

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
July 27, 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, Dill, Gerety, Tapp, Toto, McGuigan

**Also Present:** Mayor Glasser, Administrator Swain, Clerk Samuelson 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:**

None.

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**Mayor's Report:**

The Mayor mentioned that last Tuesday evening he had the honor to tour for the HERO Campaign to Gregory's, the Windjammer, Charlie's, Doc's Place and the Anchorage taste testing non-alcoholic drinks, which was an enjoyable evening. Mayor Glasser encouraged everyone to attend the National Night Out that will be hosted by the Somers Point Police Department at the beach from 5:00 p.m. to 8:00 p.m. with many great activities and entertainment.

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**Administrator's Report:**

No report.

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**Committee Reports:**

No report.

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**Approval of Minutes:**

M/S – Dill/Toto

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The Regular Minutes of 3/23/17 and 4/13/17 were approved by a unanimous vote of those present.

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**ORDINANCES:**

**Ordinance No. 10**

*Second Reading/Public Hearing/Adoption*

M/S – Gerety/Tapp

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

**NO. 10 of 2017**

**AN ORDINANCE AMENDING BOND ORDINANCE NO. 14 OF 2015, ADOPTED APRIL 30, 2015, OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY WHICH PROVIDES FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT.**

**WHEREAS**, on April 30, 2015, the City Council of the City of Somers Point, in the County of Atlantic, New Jersey (the “City”), heretofore adopted Bond Ordinance No. 14 of 2015, entitled:

**“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 \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$500,000 OF BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.”,**

(“**Bond Ordinance No. 14**”), pursuant to which the City authorized the issuance of bonds or notes in the aggregate principal amount of \$500,000 for the purpose of financing the costs of various capital improvements and acquisitions for the sewer utility system within the City; and

**WHEREAS**, the City desires to delete one of the purchases by the City as provided in Bond Ordinance No. 14 and reappropriate such funds to another capital improvement to the sewer utility system as hereinafter provided.

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**NOW, THEREFORE, 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.** Bond Ordinance No. 14 is hereby amended as follows:

- (a) Section 3a.) of Bond Ordinance No. 14 is hereby deleted in its entirety.
- (b) In Section 3b.) of Bond Ordinance No. 14, the “Appropriation and Estimated Cost” and the “Estimated Maximum Amount of Bonds or Notes” are hereby increased from “\$495,000” to “\$500,000” for each category.
- (c) In Section 6(b) of Bond Ordinance No. 14, the average period of usefulness shall be amended from “39.75” years to “40” years.

**Section 2.** This Amendment does not authorize any additional indebtedness, but merely amends Bond Ordinance No. 14 to delete an acquisition and reappropriate such funds to an existing capital improvement specified in Bond Ordinance No. 14.

**Section 3.** Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

**Section 4.** All other parts of Bond Ordinance No. 14 not amended hereby shall remain in full force and effect.

**Section 5.** This Ordinance amending Bond Ordinance No. 14 shall take effect after the first publication thereof after final adoption as provided by the Local Bond Law of the State of New Jersey.

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**Ordinance No. 11**

*Second Reading/Public Hearing/Adoption*

M/S – Toto/Tapp

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

**NO. 11 OF 2017**

**ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC,  
NEW JERSEY, APPROPRIATING CERTAIN UNEXPENDED PROCEEDS  
OF THE SALE OF PREVIOUSLY ISSUED BONDS AND NOTES TO**

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**FINANCE THE COST OF ADDITIONAL CAPITAL IMPROVEMENTS AND  
TAKING RELATED ACTIONS**

**WHEREAS**, the City of Somers Point, County of Atlantic, New Jersey (“**City**”) has, pursuant to the Local Bond Law, Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (“**Local Bond Law**”), and various bond ordinances duly adopted by the City (the “**Ordinances**”) authorized, issued and sold its general obligation bonds in the year 2012 (the “**2012 Obligations**”) to finance the costs of various municipal projects and improvements as are more fully described in the Ordinances (collectively, the “**Prior Projects**”); and

**WHEREAS**, payment of all of the costs of the Prior Projects under the Ordinances has been made or provided for and \$6,538 of the proceeds of the sale of the 2012 Obligations for the Prior Projects are not necessary for such purposes and remain unexpended (“**Unexpended Proceeds**”); and

**WHEREAS**, Section 40A:2-39 of the Local Bond Law provides that, if, in the opinion of the City Council of the City (“**Council**”), it is in the best interest of the City, the Unexpended Proceeds may be appropriated to and used to finance the cost of any other purpose or purposes for which bonds may be issued; and

**WHEREAS**, Council has determined that it is in the best interest of the City to appropriate the Unexpended Proceeds towards the costs of additional capital improvements and projects for the City as hereinafter specified.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring), does hereby ordain as follows:

**Section 1. Capital Character of Additional Projects; Authorization.** It is hereby determined that the Unexpended Proceeds shall be used to finance replacements, improvements and renovations to various municipal pump stations, mains, and other system components together with all materials and work necessary and incidental thereto and related thereto in the amount of **\$6,538** (collectively, the “**Additional Projects**”). The Additional Projects constitute purposes for which bonds may be issued pursuant to the Local Bond Law, having a period of usefulness in excess of five (5) years, as required by Section 40A:2-21 of the Local Bond Law. The implementation of the Additional Projects is hereby authorized to be made as general improvements in and for the City.

**Section 2. Appropriation of Unexpended Proceeds.** It is hereby determined that, in the opinion of Council, it is in the best interest of the City to appropriate the

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Unexpended Proceeds in the amount of **\$6,538** to finance the costs associated with the Additional Projects, and accordingly, said sum is hereby appropriated.

**Section 3. Capital Budget Amendment.** The capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital improvement program as approved by the Director, Division of Local Government Services, are on file with the City Clerk and are available for public inspection.

**Section 4. No Additional Indebtedness Authorized.** This Ordinance does not authorize any additional indebtedness, but merely appropriates proceeds of the Obligations in excess of the amount required to complete the improvements for the financing of which such 2012 Obligations were originally issued.

**Section 5. Repeal of Inconsistent Legislation.** All ordinances and resolutions or parts thereof to the extent inconsistent herewith are hereby repealed or rescinded.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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**Ordinance No. 12**

*First Reading/Introduction*

M/S – Gerety/Toto

The ordinance was adopted by a unanimous vote of those present. Councilman Gerety mentioned that the Arts Commission had a ten-member commission and requested a nine-member commission. Also, there was some quorum language that needed clarification, and they requested a need for members with expertise to attend the meetings but with no voting rights.

**Ordinance No. 12 of 2017**

**An Ordinance Amending and Supplementing Certain Sections of Chapter 2  
of the Somers Point Municipal Code “Arts Commission”; Repealing All  
Ordinances Heretofore Adopted, the Provisions of Which Are Inconsistent  
Herewith**

**WHEREAS**, the City Council of the City of Somers Point on 5-25-2006 by Ord. No. 13-2006 did create an Arts Commission (“Commission”) which ordinance has been from time to time amended and supplemented;  
and

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**WHEREAS**, Code Section 2-6 fixes the number of members at ten (10); and

**WHEREAS**, having an even number of members has resulted in tie votes in certain instances which does not satisfy the requirement that every Committee action or recommendation shall be adopted by a majority vote of the Arts Commission as required by Code Section 2-16; and

**WHEREAS**, in order to rectify that situation a request has been made to this governing body to consider an amendment to the City Code to fix the number of members at nine (9) and to further amend the City Code to clarify that every Committee action or recommendation shall be adopted by a majority vote of those Arts Commission members present at which there is a quorum; and

**WHEREAS**, Code Section 2-7 provides that Commission members may be residents or taxpayers of the City, or his / her designee, so long as approved by City Council, all of which shall have voting privileges as provided in Code Section 2-8; and

**WHEREAS**, in order to allow the Commission to benefit from the expertise and contributions which may be available from non – residents and non-taxpayers, a recommendation has been made to authorize the Commission to recommend to City Council the appointment of up to four (4) ex-officio non – voting members to serve in an advisory capacity who need not be either residents or taxpayers and who have a particular ability, skill, or interest in the arts, whose term(s) shall expire on December 31 of each calendar year and whose appointments shall be subject to approval by City Council in its sole discretion; and

**WHEREAS**, by allowing the appointment of advisory members the Commission will be better able to fulfill its mission and its duties which are specified in Code Sections 2-1 and 2-5; and

**WHEREAS**, this governing body has considered the recommendations made by the Arts Commission

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

**SECTION 1.** Chapter 2 is hereby amended and supplemented as follows:

A) Section 2-6 “Number of members; terms” is deleted in its entirety and replaced with:

Section 2-6 “Number of members; Classification of Members; terms.

i) The Arts Commission shall consist of nine (9) regular members appointed by City Council who shall meet the qualifications set forth in Code Section 2-7 and shall have the voting privileges as provided in Code Section 2-8; and all members shall have a term of office of one calendar year or such lesser period of time as may be caused by the date of appointment,

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with all terms expiring at 11:59 p.m. on December 31 of each calendar year or until the Reorganization Meeting of City Council in the subsequent calendar year.

ii) The Arts Commission may recommend to City Council the appointment of up to four (4) ex-officio non – voting members who need not be residents or taxpayers to serve in an advisory capacity and who have a particular ability, skill, or interest in the arts and whose term shall expire at 11:59 p.m. on December 31 of each calendar year and whose appointments shall be subject to approval by City Council.

B) Section 2-7 “Composition” is deleted in its entirety and replaced with:

Section 2-7 Composition.

The regular members of the Arts Commission shall be residents or taxpayers of the City, or his/her designee, subject to approval by City Council.

C) Section 2-8 “Voting privileges” is deleted in its entirety and replaced with:

Section 2-8 Voting privileges.

All regular members of the Arts Commission shall have full voting privileges.

D) Section 2-16 “Committees” is deleted in its entirety and replaced with:

Section 2-16 Committees.

The Arts Commission may organize its activities, investigations, studies and reports by committee, but no committee action or recommendation shall have status as an action or report by the Arts Commission unless adopted by a majority vote of those Arts Commission regular members present at which there is a meeting quorum, and on reasonable advance notice to the voting membership of the Arts Commission.

**SECTION 2.** All other provisions of Chapter 2 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 4.** Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

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

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**Ordinance No. 13**

*First Reading/Introduction*

M/S – Toto/Dill

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

**No. 13 of 2017**

**An Ordinance Amending and Supplementing Somers Point Municipal Code Sections 114-9  
“Definitions” and 114-17 “Permitted Uses Within the Highway Commercial -1 District Zone” to  
add the Definition of a Service Station; and Repealing all Ordinances Inconsistent Therewith**

Whereas, as part of the Master Plan review process, the Somers Point Planning Board has submitted to the Somers Point City Council Planning Board Recommendation 02-2017; and

Whereas, the purpose of Recommendation 20-2017 is to clarify certain gaps in the definitions contained in Somers Point Code Chapter 114; and

Whereas, it was determined that Somers Point Code Chapter 114-9 Definitions includes definitions of:

- a) "Automotive Garage" for the repair and servicing of vehicles;
- b) "Garage, Commercial and Public" which is used for the housing, care, maintenance and repair of motor vehicles; and
- c) "Gasoline Service Station" for the sale of motor fuel, lubricants and incidental services,

but does not include the definition of a "Service Station" which does not sell gasoline or other fuel, but which does offer for retail sale lubricants and other automobile and automotive related products and incidental services such as auto repairs, auto servicing, car washing, and the sale, installation and repair if tires, and / or the sale of batteries or other automotive accessories; and

Whereas, an amendment to Somers Point Code Section 114-9 to include the definition of Service Station and an amendment to Somers Point Code Section 114-7 to include Service Stations as a permitted use within the Highway Commercial - One (HC-1) District Zone have been recommended by the Planning Board to and have been considered by this City Council

Now, therefore, it is hereby **ORDAINED** by the City Council of the City of Somers Point, Atlantic County, State of New Jersey as follows:

**SECTION 1.** Somers Point Code Section 114-9 "Definitions" is amended to add the following definition:  
**SERVICE STATION.**

An area of land and any structure thereon which does not sell gasoline or auto fuel but is used for the retail sale of lubricants and other automobile related products and incidental services to automobiles, such as auto repairs, auto service, car washing and the sale, installation and repair of tires, batteries or automobile accessories.

**SECTION 2.** Somers Point Code Section 114-17 "Permitted Uses" is amended to amend Section 114-47 A. (9) as follows:

Section 114-47 A.

(9) Service Stations, including Gasoline service stations, provided that:

(a) Excepting for gasoline and oil sales, changing of tires or other minor services, all repair work shall be carried on in fully enclosed structures.

(b) Equipment or parts, including junk vehicles, shall not be stored outdoors.

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(c) All gasoline and similar substances shall be stored underground at least 25 feet from any property line other than a street line. No gasoline pump shall be erected within 20 feet of any street or property line.

SECTION 3. Except as set forth in Section 1 above, the remainder of Chapter 114 shall not be affected by this Ordinance.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 5. Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

SECTION 6. This ordinance shall take effect after the first publication thereof after final adoption as provided by the Law of the State of New Jersey.

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**Ordinance No. 14**

*First Reading/Introduction*

M/S – Toto/Dill

The ordinance was adopted by a unanimous vote of those present. Councilman Toto read a letter from the Humane Society of Ocean City commending City Council for their support. Additionally, Councilman Toto spoke to several pet shops in the area that are strongly in favor of the ordinance.

**No. 14 of 2017**

**ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, AND  
STATE OF NEW JERSEY AMENDING, REVISING AND  
SUPPLEMENTING CHAPTER 120 OF THE CODE OF THE SOMERS PONT  
MUNICIPAL CODE "DOGS AND OTHER ANIMALS" ADDING ARTICLE IX  
REGULATING THE SALE OF CATS AND DOGS FROM PET SHOPS.**

**WHEREAS**, the CITY OF SOMERS POINT (“City”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten factories” respectively); and

**WHEREAS**, according to the Humane Society of the United States it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten factories; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include overbreeding, inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious

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food, water and shelter, lack of socialization, lack of adequate space, and lack of adequate exercise; and

**WHEREAS**, the inhumane conditions in puppy and kitten factory facilities lead to health and behavioral issues in the animal bred in those facilities, which many consumers are not aware

of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of some pet shops; and

**WHEREAS**, these health behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional cost on consumers; and

**WHEREAS**, current Federal and State regulations do not adequately address the sale of puppy mill and kitten factory dogs and cats in pet shops; and

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy mills and kitten factories, and is likely to increase demand for animals from shelters and rescue organizations; and

**WHEREAS**, the State of New Jersey Office of Animal Welfare reports that:

Approximately 68 million dogs and 73 million cats live in U.S. homes;

One unspayed female cat and her unaltered offspring can produce 420,000 cats in seven years;

More than 12 million dogs and cats are euthanized in pounds and shelters across the country every year and millions more are abandoned in rural and urban area;

Approximately 61% of dogs entering shelters and approximately 75% of all cats entering shelters will be euthanized;

More than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually, and

**WHEREAS**, across the country, thousands of independent pet shops as well as large chains operate profitably with the business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from an animal care facility, an animal rescue organization, a shelter, or from a responsible hobby breeder where the consumer can see directly the conditions in which the dog or cat is bred or can confer directly with the hobby breeder concerning those conditions; and

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**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law and pursuant to N.J.S.A. 56:8-95.2 any municipality may enact and enforce any law, ordinance, rule, or regulation that places additional obligations on pet shops or pet shop sales above and beyond those set forth in the Pet Purchase Protection Act; and

**WHEREAS**, the Somers Point City Council believes it is in the best interests of this municipality to adopt reasonable regulations to reduce costs to the municipality and its residents, protect the citizens of the municipality who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment within the municipality.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the CITY OF SOMERS POINT, County of Atlantic, and State of New Jersey, as follows:

**SECTION 1.** Chapter 120 of the Code of the CITY OF SOMERS POINT, entitled “Dogs and other Animals” is hereby amended, revised and/or supplemented by adding a new Article IX “Regulating the Sale of Cats and Dogs from Pet Shops”  
Article IX Regulating the Sale of Cats and Dogs from Pet Shops

120-44 Definitions.

When used herein, the following terms shall have the following meanings:

**Animal Care Facility** means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

**Animal Rescue Organization** means any not-for-profit organization which has been granted tax exempt status under section 501(c)(3) of the United States Internal Revenue Code and whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

**Cat** means a member of the species of domestic cat, Felis Catus.

**Dog** means a member of the species of domestic dog, Canis Familiaris.

**Kennel** means any establishment or premises where the business of boarding dogs and / or cats on the premises is carried on.

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**Offer for Sale** means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

**Pet Shop** means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

**Responsible Hobby Breeder** means a hobby breeder which does not sell in "lots" (i.e. to a broker), sell to pet stores, sell to research labs or sell to auctions.

## 120-45 Restrictions on the Sale of Animals.

- a. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
  - (i) An animal care facility; or
  - (ii) An animal rescue organization.
- b. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

## 120-46. Exception.

Nothing contained herein shall prohibit a responsible Hobby Breeder from selling or donating a dog, cat, puppy or kitten to a private purchaser where the animal is not under eight weeks old and under circumstances where the purchaser can see directly the conditions in which the dog or cat is bred or can confer directly with the hobby breeder concerning those conditions;

## 120-47. Violations and Penalties.

Violations of this Article shall be punishable as provided in Chapter 2, Article II General Penalty Sections 1-15 through 1-20.

**SECTION 2.** Upon the effective date of this Ordinance the definition of Kennel set forth in Somers Point Code Section 120-2 is repealed in its entirety and is replaced by the definition of Kennel contained in Code Section 120-44.

**SECTION 3.** Except as set forth in Sections 1 and 2 above, the remainder of Chapter 120 shall not be affected by this Ordinance.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

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**SECTION 5.** Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

**SECTION 6.** This ordinance shall take effect after the first publication thereof after final adoption as provided by the Law of the State of New Jersey.

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**Ordinance No. 15**

*First Reading/Introduction*

Councilman Toto entertained a motion to open to the public, seconded by Councilman Dill. A resident explained that the root system must be totally removed and then a barrier must be installed to prevent the aggressive regrowth. By just cutting the Bamboo down, it will not stop the growth. He received an estimate from his landscaper  
It's in multiple properties and is difficult to determine where it originated or if a homeowner has been negligent.

Resident, Ron Meischker, mentioned that if a property owner doesn't plant the Bamboo in a responsible manner, it's difficult to determine the origin. Mr. Meischker made suggestions for inspecting properties for Bamboo. Councilman Smith stated that the ordinance may be difficult to prove in the court of law. City Council, City Administrator Swain and James Franklin, Esq., thoroughly discussed the proposed Bamboo ordinance.

The public hearing was duly closed.

City Council President McGuigan pulled the ordinance and will take under the advisement the statements made during the public hearing and conduct more research.

This ordinance was tabled.

**No. 15 of 2017**

**ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, AND  
SUPPLEMENTING CHAPTER 169 THE SOMERS POINT CITY CODE "LITTERING  
AND PROPERTY MAINTENANCE" AND ADDING A NEW ARTICLE VIII  
"PROHIBITION AND CONTROL OF INVASIVE PLANTS"**

Whereas, the CITY OF SOMERS POINT ("City") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

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Whereas, the Somers Point Municipal Code in Section 169-18 adopted the State Law commonly known as the Weed Control Code of New Jersey (1953) which is on file in the office of the Chairman of the Atlantic County Board of Health (now the Atlantic County Division of Public Health); and

Whereas, the Code Enforcement Officer of the City of Somers Point had determined that invasive plants are competitive, persistent, and pernicious to other vegetation including native plants and shrubs; and

Whereas, this governing body has determined that control of the growth and proliferation of invasive plants is necessary for the protection and promotion of the public health.

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

**SECTION 1.** There is added to Chapter 169 the Somers Point City Code "Littering and Property Maintenance" a new Article VIII "Prohibition and Control of Invasive Plants" as follows:

## **Article VIII Prohibition and Control of Invasive Plants**

### **Section 169 - 82 Purpose.**

The purpose of this Article is to protect and promote the public health through the control of the planting, cultivating, spread, and / or growing of bamboo and other invasive plant species in the City of Somers Point.

### **Section 169 - 83 Definitions.**

Invasive Plants means all native and nonnative vines and vegetation that grow out of place and are competitive, persistent and pernicious; those plants may damage trees, vegetation, sidewalks or structures. Examples include, but are not limited to, bamboo as well as invasive plant species developed by the New Jersey Species Strike Team and the New Jersey Forestry Association. The terms "bamboo" and "invasive plant species" shall include, but not be limited to, the following plant genera (commonly known as spreading or running type): Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Sasa, Sasaella, Semiarundinaria, Ragweed, multi-flora rose, kudzu-vine and poison oak or ivy.

### **Section 169- 84 Prohibition.**

From and after the effective date of this ordinance, no owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of any Invasive Plant upon any property located within the City of Somers Point.

### **Section 169-85 Control of Growth.**

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All persons must control the growth of invasive plants on property which is under their ownership, control or right to use or occupy. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this Article.

## **Section 169-86 Duty to Confine.**

169-86.1

If there exists any species commonly known as "bamboo-running or clumping," or any other Invasive Plant species located upon any property within the City of Somers Point prior to the effective date of this article, there shall be a duty to confine or remove imposed upon the owner or occupant of the property. The duty to confine shall require owners and occupants to prevent the encroachment, spread, invasion or intrusion of bamboo and other Invasive Plant species onto any other private property, public property, or public right-of-way.

### **169-86.2 [ALTERNATE A]**

Said confinement shall be by a barrier, constructed in accordance with specification approved by the Code Enforcement Officer of the City of Somers Point, and as may be amended from time to time, and inspected and permitted by the office of the Code Enforcement Officer.

### **169-86.2 [ALTERNATE B]**

A.

Bamboo and other Invasive Plant species shall be considered properly confined when its root system is entirely contained within an aboveground level planter, barrel, or other vessel of such design, material and location as to completely prevent the root system's growth beyond the container in which it is planted.

B.

When properly confined as described herein, all bamboo and invasive plant species shall be located, trimmed, and maintained so that no part of the plant shall be closer than 10 feet from any property line.

169-86.3

Failure to confine bamboo or other Invasive Plant species in accordance with the requirements of this Article shall require immediate removal by the property owner or occupant.

## **Section 196-87 Inspections.**

All places and premises in the City of Somers Point shall be subject to inspection by the Code Enforcement Officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the City or designated by the Code Enforcement Officer. An inspection shall be made if that official has reason to believe that any section of this Article is being violated.

## **Section 169-88 Encroachment onto Private Property, Removal or Abatement.**

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In the event bamboo-running or clumping or any other Invasive Plant is present on or after the effective date of this prohibition and a complaint is received by the City regarding an encroachment of any bamboo plant or root or Invasive Plant, , or the Code Enforcement Officer by observation or inspection determines that there is unconfined bamboo or other Invasive Plant on a property or an encroachment or invasion onto any adjoining private property, the Code Enforcement Officer shall notice the property owner or tenant in writing that the Invasive Plant is unconfined or has invaded other private property and demand the confinement or removal of the Invasive Plant on the property of the owner or tenant, removal from such other private property , and demand confinement against future encroachment or the total removal of the Invasive Plant from the property.

Notice shall be provided by certified, return receipt requested mail and regular mail. If the Invasive Plant property owner or tenant does not remove or contract for the removal of the Invasive Plant from such other private property within thirty (30) calendar days of the date of notice, the Code Enforcement Officer shall cause a citation to be issued with a penalty up to \$500.00 for each day the violation continues, enforceable through the Municipal Court of the City of Somers Point.

### **Section 169-89 Encroachment on private property; rights of property owner.**

Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

### **Section 169-90 Encroachment of Invasive Plant upon Public Property or Public Right of Way.**

169-90.1 When an encroachment of an Invasive Plant is upon public property or public right of way, notice shall be provided to the owner or tenant of the property from which the Invasive Plant encroached by certified, return receipt requested mail and regular mail. If the Invasive Plant property owner or tenant does not remove or contract for the removal of the Invasive Plant from such public property or public right of way within thirty (30) calendar days of the date of notice, the Code Enforcement Officer shall cause a citation to be issued with a penalty up to \$500.00 for each day the violation continues, enforceable through the Municipal Court of the City of Somers Point.

169-90.2 When an encroachment of an Invasive Plant is upon public property or public right of way, the City of Somers Point, at its discretion, may remove or contract for the removal of such Invasive Plant from the City property or public right of way, the cost of which shall be the responsibility of the property owner or tenant and shall be assessed as a lien against the property on which the Invasive Plant growth originated. The cost of removal from the City owned property and or public right of way shall include the installation of an appropriate barrier to prevent future bamboo invasion.

### **Section 169-91 Replanting Prohibited.**

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All new in-ground plantings or replanting of Invasive Plants is strictly prohibited. All existing Invasive Plant plantings must be either removed or confined as hereinabove specified in Section 169-86.

**Section 169-92 Violations and Penalties.**

169-92.1 Whenever an Invasive Plant as defined by this Article is found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species as required by Code Section 169-86, a violation notice shall be issued in writing by the Code Enforcement Officer and given to the owner or tenant of the property on which the unconfined Invasive Plant is present to remove or confine the same within thirty (30) days. The cost of all remedies, including the removal of plantings of Invasive Plants, shall be borne by the property owner or tenant.

169-92.2 Any person violating the provisions of this Section shall, upon conviction, be punishable by a fine of not more than \$2,000 or community service as determined by the Municipal Court. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of such violation may be punished as provided above for each separate offense.

**SECTION 2.** Upon the effective date of this Ordinance all other provisions of Chapter 169 of the Somers Point City Code inconsistent herewith are hereby repealed.

**SECTION 3.** Except as set forth in Sections 1 and 2 above, the remainder of Chapter 169 shall not be affected by this Ordinance.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**SECTION 5.** Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

**SECTION 6.** This ordinance shall take effect after the first publication thereof after final adoption as provided by the Law of the State of New Jersey.

\*\*\*\*\*

**Public Portion on Resolutions:**

The 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

\*\*\*\*\*

**RESOLUTIONS:**

**Resolution No. 133**

M/S – Toto/Dill

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

**No. 133 of 2017**

**Subject:                    Adopting the Somers Point Program for Public Participation**  
**Introduced By:            Councilmen Dill and D’Adamo**

WHEREAS, The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Flood Insurance Program requirements., and

WHEREAS, by participating in the CRS program City property owners will receive a discount on their flood insurance premiums to reflect the reduced flood risks resulting from community actions; and

WHEREAS, the CRS provides credit for a full range of public information activities that inform people about flooding and ways to address potential flood damage to their property, including map information, outreach projects, real estate disclosure, libraries, websites, and providing technical advice and assistance; and

WHEREAS, research shows that when public information efforts are planned and coordinated, people will take steps to protect themselves from flood damage; and

WHEREAS, the City has organized a Program for Public Information Committee; and

WHEREAS, a Program for Public Information has been developed and it has been posted on the City’s website for public review; and

WHEREAS, the adoption of the document is a required activity of the City for its Community Rating System participation.

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

- 1.) The City Council formally adopts the City of Somers Point Program for Public Information.
- 2.) The City Officials are instructed to implement this plan and update it on a regular basis pursuant to the most recent Community Rating System Coordinator's Manual.

\*\*\*\*\*

**Resolution No. 134**

M/S – Gerety/D’Adamo

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

**No. 134 of 2017**

Subject: Change Order – Contract No. 39 – FY 2016 State Aid – Reconstruction of Dawes Avenue

**WHEREAS**, in accordance with Resolution 136 of 2016, A.E. Stone, Inc. of Egg Harbor Township, NJ was awarded the contract for the FY 2016 State Aid – Reconstruction of Dawes Avenue for the sum of \$167,000.00; and

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

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

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

Base Contract	\$167,000.00		
Change order 1 (to reflect as-built quantities & resetting of brick pavers)	-\$13,735.55		
Revised Contract Amount	\$153,264.45		
Total Deduction: \$-13,735.55	Total Additional: \$0	Net Change: -8.22%	

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**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the above listed change to the contract for FY 2016 State Aid – Reconstruction of Dawes Avenue is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

\*\*\*\*\*

**Resolution No. 135**

M/S – Toto/Dill

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

**No. 135 of 2017**

**Subject: Authorizing Contract with Principal Manager of Public Works**  
**Introduced By: Councilmen Tapp, Smith & Toto**

**WHEREAS**, it is necessary for the City to approve and authorize the execution of personal services contracts on behalf of the City by an appropriate City Official; and

**WHEREAS**, the existing agreement between the City and the Principal Manager of Public Works expired at midnight, December 31, 2016; and

**WHEREAS**, the Principal Manager of Public Works and representatives of the City have negotiated a successor agreement, a copy of which is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby authorizes and directs the Mayor to execute the successor agreement between the City of Somers Point and the Principal Manager of Public Works and by that act the City does hereby approve said agreement effective January 1, 2017.

\*\*\*\*\*

**Resolution No. 136**

M/S – Toto/Tapp

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

**No. 136 of 2017**

**Subject: 2017 Salary of Deputy City Clerk**

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

**WHEREAS**, Shelby Mollenkopf was appointed to the position of Deputy Municipal Clerk/Deputy Registrar of Vital Statistics effective September 1, 2016; and

**WHEREAS**, Shelby Mollenkopf is a Certified Municipal Registrar; and

**WHEREAS**, since her appointment in 2016, Shelby Mollenkopf has become certified as a New Jersey Registered Municipal Clerk; and

**WHEREAS**, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Policies and Procedures.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that, effective beginning July 1, 2017, the annual salary of Shelby Mollenkopf will be \$44,820.00.

**BE IT FURTHER RESOLVED** that the annual salary of Shelby Mollenkopf may be adjusted in the future within the guidelines of the Annual Salary and Wage Ordinance of the City of Somers Point.

\*\*\*\*\*

**Resolution No. 137**

M/S – Toto/Gerety

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

**No. 137 of 2017**

**Subject: Salary of Deputy Municipal Court Administrator**

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

**WHEREAS**, the appointment of Jenna A. Salani to the position of Deputy Municipal Court Administrator was approved effective June 22, 2016 on a provisional basis, pending the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission; and

**WHEREAS**, the promotion of Jenna A. Salani to the position of Deputy Municipal Court Administrator was confirmed by the New Jersey Civil Service Commission on February 2, 2017; and

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**WHEREAS**, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Policies and Procedures.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that, effective beginning July 1, 2017, the annual salary of Jenna A. Salani will be in accordance with the designation of Deputy Court Administrator Level 3, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115, which, for 2017 is \$44,813.00.

\*\*\*\*\*

**Resolution No. 138**

M/S – Gerety/Dill

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

**No. 138 of 2017**

**Subject: Change Order 4 – 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**, during the course of construction the Contractor has offered to install a frame and door at the stairway to the second floor to prevent public access for the sum of \$365.40 and seating for the theater for the sum of \$45,150.00; and

**WHEREAS**, these items are outlined in Modification to Contract proposals 11R and 12 which are attached hereto and made a part hereof; and

**WHEREAS**, it is recognized that the floor substrate will need to be modified to accommodate the seating, which will be done on a Time and Material basis and become a future change order to the contract; and

**WHEREAS**, this change to the contract scope of work will require an extension of ninety-eight (98) days to the contract completion; and

**WHEREAS**, this change to the contract scope of work has resulted in a change to the contract amount as follows:

Original Contract Amount	\$675,000.00
Revised Contract Amount through Change Order 3	\$651,578.00

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Change Order 4		\$ 45,515.40
Revised Contract Amount		\$697,093.40
Total Deduction: \$23,422.00	Total Additional: \$45,515.40	Net Change: 3.27%

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

\*\*\*\*\*

**Resolution No. 139**

M/S – Toto/Tapp

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

**NO. 139 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 the negotiations between the City and PBA 77 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 July 27, 2017 during a public meeting to be held commencing at 7:00 P.M, and

**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.

<b>1</b>	<b>“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body”</b>
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The terms and conditions of three separate Collective Bargaining Agreements between the City of Somers Point and PBA 77 [Patrolpersons and Dispatchers / Supervising Officers / Superior Officers / Chief of Police] may be discussed.

**WHEREAS**, the length of the Executive Session 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 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)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
<b>See #4 above</b>	<b>Upon Completion of Negotiations</b>	<b>Final Resolution of Council approving and ratifying Contract or other Final Disposition.</b>

\*\*\*\*\*

**Resolution No. 140**

M/S – Toto/D’Adamo

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

**No. 140 of 2017**

**A Resolution Authorizing the Temporary Closure of Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday, August 1, 2017 to Allow a National Night Out Block Party and Beach Concert Sponsored by the Somers Point Recreation Commission, the Somers Point Police Department, and the Drug Free Action Alliance**

# **REGULAR MEETING MAYOR AND CITY COUNCIL July 27, 2017**

## **Sponsored by: Mayor and Council**

WHEREAS, a request has been made by the Somers Point Recreation Commission to authorize the temporary closure to traffic on Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday August 1st between the hours of 5:00 PM to 8:00 PM to facilitate National Night Out Activities including a Beach Concert which will be free of charge and open to the public; and

WHEREAS, National Night Out was established in 1984 by the National Association of Town Watch (NATW), a non-profit organization dedicated to the development and promotion of various crime prevention programs including neighborhood watch groups, law enforcement agencies, state and regional crime prevention associations, businesses, civic groups, and individuals, devoted to safer communities and is the nation's premiere crime prevention network which works with law enforcement officials and civilian leaders to keep crime watch volunteers informed, interested, involved and motivated; and

WHEREAS, the introduction of National Night Out, "America's Night Out Against Crime" began 31 years ago as an effort to promote involvement in crime prevention activities, police-community partnerships, neighborhood camaraderie and send a message to criminals letting them know that neighborhoods are organized and fighting back; and

WHEREAS, the first National Night Out took place on Tuesday, August 7th 1984 in which 2.5 million Americans took part across 400 communities in 23 states; and

WHEREAS, National Night Out now involves over 37.8 million people and 16,124 communities from all fifty states, U.S. Territories, Canadian cities, and military bases worldwide; and

WHEREAS, the traditional "lights on" campaign and symbolic front porch vigils has turned into an annual celebration across America and elsewhere with various events and activities including, but not limited to, block parties, cookouts, parades, visits from emergency personnel, rallies and marches, exhibits, youth events, safety demonstrations and seminars, in effort to heighten awareness and enhance community relations; and

WHEREAS, there will be a variety of entertainments as well as complimentary hot dogs, snacks and soft serve ice cream will be available for all;

WHEREAS, the Mayor and Council of the City of Somers Point believe National Night Out provides a wonderful opportunity for our community and communities nationwide to promote police-community partnerships, crime prevention, neighborhood camaraderie, and an opportunity to meet with members of the Somers Point Police Department, the Somers Point Volunteer Fire Companies Number 1 and 2, members of the Somers Point Office of Emergency Management, the United States Coast Guard, members of the Philadelphia Flyers Promotional Team, local politicians and business people; and

WHEREAS, although one night is certainly not an answer to crime, drugs and violence, National Night Out represents the kind of spirit, energy and determination to help make neighborhoods a safer place year round by celebrating safety and crime prevention successes and efforts to expand and strengthen programs for the next 364 days; and

WHEREAS, the Somers Point Police Department will participate in this free community event together with the Somers Point School Board of Recreation, the Somers Point Drug Alliance, and local organizations and businesses including Shore Medical Center and Atlanticare which will be

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on hand to offer free information about programs which promote police-community partnerships, crime prevention, after school education and recreational activities, health and wellness, and other programs; and

WHEREAS, the Traffic Control Officer has approved this request

Now, therefore, it is hereby RESOLVED, that the temporary closure to traffic on Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday August 1st between the hours of 5:00 PM to 8:00 PM to facilitate National Night Out Activities is hereby approved and authorized; and

It is further, RESOLVED, that all of the residents of Somers Point and the public are encouraged to participate in National Night Out by attending this free event and by supporting the “lights on” campaign.

\*\*\*\*\*

**Resolution No. 141**

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present

**No. 141 of 2017**

**Subject: Acknowledging Terms and Conditions of Participation in the South Jersey Power Co-Operative Electricity Supply Purchase**

**Proposed by: Council President McGuigan and Councilmen Gerity and Dill**

**Whereas,** The City of Somers Point is a member of the South Jersey Power Co-Operative; and

**Whereas,** on July 20, 2017 Camden County, as the lead for the South Jersey Power Co-Operative, received bids for the purchase of the commodity Electricity Supply for a period of 12 months beginning September, 2017; and

**Whereas,** for accounts located within the Atlantic City Electric Company (ACE) service territory the lowest responsible bidders were Constellation New Energy for outdoor and street lighting (rate classes SPL and CSL) with a low bid rate of \$0.03923 per kilowatt-hour (kWh), and South Jersey Energy Company for general service (rate classes MGS, AGS and DDC) with a low bid rate of \$0.07354 per kilowatt-hour (kWh); and

**Whereas,** the City of Somers Point will be enrolled in this contract with Constellation New Energy and South Jersey Energy Company.

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**Now, Therefore, Be It Resolved** that the City Council of the City of Somers Point hereby authorizes this contract and acknowledges the terms and conditions of the cooperative purchase in accordance with the conditions outlined herein.

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**Resolution No. 142**

M/S – D’Adamo/Gerety

The resolution was adopted by a unanimous vote of those present

**No. 142 of 2017**

**Subject: Person-to-Person Plenary Retail Consumption Liquor License  
Transfer Of License #0121-33-014-007 From D&S Hospitality Consulting, LLC to  
RFB Properties 908 LLC**

**WHEREAS**, an Application has been filed for a person-to-person transfer of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License Number 0121-33-014-007 (the “License”); and

**WHEREAS**, said License is in the name of D&S Hospitality Consulting, LLC., and

**WHEREAS**, the Applicant, RFB Properties 908 LLC., has submitted an application which is complete in all respects, the Application and transfer fees have been paid, the license has been renewed for the current license term, an Application for Bulk Sale Permit has been filed, and a Tax Clearance Certificate has been received; and

**WHEREAS**, a Consent to Transfer New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 0121-33-014-007 has been executed by D & S Hospitality Consulting, LLC by Lou Chiarianza on their behalf; and

**WHEREAS**, Notice of the Pending Application was properly published in *The Press of Atlantic City* on June 28 and July 5, 2017, and Proof of Publication has been filed with the Somers Point City Clerk; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the Police Department of the City of Somers Point has reviewed the qualifications of the License holder and the source of all funds used in the purchase of the license and has delivered a report and recommendation to this Governing Body; and

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**WHEREAS**, the License is currently inactive but is intended to be held for transfer at some future time to licensed premises situated within the City of Somers Point, County of Atlantic, State of New Jersey 08244 which shall be described in a future application which shall be subject to review and approval by this issuing authority;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Somers Point Governing Body does hereby approve, effective July 27, 2017, the transfer of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License Number 0121-33-014-007 from D&S Hospitality Consulting, LLC to RFB Properties 908, LLC.

**IT IS FURTHER RESOLVED** that the Somers Point Governing Body does hereby direct the Somers Point City Clerk to endorse the License certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to RFB Properties 908 LLC effective July 27, 2017."

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City Councilman Dill stated regarding Resolution No. 139 of 2017, he will not be attending the Closed Session due to the appearance of impropriety with his sons working for the Police Department.

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**Old Business:**

None

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**New Business:**

Clamming

City Councilman Tapp reported that at the previous Economic Development Advisory Commission (EDAC), there was a discussion between EDAC and Patcong Creek Association regarding no recreational clamming allowed on Sundays and requested the support of the Governing Body. Harbor Master, Ron Meischker, mentioned that it would be helpful to promote economical development and recreation and suggested City Council consider a resolution. City Council concurred to consider a resolution at the next City Council meeting.

Somers Mansion

City Councilman D'Adamo reported discussions regarding finding ways to use the Somers Mansion to have people stop here in Somers Point. He mentioned there are no restrooms; however, there is room in the area for improvements. The Atlantic County Historic Society had

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positive comments regarding upgrading the area. Councilman D'Adamo stated that a kiosk to include informational pamphlets about Somers Point was discussed. City Councilman Dill added that discussions also included a new coat of paint for Somers Mansion, adding water fountains and extending the concrete walkways to the bike path. It would be a nice area for people to visit and enjoy Somers Point. Jim Franklin, Esq., mentioned restoring the Somers Mansion signs on Rt. 52 and requested the Governing Body to forward a letter of request to the New Jersey Department of Transportation. City Council President McGuigan mentioned that the City does not own Somers Mansion and the City would need to coordinate with the State. City Council, City Administrator Swain and Mr. Franklin discussed the proposed plans. City Council concurred to forward a letter in support of restoring the signs.

Social Affairs Permit for Christ Episcopal Church

City Council concurred to approve the Social Affair Permit with City Councilman D'Admao recusing himself.

N.J. State Firemen's Association Membership Application for Robert J. Osterman

City Council concurred to approve the application.

\*\*\*\*\*

**Discussion of Bills:**

Administrator Swain reported a bill list dated 7/25 /17 in the amount of \$ 5,199,663.43 along with records of payments for \$ 16,701.63 dated 7/3/17 and for \$ 12,202.00 dated 7/7/17 and for \$ 193,017.52 dated 7/13/17 and for \$4,881.05 dated 7/25/17 and for \$125.00 dated 7/25/17.

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**Public Portion**

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

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**Payment of Bills**

M/S – Dill/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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City Council President McGuigan mentioned that the beach and area beaches were closed due to a high bacteria count; however, the beach water is now safe. He added that the City is continuing to protect the bathers by monitoring the water.

**Recess:**

City Council recessed at 8:05 p.m. prior to going into Executive Session.

**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 8:20 p.m.

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Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 11/9/17