

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 25, 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:** D'Adamo, Dill, Gerety, Smith, Tapp, Toto, McGuigan

**Also Present:** Mayor Glasser, Administrator Swain, Municipal Clerk Samuelsen, Deputy Clerk Mollenkopf and Attorney Jim Franklin

**Absent:** None

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**Open Public Meetings Act:**

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

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**Communications:**

Council President McGuigan mentioned that the Green Thumb Garden Club will be holding their annual garden contest with various categories to be judged. The entry deadline is 7/6/17.

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**Mayor's Report:**

The Mayor reported he received a letter from Governor Chris Christie with an award in the amount of \$17,303.00 representing reimbursement from Department of Community Affairs for the non-Federal Cost Share regarding Superstorm Sandy. Mayor Glasser mentioned that he contacted NBC requesting them to visit the Rt. 52 Wawa. Mayor Glasser was disappointed to share the response from the Department of Navy denying the removal of the USS Intrepid crew

remains from a cemetery in Libya. A Memorial Day ceremony is scheduled at the Atlantic County Estell Manor Park on 5/23/17 at 2:00 p.m. Mayor Glasser encouraged everyone to attend the Somers Point Memorial Day Parade on 5/29/17 at 11:00 a.m. beginning at Dawes Avenue and Shore Road. Additionally, there will be a ribbon cutting for Jersey Marine located at 642 Bay Avenue. Lastly, there is a flag ceremony scheduled at Shore Medical Center tomorrow evening on Bay Avenue.

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**Administrator's Report:**

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 25, 2017**

City Administrator, Wes Swain, reported that a reimbursement was received for \$17,303 after submitting a request of reimbursement for \$18,754 representing the non-Federal share of 10% that the City incurred for debris removal and emergency protective measures.

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**Committee Reports:**

Councilman Smith reported that the Economic Development Advisory Commission (EDAC) is attempting to set up a bike share program. Also, EDAC has been discussing a website in conjunction with the City. Additionally, there was a discussion regarding the Recreation Commission starting a Face Book page. Councilman Smith reported that a meeting will be held on 6/12/17 between 4:00 p.m. and 6:00 p.m. at Great Bay County Club regarding a Welcome Center at Somers Mansion. Councilman Smith regrets recognizing and thanking Jeannette Cellucci and Eric Meyers for their work and service to the Recreation Commission.

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**Approval of Minutes:**

M/S – Tapp/Dill

The Regular Minutes of 2/9/17 and 2/23/17 were approved by a unanimous vote of those present.

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**Ordinances:**

None

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**Public Portion on Resolutions:**

Meeting was opened to the public regarding the Resolutions on the agenda, and hearing no comments, duly closed.

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**Consent Agenda:**

None

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**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 25, 2017**

**RESOLUTIONS:**

**Resolution No. 112**

M/S – Gerety/Toto

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

**No. 112 of 2017**

**Subject:                   Liquor License Renewal**

**Introduced by:       Council President McGuigan**

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

**NOW, THEREFORE, BE IT RESOLVED** that the below named and numbered applications are hereby renewed through June 30, 2018:

0121-33-015-007                   GMH Restaurant Enterprises, LLC

0121-33-001-010                   Apple New Jersey, LLC

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**Resolution No. 113**

M/S – Dill/Toto

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

Council President McGuigan mentioned that Georgiana has been with the City for many years and will surely be missed. Mayor Glasser stated that the whole City will miss her, and all her knowledge regarding the Planning and Zoning Boards. City Councilman D’Adamo recognized the many Planning and Zoning Meetings that she attended, and she will be missed.

**No. 113 of 2017**

**Subject:                   Authorizing Termination Agreement and Release with Georgiana Hutchinson**

**Introduced By:       Councilmen Tapp, Toto and Smith**

**WHEREAS**, after long and dedicated service to the City of Somers Point, Georgiana Hutchinson had expressed her intent to retire as the Somers Point City

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 25, 2017**

Planning and Zoning Board Administrative Officer and Construction and Code Enforcement Secretary effective June 30, 2017; and

**WHEREAS**, upon retirement Georgiana Hutchinson is entitled to certain payments and benefits in accordance with an Employment Agreement effective January 1, 2012 between the City of Somers Point and Georgiana Hutchinson; and

**WHEREAS**, the City of Somers Point has determined that Georgiana Hutchinson will have an accumulated, reimbursable total of 129 days of unused sick leave, 10 unused days of vacation leave, and pro-rated pay due for clothing allowance; and

**WHEREAS**, Georgiana Hutchinson’s last regular day of work will be June 30, 2017 and she shall receive her last regular pay on July 7, 2017; and

**WHEREAS**, pursuant to the agreement between the City of Somers Point and Georgiana Hutchinson the City agrees to provide health benefits as defined in that agreement.

**NOW, THEREFORE**, the City of Somers Point hereby authorizes the Mayor to enter into a Termination Agreement and Release with Georgiana Hutchinson in the form attached hereto and made a part of this Resolution, which memorializes all rights and entitlements of Georgiana Hutchinson.

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**Resolution No. 114**

M/S – Dill/Toto

The resolution was adopted by a unanimous vote of those present with Councilman Smith and Mayor Glasser recusing themselves.

**No. 114 of 2017**

**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, N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

**WHEREAS**, the Somers Point City Council has determined that one (1) topic which involve claims which have been asserted against the City which require the advice and counsel of the City Solicitor, the City Engineer and the City Administrator and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings is necessary to be discussed without the public in attendance during an Executive Session to be held on May 25, 2017 during a public meeting to be held commencing at 7:00 P.M, and

# REGULAR MEETING MAYOR AND CITY COUNCIL May 25, 2017

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the **number of issues** to be privately discussed that fall within that exception shall be written, and after each exception is a space where 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.”**

The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and the nature of the discussion, described as fully as possible without undermining the need for confidentiality is:

**7.1) Advice and counsel from the City Solicitor regarding legal research and investigation into liability and responsibility for maintenance or replacement of certain bulkheads within the City of Somers Point, status of negotiations, and input from the City Engineer as expert and City Administrator; discussion of strategy and procedures.**

**WHEREAS**, the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

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

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

**BE IT FURTHER RESOLVED** that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items,

the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See #7 above Attorney Client conference	Upon Completion or Resolution of the pending matters	Final Court Order / Final Resolution, Settlement or other final disposition of such matter.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 25, 2017**

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**Resolution No. 115**

M/S – Dill/Gerety

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

**No. 115 of 2017**

**Subject:                    Approving Proposal for Storm Drain Cleaning & Television  
Inspection Services**

**Introduced By:            Councilmen Dill and Toto**

WHEREAS, the City of Somers Point received proposals for storm drain cleaning and television inspection services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law on May 23, 2017; and,

WHEREAS, Mobile Dredging & Video Pipe, Inc. of Chester, Pennsylvania was the only vendor to provide a proposal in response to this request; and

WHEREAS, the City Engineer has reviewed the proposal and recommends approval of Mobile Dredging & Video Pipe, Inc. of Chester, Pennsylvania for storm drain cleaning and television inspection services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Mobile Dredging & Video Pipe, Inc. is hereby approved as a vendor for storm drain cleaning and television inspection services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law during the period of May 25, 2017 through May 24, 2018.

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**Old Business:**

Wes Swain, City Administrator reported that FEMA wants the City to make a decision regarding adoption of the Flood Plane maps. City Council President McGuigan explained that FEMA revised their flood plane maps and New York City is challenging them. City Administrator Swain expounded that New York City proved that the FEMA data was wrong. FEMA is correcting their data, which will take five years. The Governing Body concurred for the City Engineer to forward a letter to FEMA indicating that Somers Point will not make any decision until their data is correct.

Mayor Glasser thanked the Economic Development Advisory Commission and the Green Thumb Garden Club and many volunteers for a City clean up that was supported by the Atlantic

# **REGULAR MEETING MAYOR AND CITY COUNCIL May 25, 2017**

County Utilities Authority on Saturday. On 5/28/17, the annual Attack on Patcong Creek headed by Ron Meischker, Harbor Master, did a fantastic job cleaning the wetlands.

## **New Business:**

### Planning Board Recommendation 01-2017 to City Council Regarding Zone Modifications

Planning Board Chair, Paul Striefsky, explained the recommendation from the Planning Board, which he indicated would streamline the process of variances for applicants. The Governing Body, City Administrator Swain and Mr. Franklin thoroughly discussed the proposed recommendation regarding impervious coverage, density requirements, setbacks, construction of buildings, parking and sidewalks. Mr. Franklin advised that the Governing Body needs to formally act upon it. Councilmen Gerety motioned, seconded by Councilman Smith to open to the public. Ron Meischker, speaking on his own behalf, opined that each application is different and the Planning and Zoning Boards should review each application independently. Mr. Meischker continued that the City doesn't need to conform to the New Jersey Department of Environmental Protection, and strongly recommended that the Governing Body does not support the proposed Planning Board Recommendation No. 01-2017. Resident, Mary Fondi of Delaware Avenue opposes the proposed Planning Board Recommendation No. 01-2017. A resident from Bay Avenue also opposed the proposal. Tara Garry also opposed the proposed Planning Board Recommendation No. 01-2017. Resident, Patti Cianci, opposed the proposed Planning Board Recommendation No. 01-2017 and requested the matrix to be placed on the website. Another resident opposed the proposal. Another resident came forward to oppose the proposed Planning Board Recommendation No. 01-2017. Councilman Dill motioned, seconded by Councilman Gerety and carried to close the public meeting. Each member of the Governing Body expressed their opposition to the proposed Planning Board Recommendation No. 01-2017. Councilman Gerety motioned, seconded by Councilman Toto to formerly reject the proposed Planning Board Recommendation No. 01-2017. Councilman D'Adamo mentioned that some changes may be acceptable on Route 9 and MacArthur Boulevard.

City Council approved raffle and bingo licenses for the Court Appointed Special Advocates (CASA)

The Governing Body discussed renaming the Bike Path.

## **Discussion of Bills:**

Administrator Swain reported a bill list dated 5/25/17 in the amount of \$972,219.88 along with records of payments for \$588.00 and \$190.98.

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## **Public Portion**

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

**REGULAR MEETING  
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May 25, 2017**

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**Payment of Bills**

M/S – Tapp/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.

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**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 9:25 p.m.

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Respectfully submitted,

Lucy R. Samuelson, RMC

Municipal Clerk

Approved: 9/28/17