by a unanimous roll call vote of those present.

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City of Somers Point
No. 74A of 2017

Subject: Municipal Budget of the City of Somers Point, County of Atlantic for
the Fiscal Year 2017

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2017;

BE IT FURTHER RESOLVED that said Budget be published in the Press of Atlantic City in the issue of April 10, 2017.

The Governing Body of the City of Somers Point does hereby approve the following as the Budget for the year 2017:

	D ' Adamo	Abstained	None
	Dill		
	Gerety		
RECORDED VOTE	Ayes (Tapp		Nays
	Smith		None
	Toto		
	McGuigan	Absent	None

Notice is hereby given that the Budget and Tax Resolution was approved by the City Council of the City of Somers Point, County of Atlantic, on March 23, 2017.

A Hearing on the Budget and Tax Resolution will be held at City Hall, April 27, 2017 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2017 may be presented by taxpayers or other interested persons.

Resolution No. 75

M/S – Toto/Dill

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

No. 75 of 2017

A Resolution Authorizing the Tax Assessor of the City of Somers Point to Grant to a Permanently Disabled Veteran a Retroactive Tax Exemption for the Period February 1, 2017 through March 10, 2017 for Good Cause Shown

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SPONSORED BY: COUNCILMAN SMITH

WHEREAS, The Somers Point Tax Assessor received an application from a disabled veteran, Mary Welcer, on Form D.V.S.S.E.; and

WHEREAS, said application was determined by the Tax Assessor to be complete and accurate; and

WHEREAS, the Tax Assessor granted the exemption from real property taxation from March 10, 2017, the date on which the application was processed; and

WHEREAS, the Tax Assessor informed the veteran applicant of his/her right to petition the City Council to grant a retroactive exemption for the period beginning February 1, 2017 when the permanent disability was declared by the Veterans Administration; and

WHEREAS, the applicant submitted a letter request to the Somers Point City Clerk dated March 10, 2017; and

WHEREAS, Somers Point Code Chapter 228 authorizes City Council to grant a retroactive tax exemption for a period not to exceed 120 days; and

WHEREAS, the retroactive period requested is for 38 days

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the Tax Assessor to grant the request for retroactive tax exemption to the applicant for the property designated as 43 Bucknell Road and further designated as Lot 18 in Block 1137.

Resolution No. 76

M/S – Toto/Dill

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

Councilman Toto mentioned that a notice approximately one week before spraying should appear in The Press.

No. 76 of 2017

**Subject: Authorizing Execution of 2017 Municipal
 Aerial Mosquito Control Agreement**

Sponsored by: Council President McGuigan

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WHEREAS, from time to time it may become necessary to perform aerial application of pesticides for mosquito control over certain areas of Somers Point; and

WHEREAS, such application should be performed by the Atlantic County Department of Public Works, office of Mosquito Control; and

WHEREAS, all pesticides and aircraft utilized are approved for aerial application by State and Federal governments; and

WHEREAS, the Atlantic County Department of Public Works, Office of Mosquito Control shall notify the Somers Point Police Department, the City and local news media prior to any application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Mayor John L. Glasser, Jr. is hereby authorized to execute the 2017 Municipal Aerial Mosquito Control Agreement, a copy of which is attached hereto and made a part hereof.

Resolution No. 77

M/S – Dill/Toto

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

No. 77 of 2017

Subject: Authorizing Advertising for Bids for the 2017 Road Program – Phase I

Sponsored: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Southview Drive from Groveland Avenue to Chapman Boulevard, Haddon Avenue from Massachusetts Avenue to Groveland Avenue, Princeton Avenue from Massachusetts Avenue to Groveland Avenue, Sixth Street from New Jersey Avenue to Pennsylvania Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2017 Road Program – Phase I; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

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Resolution No. 78

M/S – Dill/Toto

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

No. 78 of 2017

Subject: Authorizing Advertising for Bids for the Reconstruction of Center Street from Bethel Road to Connecticut Avenue

Sponsored by: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Center Street from Bethel Road to Connecticut Avenue; and

WHEREAS, the city has received a \$44,415.00 grant from the Atlantic County Improvement Authority to complete this project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the reconstruction of Center Street from Bethel Road to Connecticut Avenue; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 79

M/S – Dill/Toto

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

No. 79 of 2017

A Resolution Authorizing the Tax Assessor of the City of Somers Point to Grant to a Permanently Disabled Veteran a Retroactive Partial Tax Exemption for the Period October 30, 2015 through January 25, 2017 for Good Cause Shown

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 23, 2017**

SPONSOR: COUNCILMAN SMITH

WHEREAS, The Somers Point Tax Assessor received an application from a disabled veteran, Thomas J. Wulfecotte, on Form D.V.S.S.E.; and

WHEREAS, said application was determined by the Tax Assessor to be complete and accurate; and

WHEREAS, the Tax Assessor granted the partial (**50%**) exemption from real property taxation from January 25, 2017, the date on which the application was processed; and

WHEREAS, the Tax Assessor informed the veteran applicant of his right to petition the City Council to grant a retroactive partial (**50%**) exemption for the period beginning October 30, 2015 when the applicant took title to the property with Kathleen Lezotte (unmarried); and

WHEREAS, the applicant submitted a letter request to the Somers Point City Clerk dated March 21, 2017; and

WHEREAS, Somers Point Code Chapter 228 authorizes City Council to grant a retroactive tax exemption for a period not to exceed 120 days; and

WHEREAS, the retroactive period requested is for the maximum 120 days

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the Tax Assessor to grant the request for retroactive partial (**50%**) tax exemption to the applicant for the property designated as 1105 Harbour Cove and further designated as Lot 2, Qualifier C1105 in Block 1209.

Resolution No. 80

M/S – Gerety/Toto

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

Councilman Gerety recognized Kathy Arleth, Chair of the Arts Commission, who thanked City Council for their continued support.

No. 80 of 2017

Subject: Recognizing April as National Poetry Month

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 23, 2017**

Introduced By: Councilman Gerety

Whereas, the Academy of American Poets established the month of April as National Poetry Month in 1996; and

Whereas, National Poetry Month seeks to highlight the extraordinary legacy and ongoing achievement of American poets; introduce Americans to the pleasures and benefits of reading poetry; bring poets and poetry to the public in immediate and innovative ways; make poetry an important part of our children’s education; and

Whereas, poetry enhances and enriches the lives of all Americans; and, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; and

Whereas, poetry has produced some of the nation’s leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts; and

Whereas, the governing body of Somers Point recognizes the importance of the literary arts and has created the position of Poet Laureate for the City Somers Point; and has re-appointed Maria Provenzano to that position by Resolution number 35 of 2017; and

Whereas, the Somers Point Arts Commission celebrates National Poetry Month by partnering with the SJ Poets Collective and the South Jersey Jazz Society in presenting the 3rd annual *Spring Evening of Spoken Words & Music* on April 5, 2017 at Greate Bay Country Club from 5-7pm

Now therefore, be it resolved, the governing body of the City of Somers Point recognizes April 1 through April 30 as National Poetry Month and calls upon public officials, educators, librarians, and all the people of Somers Point to observe this month, to celebrate the cultural riches our community has to offer, and to recognize the important role poetry has in creating and sustaining this great nation with appropriate ceremonies, activities, and programs.

Resolution No. 81

M/S – Smith/Toto

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

No. 81 of 2017
Authorizing
Executive Session

REGULAR MEETING MAYOR AND CITY COUNCIL March 23, 2017

Introduced by: Councilman Smith

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 **FOUR (4)** topics which involve:

i) A discussion of litigation strategy by Special Tax Counsel and the Tax Assessor;

ii) A report by Special Tax Counsel and the Tax Assessor regarding the status of appeals pending in the NJ Tax Court filed by two commercial property owners;

iii) A report by Special Tax Counsel and the Tax Assessor regarding the status of an appeal pending in the NJ Tax Court filed by a commercial property owner and a proposal for settlement which has been received;

iv) A report by the City Solicitor regarding the status of an eminent domain action which has been filed on behalf of the City against a commercial property owner and the acquisition of land required for the extension of the Somers Point Bike Path; and

WHEREAS, each is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and is necessary to be discussed without the public in attendance during an Executive Session to be held on March 23, 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.

“(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.”

i) A report by the Somers Point Special Tax Counsel on the status of twenty nine (29) tax

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**REGULAR MEETING
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March 23, 2017**

- ii) appeals filed and pending against the City of Somers Point, and a discussion of litigation strategy by Special Tax Counsel and the Tax Assessor. There is to be a general discussion of all matters pending before the Tax Court of New Jersey but no specific case is intended to be discussed for settlement purposes at this time.

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

<u>Docket No.:</u>	<u>Caption:</u> <u>Tax Years:</u>	<u>Block / Lot</u>	
N/A	VARIOUS V CITY OF	N/A	2012-2016 SOM

- ii) A report by Special Tax Counsel and the Tax Assessor regarding the status of appeals pending in the NJ Tax Court filed by two commercial property owners.

<u>Docket No.:</u>	<u>Caption:</u> <u>Tax Years:</u>	<u>Block / Lot</u>
14228--2012 2012	519 Shore Road v. City of Somers Point	Block -1114 Lot -5
10553-2013 2013	519 Shore Road v. City of Somers Point	Block -1114 Lot - 5
13372-2014 2014	519 Shore Road v. City of Somers Point	Block -1114 Lot - 5
12083-2015 2015	519 Shore Road v. City of Somers Point	Block -1114 Lot - 5
13372-2016 2016	519 Shore Road v. City of Somers Point	Block -1114 Lot - 5
13800-2014 2014	Dani Ventures v. City of Somers Point	Block -1912 Lot - 1
06683-2015	Dani Ventures	

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2015 v. City of Somers Point Block -1912 Lot – 1

02885-2016 Dani Ventures
2016 v. City of Somers Point Block -1912 Lot – 1

iii) A report by Special Tax Counsel and the Tax Assessor regarding the status of an appeal pending in the NJ Tax Court filed by a commercial property owner and a proposal for settlement which has been received.

<u>Docket No.:</u>	<u>Caption:</u> <u>Tax Years:</u>	<u>Block / Lot</u>
14922-2014 2014	Himmelstein Associates, LLC v. City of Somers Point	Block -1815 Lot – 1.02
7841-2015 2015	Himmelstein Associates, LLC v. City of Somers Point	Block -1815 Lot – 1.02
6023-2016 2016	Himmelstein Associates, LLC v. City of Somers Point	Block -1815 Lot – 1.02

Special Tax Counsel and / or The Somers Point Tax Assessor will also discuss the proposed assessment for 2017.

iv) A report by the City Solicitor regarding the status of an eminent domain action which has been filed on behalf of the City against a commercial property owner and the acquisition of land required for the extension of the Somers Point Bike Path.

<u>Docket No.:</u>	<u>Caption:</u>
L-672-16	City Of Somers Point V. Himmelstein Associates, LLC.

WHEREAS, the length of the Executive Session for the four categories is estimated to be approximately 30 – 45 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;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 23, 2017**

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.

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Strategy shall remain confidential. Other items upon necessary occurrence.	City Council Approval by Resolution of any specific appeal, Court Order, or Settlement.

Resolution No. 83

M/S – Gerety/Dill

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

No. 83 of 2017

**RESOLUTION RECOGNIZING THE MONTH OF APRIL 2017 AS
“CHILD ABUSE PREVENTION AND AWARENESS MONTH”**

WHEREAS, the maltreatment, abuse and neglect of children is a significant social problem that damages children physically, mentally and emotionally and inflicts immeasurable harm on society as a whole and all children deserve to be nurtured, protected and free from physical or emotional harm; and

WHEREAS, Children who have been abused or neglected have a higher risk of developing various health problems as adults, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases; and

WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, all citizens should become involved in supporting families in raising their children in a safe and nurturing environment; and

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WHEREAS, effective child abuse prevention programs succeed because of partnerships created among state and local government agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

WHEREAS, Child abuse and neglect have long-term economic and societal costs;
and

WHEREAS, Providing community-based prevention services to families whose children may be at risk of child abuse or neglect is less costly than addressing the emotional and physical damage that can result from child abuse and neglect; and

WHEREAS, Providing community-based prevention services to those families can help avoid the costs of protective services, law enforcement, the judicial system, foster care, and the treatment of adults recovering from abuse as children; and

WHEREAS, the State of New Jersey and the Department of Children and Families believe that the best place to raise children is among strong, healthy families; and

WHEREAS, the State of New Jersey is committed to building a continuum of community-based child abuse prevention and intervention programs that are culturally competent, strength-based and family-centered and that achieve positive outcomes for parenting and family relationships, as well as empower domestic violence victims and their children; and

WHEREAS, the New Jersey Department of Children and Families embraces the Standards for Prevention Programs developed by the New Jersey Task Force on Child Abuse and Neglect; and

WHEREAS, all sectors of the community, including law enforcement, medical professionals, schools, courts and media outlets, as well as numerous public and private agencies, have joined forces to promote public awareness and community involvement in strengthening families during the month of April and continuing throughout the year.

BE IT FURTHER RESOLVED BY the City Council of the City of Somers Point in the County of Atlantic, State of New Jersey, that a certified copy of this resolution will be forwarded to the New Jersey Task Force on Child Abuse and Neglect.

Resolution No. 85

M/S – Gerety/Toto

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

City Attorney, James Franklin, explained that the Board of Education has designed a logo that has been reviewed by EDAC and is consistent with the City logo colors and format.

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Additionally, Mr. Franklin shared a copy of the proposed logo. City Council President McGuigan thanked the Board of Education for embracing the concept of the City logo.

City Councilman Tapp is now present for the meeting.

No. 85 of 2017

AUTHORIZING A NON - EXCLUSIVE LICENSING AGREEMENT BETWEEN THE CITY OF SOMERS POINT AND THE SOMERS POINT BOARD OF EDUCATION FOR THE USE OF A MODIFIED SOMERS POINT SCHOOL DISTRICT LOGO AND AUTHORIZATION TO USE A TAG LINE WITH THE TRADE MARKED LOGO

Sponsored by: Council President McGuigan

Whereas, the Somers Point School District is a body politic of the State of New Jersey; and

Whereas, the Somers Point Economic Development Advisory Committee (EDAC) is an advisory entity created by the City of Somers Point; and

Whereas, in 2013 EDAC submitted a proposal to City Council to encourage economic development through campaign designed to promote a consistent branding of City and City sponsored activities; and

Whereas, one purpose of the common branding is to promote recognition of the City of Somers Point and the many cultural, recreational, social and educational opportunities which are offered within our City for which Somers Point has become recognized; and

Whereas, EDAC worked with a group of volunteers to design a logo and a slogan to better identify and promote the City of Somers Point; and

Whereas, in addition to the Somers Point logo, a family of logos was created using a similar set of colors, fonts and design in order to establish a common denominator to effectively brand the City and what it has to offer; and

Whereas, the family of branding logos which are either sponsored by the City or which support the City and its economic vitality include Bay Fest, Good Old Days Festival, Somers Point Beach Concert Series, Somers Point Historical Society, Somers Point Restaurant Week, Somers Point Jazz Festival, and The Somers Point Business Association (hereinafter collectively referred to as the "Family of Logos"); and

Whereas, in order to protect the branding, the City has undertaken to both Copyright and file for Federal Trademark protection for the "The Shore Starts Here" slogan and the City of Somers Point logo; and has filed Copyrights for use of the Family of Logos; and

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Whereas, the Somers Point Board of Education has designed a logo which is consistent with and covered by the trademark, service mark and copyrights which the City has registered; and
Whereas, the Somers Point Board of Education has requested this governing body authorize the Somers Point Board of Education to utilize the designed logo as one of the Family of Logos to promote education and educational activities sponsored by the Board of Education within and on behalf of residents of and visitors to the City of Somers Point; and

Whereas, this request and the design of the logo was presented to and approved by EDAC at a regular public meeting held on January 23, 2017; and

Whereas, the request and the design of the logo was presented to and approved by the Somers Point Board of Education at a regular public meeting held on February 16, 2017; and

Whereas, this governing body has considered the request and proposes to grant to Somers Point Board of Education a non-exclusive license to the Somers Point Board of Education

Now, therefore, it is hereby **RESOLVED** that the Somers Point Board of Education is hereby granted a non-exclusive license to:

i) utilize the Somers Point Board of Education “School District Logo” in the form attached hereto as Attachment 1;

ii) in the discretion of the Board, to develop, approve and include with the logo a “tag line” or slogan consistent with “The Shore Starts Here”;

iii) hereafter use the School District Logo in all official correspondence, advertising and promotional literature of the District and on the Somers Point Board of Education web site; and

It is further **RESOLVED** that the School District Logo is acknowledged and accepted as a logo within the official Family of Logos and;

It is further **RESOLVED** that as a condition of use neither the Somers Point Board of Education nor the Somers Point School District nor anyone acting on their behalf shall make any modification or alteration, or permit any unauthorized use by any third party and shall exercise due care to protect the use of the logo against unauthorized use; and

It is further **RESOLVED** that it is the recommendation that the Somers Point Board of Education consider including either a “tm” (trademark) or “sm” (service mark) designation when using the Board of Education Logo.

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Old Business:

Councilman Smith questioned if Bayfest will be using the City logo. Mayor Glasser thanked Councilman Smith for his suggestion and will contact them.

New Business:

Banning Release of Balloons

City Council President acknowledged Harbor Master, Ron Meischker, and Green Team Chair, Lisa Bender, who are both present in the audience. City Council President McGuigan reported that the City takes pride in environmental initiatives. Green Team Chair Bender reported to the Governing Body that they have been talking about how balloons affect the environment, especially our sea life environment. The barrier islands have adopted ordinances banning the release of balloons and Ms. Bender requested the Governing Body to consider a similar ordinance that not only bans the balloons at public events, but also discourages private use of balloons for celebrations. Harbor Master, Ron Meischker, explained that sea life thinks that balloons are food. Once the balloon is ingested, the sea life will die. He suggested that the Governing Body forward information to the Recreation Commission requesting them to add verbiage to their Use Application regarding balloons. Council President McGuigan mentioned that he and Mayor Glasser participated in a cleanup where balloons were found in wetlands. City Councilman Dill supports banning the release of balloons and offered to sponsor an ordinance. City Councilman D'Adamo also supports banning the release of balloons. City Councilman Toto, liaison to the Recreation Commission will inform them of City Council's position and proposed ordinance.

Planning Board Recommendation No. 1-2017

Paul Striefsky, Planning Board Chair, provided a matrix illustrating the existing zoning ordinance bulk requirements and addressed the Mayor and City Council regarding proposed zoning modifications concerning allowed building and lot coverage for multi-family and commercial properties following the CAFRA guidelines to streamline the approval process. City Council asked many questions and thoroughly discussed the proposal among each other. Ron Meischker, Zoning Board Chair, reported that the Zoning Board previously reviewed the recommendation as a courtesy, and the Zoning Board members did not agree to increase the maximum coverage regarding the residential property. Zoning Board Chair Meischker opined that commercial properties should not be changed and was concerned that the City would be giving away their right for review. Mayor and City Council will take all the information under review and thanked everyone for their input.

On the motion of Councilmember Dill, seconded of Councilmember Tapp and carried to waive the 48-hour rule for Faces 4 Autism.

On the motion of Councilmember Smith, seconded of Councilmember Tapp, and carried to approve the bingo license for Somers Point Volunteer Fire Company No. 2, bingo license for Faces 4 Autism and approval for a Bike Race for National MS Society.

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MAYOR AND CITY COUNCIL
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Discussion of Bills:

Administrator Swain reported a record of payment dated 3/13/17 in the amount of \$60.00, a record of payment dated 3/17/17 in the amount of \$103,814.19 and a bill list dated 3/21/17 in the amount of \$ 1,019,988.07.

Council President McGuigan recused himself from Capri Construction bills.

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. A complete list of bills is on file in the Office of the Municipal Clerk.

Recess:

City Council recessed at 8:20 p.m. prior to going into Executive Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 7/27/2017