

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 13, 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: Dill, D'Adamo, Gerety, Smith, Tapp, Toto, McGuigan

Also Present: Mayor Glasser Administrator Swain, Deputy Clerk Mollenkopf

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. 5 You Drive, You Text, You Pay

Council President McGuigan mentioned that too often there is news of someone losing their life due to texting. Mayor Glasser reported that the Police Department has an electronic street sign, and everyone should be aware of the dangers of texting while driving.

Communications:

None

Mayor's Report:

Mayor Glasser announced that the Memorial Day Parade will be May 29th at 11:00 a.m. Mayor Glasser mentioned that police officers received Narcan training and the police staff met with restaurant owners for the planning of Bayfest. Additionally, Mayor Glasser commended the Somers Point Business Association regarding the April in Paris event. There will be an emergency meeting of the Atlantic County Mayors' Association concerning the Atlantic City Pilot. City Administrator Swain mentioned that the real impact will not be known until the tax equalization table is established. Mayor Glasser and City Council discussed the history and current situation regarding the tax evaluations of Atlantic City.

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Administrator's Report:

None

Committee Reports:

Councilman Smith reported that the Recreation Commission amended their by-laws. The main concern was how the traveling teams will use the fields in regards to residents versus non-residents. He continued that the Economic Development Advisory Commission (EDAC) may use Kennedy Park as a destination for weddings. In addition, EDAC will work with the Green Team regarding the installation of bird houses around the bike path to beautify the area. Councilman Smith announced that Ron Meischker was voted Volunteer of the Year for the Recreation Commission. Councilman Smith mentioned that there are many volunteers in the town that never receive any recognition.

Councilman Dill reported heavy rains that are still affecting Decatur Avenue. On this evening's agenda, there is a Bond Ordinance for consideration that will address that issue. Greg Schneider, City Engineer, met with those residents to explain how the bond ordinance will address the flooding.

Ordinances:

No. 4 - Second Reading/Public Portion/Adoption

M/S – Tapp/Dill

Hearing nothing from the public, the public hearing was duly open and closed. City Administrator Swain reported that the City has not exceeded the municipal appropriation cap. The ordinance was adopted by a unanimous vote of those present.

ORDINANCE No. 4

**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,

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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,

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.

No. 5 - Second Reading/Public Portion/Adoption

M/S – Dill/Toto

Hearing nothing from the public, the public hearing was duly open and closed.

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

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City Councilman Dill thanked City Council for their support in addressing the City's infrastructure.

ORDINANCE NO. 5

**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.**

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	Period of Usefulness
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Bonds or Notes

<p>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, permits, bid documents and construction inspection and administration.</p>	<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

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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.

(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

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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 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.

No. 6 - Second Reading/Public Portion/Adoption

M/S – Dill/Toto

Hearing nothing from the public, the public hearing was duly open and closed.

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The ordinance was adopted by a unanimous roll call vote of those present. City Councilman Dill thanked City Council for their support in addressing the City's infrastructure.

ORDINANCE NO. 6

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

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:

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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
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.	\$5,000	\$4,750	5 years
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.	\$10,000	\$9,500	15 years
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			

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inspection and administration.	\$125,000	\$118,750	15 years
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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 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.

	\$1,333,000	\$1,266,350	10 years
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TOTAL	<u>\$1,550,000</u>	<u>\$1,472,500</u>	<u>10.51 Years</u>
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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

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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 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.

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- (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

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

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(c) 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;

(d) 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

(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.

Consent Agenda:

None

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RESOLUTIONS:

Resolution No. 86

M/S – Gerety/Toto

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

No. 86 of 2017

Subject: Community Development Block Grant Program
Introduced by: Council President McGuigan; Councilmen Dill, and Gerety

WHEREAS, the City of Somers Point has opted to participate in the Atlantic County community Development Block Grant (CDBG) Program for FY 2017; and

WHEREAS, as a participant, the City of Somers Point expects to be allocated approximately \$44,400.00 for Fiscal Year 2017; and

WHEREAS, the City of Somers Point desires to allocate these CDBG funds toward the re-paving of Meyran Avenue from Shore Road to Bay Avenue; and

WHEREAS, it is anticipated that the complete cost of the project will be approximately \$113,200.00; and

WHEREAS, the re-paving of Meyran Avenue from Shore Road to Bay Avenue is in the capital plan of the City of Somers Point.

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

1. This resolution shall serve to indicate the commitment of the City of Somers Point to provide any necessary anticipated matching funds for this project.
2. The Mayor and City Administrator are authorized to prepare and sign the FY 2017 CDBG grant application on behalf of the City.

Resolution No. 87

M/S – Dill/Toto

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

No. 87 of 2017

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AUTHORIZING EXECUTIVE SESSION

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

WHEREAS, the Somers Point City Council has determined that there are **TWO** (2) topics which require the advice and counsel of the City Solicitor / Special COAH Counsel which 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 April 13, 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.”

Advice of Counsel and attorney client communication and a report by the Somers Point Special COAH Counsel and / or the Somers Point City Solicitor regarding the two below described matters:

1) BAY AVENUE REDEVELOPERS, L.L.C., BASS HARBOR, L.L.C., HARBOR COVE MARINA, L.L.C., and S.P. #2, Plaintiffs, v. CITY OF SOMERS POINT, the CITY OF SOMERS POINT PLANNING BOARD and the CITY OF SOMERS POINT ZONING BOARD, Defendants, Docket No: L-3204-05 P.W.

And

2) IN THE MATTER OF THE APPLICATION OF THE CITY OF SOMERS POINT, A Municipal Corporation of the State of New Jersey, Docket No.: ATL-L-1538-15; and

WHEREAS, the length of the Executive Session is estimated to be approximately 15 - 20 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

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Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Unknown at this time	City Council and / or Court Approval by Ordinance and / or Court Order.

Resolution No. 88

M/S – Dill/Toto

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

Council President McGuigan mentioned that many parents have the challenge of raising autistic children, which needs more research and attention.

No. 88 of 2017

Supporting Autism Awareness

Introduced by: Council President Sean T. McGuigan

WHEREAS, Autism Spectrum Disorder (ASD) represents a broad group of disorders that vary widely from mild to severe, and is characterized by difficulty with social interaction, communication, severely limited interests, and repetitive behaviors; and

WHEREAS, The Centers for Disease Control and Prevention (CDC) reported in 2016 that the rate of children identified with an autism spectrum disorder remains at 1 in 68 children nationally. This statistic is based on the CDC's evaluation of health and educational records of 8-year-old children in 2012 in 11 states, including New Jersey; and

WHEREAS, New Jersey again had the highest rates of those states evaluated: with 1 in 41 children (2.5% of children): higher than the average percentage identified with ASD (1.5%) in all communities in the United States where CDC tracked ASD in 2012; with the New Jersey rate marking an increase of 12% from the previous 1 in 45 statistic released in 2014: and

WHEREAS, the CDC report showed that autism prevalence is 4.5 times higher in boys than girls, with 1 in 42 boys and 1 in 189 girls (nationally) identified with an ASD in this latest report; and

WHEREAS, even though ASD can be diagnosed as early as age 2 years, most children were not diagnosed with ASD by a community provider until after age 3 years and 11 months; and

WHEREAS, Autism is the fastest-growing developmental disability in the United States, and knows no racial, ethnic, or social boundaries;

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WHEREAS, there is no known medial detection or cure for Autism;

WHEREAS, a variety of public and private organizations and agencies strive to provide quality care and support or services to children and adults with ASD to enable them to live as independently as possible and to reach their full potential; and

WHEREAS, locally in Atlantic County, FACES 4 Autism and national organizations such as Autism Speaks, are non-profit organizations dedicated to autism awareness, education and support of children with Autism and their families, together with other local, state, and national non-profit organizations with similar goals; and

WHEREAS, Governor Chris Christie, recognizing the individual and unique needs of New Jersians with developmental disabilities, signed a proclamation declaring the month of April as Autism Awareness Month in New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Somers Point supports the efforts to increase awareness of autism and recognizes April as Autism Awareness month in the City of Somers Point;

BE IT FURTHER RESOLVED that the City Council encourages the citizens of Somers Point to seek more information on this condition and to recognize the challenges families face who have been touched by Autism.

Resolution No. 89

M/S – Toto/Dill

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

On the motion of Councilman Tapp, seconded of Councilman Dill to amend the resolution to “60 equal installments of \$425 per month” was recommended by Administrator Swain.

No. 89 of 2017

Subject: Authorizing Lease Agreement for Higbee Avenue Pier

Introduced By: Council President McGuigan; Councilmen Dill, and Gerety

WHEREAS, the City of Somers Point is in possession of a pier facility located at Higbee Avenue and the Bay; and

WHEREAS, N.J.S.A. 40:61-1 et seq. states that the governing body of a municipality may rent any privilege in any of its waterfronts for public resort and

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recreation to the highest responsible bidder therefore upon such terms and conditions as it may prescribe; and

WHEREAS, at a meeting of the Governing Body held on January 12, 2017 the City Clerk was authorized to advertise a Request for Proposal for the Lease the Higbee Avenue Pier for use as a charter watercraft facility; and

WHEREAS, the City of Somers Point received proposals on February 24, 2017, for the lease of the municipal pier at Higbee Avenue for use as a charter watercraft facility; and

WHEREAS, the Somers Point Board of Recreation has expressed their support for this program; and

WHEREAS, the Green Acres Program has indicated no objection to this conditional use with the understanding that this is not considered to be the ultimate, exclusive use of the property in the future.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is hereby authorized and directed to enter into a lease agreement with Brook Koenek, T/A The Duke O'Fluke for the amount of \$25,500 payable as specified in the lease. The period of the lease shall be from April 15, 2017 until April 15, 2022 subject to the terms and conditions of the Lease agreement which is attached hereto and made a part hereof.

Resolution No. 90

M/S – Toto/Dill

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

Councilman Smith suggested that the Bayfest use the new letterhead to include the new City logo.

No. 90 of 2017

**RESOLUTION APPROVING CLOSING A PORTION OF BAY AVENUE FOR THE
2017 BAYFEST CELEBRATION**

Sponsored by: Council President McGuigan

WHEREAS, the Bayfest 2017 celebration is scheduled for April 29, 2017; and

WHEREAS, the Bayfest Committee has requested that a portion of Bay Avenue be closed for the Bayfest Celebration; and

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Bay Avenue be closed from Anna Avenue to Pleasant Avenue, from 6:00 a.m. until 7:00 p.m., in order to accommodate the Bayfest Celebration on April 29, 2017.

Council President McGuigan recused himself from Resolution No. 91; therefore, Council President Pro Tempore Tapp called for a motion for the following resolution:

Resolution No. 91

M/S – Gerety/Toto

The resolution was adopted by a unanimous vote of those present with Council President McGuigan recusing himself. City Administrator Swain reported that the change order is for an extension of time. Council President Pro Tempore Tapp reported that many upgrades have been completed in the theatre.

No. 91 of 2017

Subject: Change Order – Gateway Theatre

Introduced by: Councilmen Tapp and Gerety

WHEREAS, in accordance with Resolution 135 of 2016 Capri Construction, Inc. of Vineland, New Jersey was awarded the contract for the Gateway Theatre Renovations; and

WHEREAS, the contract included the scheduled completion date of April 14, 2017; and

WHEREAS, during the course of construction there have been delays beyond the Contractor’s control including weather delays, permitting delays and material design clarifications; and

WHEREAS, due to these delays, the Architect of Record, William McLees, has recommended approval of a change order that extends the time of substantial completion to July 14, 2017; and

WHEREAS, those changes have resulted in no change to the contract amount as follows:

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Base Contract	\$675,000.00	
Change Order 1 (to extend completion date to July 14, 2017)	0	
Revised Contract Amount	\$675,000.00	
Total Deduction: \$0	Total Additional: \$0	Net Change: 0%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for Gateway Theatre

Renovations is hereby approved and that the City Administrator is hereby authorized to execute all documents in this regard on behalf of the City.

Old Business:

None

New Business:

Councilman Gerety motioned, seconded by Councilman Tapp and carried to approve an off premise 50/50 raffle for Shore Memorial Hospital Auxillary, on premise 50/50 and basket raffles for St. Joseph Church, social affair permit for the Rotary Club and on premise basket raffle for Atlantic County Women’s Center. Council President Pro Tempore recused himself; however, as a Doctrine of Necessity the application was approved unanimously by those present. Councilmen D’Adamo and Toto recused themselves from the St. Joseph Church raffles.

City Logo

Council President McGuigan indicated that the Governing Body received a request for a new organization to use or modify the City logo and another request for a sports organization to use the logo. The majority of City Council concurred that approval to use the City logo should come before City Council.

Councilman Dill motioned, seconded of Councilman Toto to waive the 48 hour rule for consideration of Resolution No. 92. Hearing nothing from the public, a public portion was duly opened and closed.

Resolution No. 92

On the motion of Councilman Dill, seconded of Councilman Tapp, to approve use of the City logo on the little league coaches’ shirts.

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RESOLUTION No. 92A of 2017

AUTHORIZING A NON - EXCLUSIVE LICENSING AGREEMENT BETWEEN THE CITY OF SOMERS POINT AND THE SOMERS POINT LITTLE LEAGUE ASSOCIATION FOR THE USE OF THE OFFICIAL SOMERS POINT LOGO FOR THE PURPOSE OF ATTACHING THE LOGO AS A PATCH ON THE SLEEVES OF THE COACHING STAFF AND FOR NO OTHER PURPOSE

Sponsored by: Council President McGuigan

Whereas, the Somers Point Little League Association is an independent non - profit tax exempt organization which is the City-sanctioned League for Tee-Ball through Little League aged children; and

Whereas, a request has been made by the Somers Point Little League Association (“Association”) through the CER Director and the Somers Point Economic Development Commission to authorize the Association to have the official Somers Point Logo made into patches to be sewn onto the sleeves of the Association’s Coaching staff; and

Whereas the request has been reviewed and is deemed by this governing body to be in the best interest of the City in furthering the common branding which the use of the Family of Logos is intended 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;

Now, therefore, it is hereby RESOLVED that the Somers Point Little League Association is hereby granted a non-exclusive license to have the official Somers Point Logo made into patches to be sewn onto the sleeves of the Association’s Coaching staff and for no other purpose; and It is further RESOLVED that the form of agreement between the City of Somers Point and the Somers Point Little League Association attached hereto is hereby approved, ratified, and affirmed; and

It is further RESOLVED that a copy of the executed agreement shall be filed in the Office of the City Clerk, with a copy to the City Solicitor to be maintained on file; and

It is further RESOLVED that this privilege may be revoked at any time by action of this governing body in the event of any breach of the agreement or misuse of the official logo.

Proposed Military Sewer Discount Ordinance:

Council President McGuigan explained that if you own your house and are actively deployed, if approved by City Council, you may be entitled to a 15% discount on your sewer bill. City Administrator Swain, Solicitor Franklin and the Governing Body thoroughly discussed the proposed ordinance.

Off-Duty Police Assignments:

City Administrator Swain explained that when there is street construction, the construction company will request the police for traffic control. The Governing Body thoroughly discussed the proposed ordinance.

FEMA

City Administrator, Wes Swain reported that FEMA has asked all New Jersey municipalities to consider adopting the new preliminary FEMA maps. Previously Mr. Swain reported that New

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York City challenged the new FEMA maps and won. New York City proved that the FEMA maps were incorrect. FEMA indicated that there are 1,044 buildings that are affected by the existing FEMA flood maps. The new maps will remove 293 buildings and add 245 buildings. Mr. Swain added that the City is already using the new FEMA maps for building codes. Greg Schneider, City Engineer, researched the maps and indicated that 121 structures would be added and none would be eligible to be removed. Wes Swain, City Administrator, recommended to wait for additional information before adopting the new FEMA maps. The Governing Body concurred.

Discussion of Bills:

Administrator Swain reported a bill list dated 4/11/17 in the amount of \$505,072.77. Council President McGuigan recused himself from the bills from Capri Construction and Falasca Mechanical.

Public Portion

Resident of Decater Avenue, Jack Franco, thanked the Governing Body for funding the project to address the flooding on Decater Avenue. He also thanked Councilman Dill and City Engineer, Greg Schneider for meeting with him.

Hearing nothing further from the public, accordingly the public portion was duly closed.

Payment of Bills

M/S – Gerety/Toto

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 8:30 p.m. prior to going into Executive Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

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