

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
August 24, 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, Toto, McGuigan

**Also Present:** Mayor Glasser Administrator Swain, Deputy City Clerk Mollenkopf, and Attorney Franklin

**Absent:** Councilman Tapp

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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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City Council duly waived the 48 - hour rule to add Resolutions 158 and 159 of 2017.

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**Public Portion on Resolution:**

The meeting was opened to the public regarding the Resolution No. 159-2017, and hearing no comments, duly closed.

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**Resolutions:**

**Resolution No. 159**

M/S – Gerety/Toto

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

Mayor and City Council congratulated all the winners of the contest. Mayor Glasser along with Councilman Toto proudly presented resolutions to the winners of the Somers Point Green Garden Club.

**No. 159 of 2017**

**Subject:** Congratulating Winners of the Garden Club Contest

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**Introduced by:** Mayor and City Council

**WHEREAS**, the Somers Point Green Thumb Garden Club held their annual garden contest; and

**WHEREAS**, the winners of the contest are as follows:

<u>Category</u>	<u>Winner</u>
Best Commercial Garden	Custard Hut 710 New Road, owners, Rich & Lucy Plum
Best Member Flower Garden	Cheryl McGuigan, 69 Bucknell Road
Best Member Container & Vegetable Garden	Dr. Karen Panza, 29 Village Drive
<u>Residential</u>	
Best Large Flower Garden	Vicky Gubin, 3 Schoolhouse Lane
Best Medium Flower Garden	Anthony DiSciascio, 3 Braddock Avenue
Best Small Flower Garden	Don & Zina Brown, 523 Rhode Island Avenue
Best Container Garden	Lorrie Lapollo & Chris Verechia, 8 Horter Avenue
Best Vegetable Garden	Jennifer Dolan, 45 E. New Jersey Avenue

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby congratulate the above listed winners and thank them for taking an interest in their community and participating in the contest.

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**Resolution No. 145**

M/S – Toto/D’Adamo

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

**No. 145 of 2017**

**A Resolution Authorizing the Chief of Police of the City of Somers Point to Hire Two Class II Police Officers to Fill Two Class II Officer Vacancies within the Somers Point Police Department**

**Sponsored by: Councilman Smith and Councilman Toto**

**WHEREAS**, as a result of the hiring of two Class II Police Officers as full time Police Patrol Officers effective as of September 1, 2017, the Chief of Police has submitted a request for

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authorization to hire two Class II Officers to fill those vacancies, which request has been supported by the Mayor; and

**WHEREAS**, the Chief of Police recommends the hiring of Rocco Fredrick who has worked as both a Class I and a Class II officer in the Ocean City Police Department for the past five summers and the hiring of Erica Bonfiglio who has worked as a Class II officer in the Ocean City Police Department for the past two summers; and

**WHEREAS**, the salary to be paid to the selected officers will be at the Fifteen Dollar per hour rate established by the Somers Point Salary Ordinance; and

**WHEREAS**, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation; and

**WHEREAS**, upon hiring both officers will be sworn in by Mayor Glasser on September 1, 2017, and will thereupon commence a sixteen-week Field Training Program within the Department.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Mayor and City Council authorize the hiring of Class II Police Officer Rocco Fredrick and Class II Police Officer Erica Bonfiglio effective as of September 1, 2017; and

**It is FURTHER RESOLVED**, that the Mayor and Council hereby extend their congratulations to those Class II officers upon becoming a member of our excellent Police Force.

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**SPECIAL GUESTS:**

Patrick Carney and Jacqueline Hinker representing the Veteran Community Outreach Office of the Director, stated their mission is to get veterans enrolled in the veterans' healthcare system. They will assist veterans with healthcare and/or monetary benefits. Council President McGuigan sincerely thanked them both for their service and for assisting our veterans. Mayor Glasser agreed that it is very important that all veterans need to apply for healthcare, even if they already have other healthcare. By doing so, the Federal Government will see the need and fund the veterans benefits accordingly. Councilman Toto mentioned that their services are desperately needed in this area and offered to assist them. Mayor and City Council thanked them for all their efforts.

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**Communications:**

City Administrator Swain shared a letter of thanks commending Mayor and Council for the installation of a sidewalk at Groveland Avenue and the Rite-Aid Pharmacy.

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**Mayor’s Report:**

Mayor Glasser reported on the ribbon cutting and the Grand Gala of the Gateway Theatre. The Mayor commended everyone involved for a great job, but special kudos goes out to Council President McGuigan and Councilmen Tapp, Gerety and Toto for their dedication, commitment and diligent work in making this happen. The Mayor mentioned that it took over nine years of fortitude and perseverance, and he is very proud and thanked everyone involved. Mayor Glasser encouraged everyone to attend the 9-11 ceremony on 9/11/2017 at 8:00 a.m. at the Patriots Park.

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**City Administrator’s Report:**

None

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**Committee Reports:**

None

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**Ordinances:**

**Ordinance No. 12**

Second Reading/Public Hearing/Adoption

M/S – Dill/Toto

The meeting was opened and duly closed. The ordinance was adopted by a unanimous vote of those present.

**No. 12 of 2017**

**An Ordinance Amending and Supplementing Certain Sections of Chapter 2  
of the Somers Point Municipal Code “Arts Commission”; Repealing All**

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**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

**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:

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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, 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.

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**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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**No. 13 of 2017**

**Ordinance No. 13**

Second Reading/Public Hearing/Adoption

M/S – Dill/Gerety

The meeting was opened and duly closed. The ordinance was adopted by a unanimous vote of those present.

**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

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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.

(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**

Second Reading/Public Hearing/Adoption

M/S – Toto/Gerety

The meeting was opened and duly closed. The ordinance was adopted by a unanimous vote of those present.

**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



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**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 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

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**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

**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.

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

**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. 16**

First Reading

M/S – Dill/Toto

The ordinance was adopted by a unanimous vote of those present. There was a motion to amend a typo of Egg Harbor Township to City of Somers Point.

**No. 16 of 2107**

**AN ORDINANCE OF THE CITY OF SOMERS POINT AUTHORIZING THE  
ACCEPTANCE OF LICENSE AGREEMENTS AND ACCESS EASEMENTS LOCATED  
ON AND WITHIN RIGHTS OF WAY OWNED BY OR UNDER THE CONTROL OF  
THE COUNTY OF ATLANTIC AND THE NEW JERSEY TURNPIKE AUTHORITY  
WHICH ARE NECESSARY FOR  
THE DREDGING OF A PORTION OF THE GREAT EGG HARBOR BAY ABUTTING  
CITY OWNED PROPERTY AND THE CONSTRUCTION OF A RESILIENCY  
EMBANKMENT WITHIN THE CITY OF SOMERS POINT**

**SECTION 1. STATEMENT OF INTENT AND PURPOSE.**

WHEREAS, the City of Somers Point applied for and received from the New Jersey Department of Transportation a National Boating Infrastructure Grant (NBIG) in the amount of \$1,448,449 to fund a portion of a Transient Marina on the site of the Higbee Pier to accommodate boaters travelling north and south along the Inter - Coastal Waterway; and

WHEREAS, the City of Somers Point applied for and received a National Fish and Wildlife Foundation Grant to partially fund the dredging of that portion of Great Egg Harbor Bay adjacent to City owned property; and

Whereas, dredging of the shipping channel within the bay is essential to the transient marina; and

WHEREAS, the Angelou Economics Report prepared on behalf of the County of Atlantic recognized the need for the County and each municipality within the County to identify projects and initiatives to successfully migrate reliance upon casino gaming to a more robust and viable economy based upon tourism, technology, education and healthcare; and

WHEREAS, the City through its Economic Development Committee, Arts Commission, Green Team and other efforts has diligently pursued opportunities to improve the economy of the City and the rejuvenation and revitalization of the Bay Avenue area; and

WHEREAS, the dredging grant requires an environmental enhancement utilizing the dredge materials; and

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WHEREAS, the City has developed plans and specifications for the construction of a Resiliency Embankment within the City of Somers Point and, after examining alternate sites has determined that a portion of the embankment needs to be constructed along and within certain of the uplands areas of the County Right - of Way of the Somers Point - Mays Landing Road (CR#559) and a portion of which must be constructed within certain of the uplands areas of the Right - of Way of the Garden State Parkway which is owned by or under the control of the New Jersey Turnpike Authority; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1, et seq., the City of Somers Point (“City”) may acquire such interest or rights in and to lands as may be necessary and suitable for municipal public purposes; and

WHEREAS, the County of Atlantic has agreed to grant to the City a Right of Way License Use and Occupancy Agreement for the purpose of access to, construction, and maintenance of the embankment for no consideration; and

WHEREAS, the New Jersey Turnpike Authority has agreed to grant to the City a License Agreement for the purpose of access to, construction, and maintenance of the embankment for reasonable consideration

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

**SECTION 2.** The City hereby accepts the licensed interest in and to the use of the subject rights of way described as follows:

**A) THE COUNTY LICENSE:**

Description of a certain tract or parcel of land situate in the City of Somers Point, County of Atlantic, State of New Jersey, being designated as a portion of the Right of Way of Somers Point – Mays Landing Road (CR 559) on the current official tax map and being more particularly described as follows:

BEGINNING at a point at the intersection of the northerly line of Somers Point Mays Landing Road (CR 559) and the easterly line of Cliveden Avenue, extending thence;

1. South 07 degrees 02 minutes 44 seconds West perpendicular to the northerly line of Somers Point – Mays Landing Road (CR 559), a distance of 12.0 feet to a point, thence,
2. North 82 degrees 57 minutes 16 seconds West along a line parallel to the northerly line of Somers Point – Mays Landing Road, a distance of 1,095.17 feet to a point; thence,
3. North 70 degrees 47 minutes 40 seconds West, a distance of 113.95 feet to a point; thence,
4. North 65 degrees 44 minutes 19 seconds West, a distance of 99.24 feet to a point; thence,

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5. North 38 degrees 01 minutes 13 seconds West, a distance of 19.29 feet to a point along the northerly line of Somers Point - Mays Landing Road; thence,
6. South 82 degrees 57 minutes 17 seconds East along the northerly line of Somers Point – Mays Landing Road, a distance of 275.00 feet to a point in the easterly line of Montrey Avenue thence,
7. South 07 degrees 02 minutes 44 seconds West along the easterly line of Montrey Avenue, a distance of 55.00 feet to a point in the northerly line of Somers Point – Mays Landing Road, thence,
8. South 82 degrees 57 minutes 16 seconds East along the northerly line of Somers Point – Mays Landing Road, a distance of 1,040 feet to the point and place of BEGINNING.

BEING KNOWN as a portion of the Right of Way of Somers Point – Mays Landing Road (CR 559) on the current official tax map of Egg Harbor Township, New Jersey.

Containing an area of 25,199.59 square feet (0.579 acres).

**B) THE NEW JERSEY TURNPIKE AUTHORITY LICENSE:**

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

BEGINNING AT the intersection of the Northerly Line of Somers Point - Mays Landing Road (65 feet wide) and the Westerly line of Garden State Parkway (Width Varies); extending thence

North 09 degrees 54 minutes 24 seconds East, 64.84 feet along the Westerly line of Garden State Parkway; thence

North 82 degrees 34 minutes 34 seconds East, 7.67 feet along the Westerly line of Garden State Parkway; thence

North 31 degrees 13 minutes 24 seconds East, 60.00 feet along the Westerly line of Garden State Parkway; thence

North 26 degrees 40 minutes 37 seconds East, 470.72 feet along the Westerly line of Garden State Parkway; thence

South 04 degrees 04 minutes 25 seconds West, 467.39 feet along a line to a point; thence

South 57 degrees 41 minutes 01 seconds West, 122.58 feet along a line to a point; thence

South 80 degrees 46 minutes 03 seconds West, 76.19 feet along a line to a point; thence

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North 81 degrees 42 minutes 24 seconds West, 49.55 feet to a point and place of BEGINNING.

BEING KNOWN AS A PORTION of the Garden State Parkway Right-of-Way of the Official Tax Map of Somers Point, New Jersey.

CONTAINING a total area of 58,908.86 square feet (1.35 Acres).

**SECTION 3.** The actions of the appropriate City of Somers Point officials, its employees, professionals and agents to take any and all steps necessary to effectuate the purposes of this Ordinance, including the execution of documents required to proceed with the acceptance of the license agreements and continuation with the embankment project are hereby approved, affirmed and ratified.

**SECTION 4.** All ordinances of the City of Somers Point that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 5.** If any subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 6.** This Ordinance shall take effect following final passage and publication in accordance with law.

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**Resolutions:**

**Public Portion on Resolutions**

M/S – Dill/D’Adamo

Meeting was opened to the public and duly closed. Seth Grossman, Esq., representing the Liberty and Prosperity addressed City Council regarding Richard Somers Day regarding the plans and insurance. Council President McGuigan thanked him for his efforts.

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**Resolution No. 146**

M/S – Toto/Gerety

The resolution was adopted by a unanimous vote of those present. Council President McGuigan stated that Officer Chu selected a career that will help our community, and he should be saluted. He added that he is certain that his parents and family are very proud of him. Council President McGuigan shared that he is an asset to the community and offered his congratulations. Mayor Glasser welcomed him, and stated that he is looking forward to him being a full-time officer.

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Councilman Toto noted that Officer Chu always strives for excellence and congratulated him on as a Class II Police Officer.

**No. 146 of 2017**

**A Resolution Confirming the Hiring by the Chief of Police of the City of Somers Point of One Class II Police Officer, Authorizing his enrollment in the Atlantic County Police Academy, and Appointing the Same to the Position of Patrolman Officer in the Somers Point Police Department Effective September 1, 2017**

**Sponsored by: Mayor Glasser**

**Introduced By: Councilmen Smith and Toto**

**WHEREAS**, Chief Michael Boyd of the City of Somers Point Police Department has been notified that two officers within the Somers Point Police Department will be leaving or retiring from the Department in the near future; and

**WHEREAS**, Chief Boyd has determined that there is a public safety need to hire two replacement Police Officers within the Department to the position of Patrolman; and

**WHEREAS**, Mayor John L. Glasser, Jr. has reviewed the request and has submitted that request to this Governing Body with his full support; and

**WHEREAS**, Jayson Chu has served in the City of Somers Point Police Department as a Class II Officer since September 24, 2015, after having served as a Class II Officer for two years in Ocean City; and

**WHEREAS**, the City of Somers Point is desirous of acting upon the recommendation of the Chief of Police and the Mayor to hire Jayson Chu as a full time police officer who will be available to fill one of the upcoming vacancies and maintain the complement of patrol officers; and

**WHEREAS**, the next Atlantic City Police Academy Class is scheduled to commence on September 5, 2017; and

**WHEREAS**, the Chief of Police and the Mayor have further recommended that Class II Officer Jayson Chu be enrolled in the Atlantic County Police Academy to undergo the complete training program and, upon successful completion of the program, be appointed to serve as a Patrol Officer; and

**WHEREAS**, the salary and benefits to be paid to the designated officer shall be in compliance with the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement, as same may hereafter be supplemented, amended or renewed; and



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**WHEREAS**, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation

\*\*\*\*\*

City Council President McGuigan removed himself from City Council Chambers as not to be in conflict. City Councilman Gerety chaired the meeting for Resolution Nos. 147, 145 and 155.

**Resolution No. 147**

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present. Councilman Dill congratulated Patrolman McGuigan and wished him a safe and successful career. Mayor Glasser stated he is looking forward to him serving as a full-time officer. Councilman D’Adamo stated he is very proud that he will be serving as a police officer. Councilman Toto commented that was a pleasure watching him the past couple of years and wished him the best adding that he done his parents proud.

**No. 147 of 2017**

**A Resolution Confirming the Hiring by the Chief of Police of the City of Somers Point of One Class II Police Officer, Authorizing his enrollment in the Atlantic County Police Academy, and Appointing the Same to the Position of Patrolman Officer in the Somers Point Police Department Effective September 1, 2017**

**Sponsored by: Mayor Glasser**

**Introduced By: Councilmen Smith and Toto**

**WHEREAS**, Chief Michael Boyd of the City of Somers Point Police Department has been notified that two officers within the Somers Point Police Department will be leaving or retiring from the Department in the near future; and

**WHEREAS**, Chief Boyd has determined that there is a public safety need to hire two replacement Police Officers within the Department to the position of Patrolman; and

**WHEREAS**, Mayor John L. Glasser, Jr. has reviewed the request and has submitted that request to this Governing Body with his full support; and

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**WHEREAS**, Colin McGuigan has served in the City of Somers Point Police Department as a Class II Officer since December 19, 2016, after having served for three years as a Class II Officer in Ocean City and Atlantic City; and

**WHEREAS**, the City of Somers Point is desirous of acting upon the recommendation of the Chief of Police and the Mayor to hire Colin McGuigan as a full time police officer who will be available to fill one of the upcoming vacancies and maintain the complement of patrol officers; and

**WHEREAS**, the next Atlantic City Police Academy Class is scheduled to commence on September 5, 2017; and

**WHEREAS**, the Chief of Police and the Mayor have further recommended that Class II Officer Colin McGuigan be enrolled in the Atlantic County Police Academy to undergo the complete training program and, upon successful completion of the program, be appointed to serve as a Patrol Officer; and

**WHEREAS**, the salary and benefits to be paid to the designated officer shall be in compliance with the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement, as same may hereafter be supplemented, amended or renewed; and

**WHEREAS**, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Mayor and City Council acknowledge, authorize and confirm the hiring of Patrolman Colin McGuigan effective September 1, 2017; and

**It is FURTHER RESOLVED**, that Patrolman Colin McGuigan is approved for and is authorized to attend the Atlantic County Police Academy; and

**It is FURTHER RESOLVED**, that Patrolman Colin McGuigan will be sworn in by the Mayor on September 1, 2017; and

**It is FURTHER RESOLVED**, that the Mayor and Council hereby extend their congratulations to Class II Officer McGuigan upon his appointment as a Patrol Officer in our excellent Police Force.

\*\*\*\*\*

**Resolution No. 145**

M/S – Toto/D’Adamo

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

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
August 24, 2017**

**No. 145 of 2017**

**A Resolution Authorizing the Chief of Police of the City of Somers Point to Hire Two Class II Police Officers to Fill Two Class II Officer Vacancies within the Somers Point Police Department**

**Sponsored by: Councilman Smith and Councilman Toto**

**WHEREAS**, as a result of the hiring of two Class II Police Officers as full time Police Patrol Officers effective as of September 1, 2017, the Chief of Police has submitted a request for authorization to hire two Class II Officers to fill those vacancies, which request has been supported by the Mayor; and

**WHEREAS**, the Chief of Police recommends the hiring of Rocco Fredrick who has worked as both a Class I and a Class II officer in the Ocean City Police Department for the past five summers and the hiring of Erica Bonfiglio who has worked as a Class II officer in the Ocean City Police Department for the past two summers; and

**WHEREAS**, the salary to be paid to the selected officers will be at the Fifteen Dollar per hour rate established by the Somers Point Salary Ordinance; and

**WHEREAS**, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation; and

**WHEREAS**, upon hiring both officers will be sworn in by Mayor Glasser on September 1, 2017, and will thereupon commence a sixteen-week Field Training Program within the Department.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Mayor and City Council authorize the hiring of Class II Police Officer Rocco Fredrick and Class II Police Officer Erica Bonfiglio effective as of September 1, 2017; and

**It is FURTHER RESOLVED**, that the Mayor and Council hereby extend their congratulations to those Class II officers upon becoming a member of our excellent Police Force.

\*\*\*\*\*

**Resolution No. 155**

M/S – Toto/D’Adamo

The resolution was adopted by a unanimous vote of those present with the exception of City Councilman Dill recusing himself.

**No. 155 of 2017**

**REGULAR MEETING  
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August 24, 2017**

**Subject: Authorizing Contract with the Chief of Police**

**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 Chief of Police expired at midnight, January 11, 2017; and

**WHEREAS**, the Chief of Police 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 the Mayor to execute the successor agreement between the City of Somers Point and the Chief of Police and by that act the City does hereby approve said agreement effective January 1, 2017.

\*\*\*\*\*

**Resolution No. 158**

M/S – Toto/D’Adamo

The resolution was adopted by a unanimous vote of those present with the exception of City Councilman Dill recusing himself.

**No. 158 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 status of discussions and negotiations on behalf of the City and an employee of the Somers Point Police Department regarding a potential separation from employment agreement and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 24, 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

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that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**1** “(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”

The status of discussions regarding the the terms and conditions of a potential employment separation agreement between the City and Richard Heiler, a member of the Somers Point Police Department.

**WHEREAS**, the length of the Executive Session is estimated to be approximately 15 – 25 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>
See #4 above	Upon Completion of Negotiations and an agreement between the parties to be submitted for City Council approval.	Final Resolution of Council approving and ratifying an Agreement or other Final Disposition.

\*\*\*\*\*

**Resolution No. 148**

M/S – Toto/Dill

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

**No. 148 of 2017**

**A Resolution Authorizing the Tax Assessor of the City of Somers Point to Grant to a Permanently Disabled Veteran a Retroactive Tax Exemption for the Period June 13, 2017 through July 25, 2017 for Good Cause Shown**

**SPONSORED BY: COUNCILMAN SMITH**

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

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

**WHEREAS**, the Tax Assessor granted the exemption from real property taxation from July 26, 2017, the date on which the application was processed; and

**WHEREAS**, the Tax Assessor informed the veteran applicant of his/her right to petition the City Council to grant a retroactive exemption for the period beginning June 13, 2017 when the veteran purchased the property and would have been eligible on June 13, 2017 if application had been made; and

**WHEREAS**, the applicant submitted a letter request to the Somers Point City Clerk dated August 7, 2017; and

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

**WHEREAS**, the retroactive period requested is for 38 days

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point authorizes the Tax Assessor to grant the request for retroactive tax exemption to the applicant for the property designated as 33 Laurel Dr South and further designated as Lot 9 in Block 1935.

\*\*\*\*\*

**Resolution No. 149**

M/S – Gerety/Toto

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

**No. 149 of 2017**

**Submit Submission of a Grant Application SST-2018-Somers Point City-00011 and  
Execute a Grant Agreement with the New Jersey Department of Transportation**

**WHEREAS**, the New Jersey Department of Transportation offers Safe Streets to Transit funding; and

**WHEREAS**, this program is available to all counties and municipalities in the State of New Jersey; and

**WHEREAS**, this grant program does not require matching funds; and

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**WHEREAS**, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the City Engineer has recommended filing of a grant application for construction of a cross walk at Somers Point - Mays Landing Road (CR #559) and US NJ Rt. 9 for and construction of a sidewalk from Somers Point - Mays Landing Road (CR #559) to NJ Rt. 52.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Somers Point formally approves filing of a Safe Streets to Transit application; and

**BE IT FURTHER RESOLVED** that the Mayor and City Administrator are hereby authorized to submit an electronic grant application identified as SST-2018-Somers Point City-00011 to the New Jersey Department of Transportation on behalf of the City of Somers Point on or before the October 6, 2017 grant filing deadline; and

**BE IT FURTHER RESOLVED** that if a grant is awarded and accepted, the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point; and that their signatures shall constitute acceptance of the terms and conditions of the grant and approval of the execution of the grant agreement.

\*\*\*\*\*

**Resolution No. 150**

M/S – Gerety/Toto

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

**No. 150 of 2017**

**A Resolution of Support by the Somers Point City Council Authorizing the Filing of an Application for a New Jersey Department of Transportation Municipal Aid Grant Application Bike-2018-Somers Point City-00010**

**Sponsored by: Councilman D’Adamo and Councilman Dill**

**WHEREAS**, the New Jersey Department of Transportation’s Bikeway Grant Program provides funds to counties and municipalities to promote bicycling as an alternate mode of transportation in New Jersey.

**WHEREAS**, the New Jersey Department of Transportation is now accepting applications for the 2018 Bikeway Grant Program; and

**WHEREAS**, this program is available to all counties and municipalities in the State of New Jersey; and

**WHEREAS**, this grant program does not require a local match; and

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**WHEREAS**, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the City of Somers Point has adopted a Complete Streets Policy in accordance with the guidelines provided by the New Jersey Department of Transportation; and

**WHEREAS**, the City Engineer has recommended that a grant application be filed for the construction of a bike path and pedestrian connector route along the Somers Point – Mays Landing Road (CR#559) between US NJ Route 9 and NJ Route 52; and

**WHEREAS**, the County of Atlantic approves of making such an application.

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Somers Point formally approves the filing of a bikeway grant application.

**BE IT FURTHER RESOLVED** that the Mayor and City Administrator are hereby authorized to submit an electronic grant application identified as Bike-2018-Somers Point City-00010 to the New Jersey Department of Transportation on behalf of the City of Somers Point on or before the October 6, 2017 application filing deadline; and

**BE IT FURTHER RESOLVED** that if a grant is awarded and accepted, the Mayor and City Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point, and that their signatures shall constitute acceptance of the terms and conditions of the grant award and approval of the execution of the grant agreement.

\*\*\*\*\*

**Resolution No. 151**

M/S – Gerety/Dill

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

**No. 151 of 2017**

**Sponsored by Councilman D’Adamo and Councilman Dill**

**Approval to Submit a Grant Application and Execute a Grant Agreement with the  
U. S. Department of Homeland Security for the FY 2017 FEMA Pre-Disaster Mitigation Program**

**WHEREAS**, the U. S. Department of Homeland Security is accepting applications for the FY 2017 FEMA Pre-Disaster Mitigation Program which are due to be filed on or before November 14, 2017; and

**WHEREAS**, this grant program, authorized by Section 203 of the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#), is designed to assist States, U.S. Territories, Federally-recognized tribes, and local communities in implementing a sustained pre-disaster natural hazard mitigation program, to reduce



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overall risk to the population and structures from future hazard events, while also reducing reliance on Federal funding in future disasters; and

**WHEREAS**, this program is available to certain municipalities in the State of New Jersey; and

**WHEREAS**, this grant program requires a 25 percent local match from the municipality; and

**WHEREAS**, the City of Somers Point carefully considers those grant programs which can assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the Pre-Disaster Mitigation Program may fund pumping stations as among the critical facilities identified in a FEMA approved Mitigation Plan.

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Somers Point formally approves that grant application for two pumping station projects on Exton Road; and

**BE IT FURTHER RESOLVED** that the Mayor, the City Administrator and the City Engineer are hereby authorized to submit a FY 2017 FEMA Pre-Disaster Mitigation Program grant application to the U. S. Department of Homeland Security on or before the November 14, 2017 filing deadline; and

**BE IT FURTHER RESOLVED** that if a grant is received and accepted the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature shall constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of the grant agreement.

\*\*\*\*\*

**Resolution No. 152**

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present

**No. 152 of 2017**

**A RESOLUTION GRANTING PERMISSION TO HOLD THE 2017 MASTER  
COMMANDANT RICHARD SOMERS DAY EVENT ON THE GROUNDS OF  
RICHARD SOMERS PARK**

**Sponsored by: Council President McGuigan**

Whereas, for a number of years the life and times of Master Commandant Richard Somers has been celebrated during September of each year; and

Whereas, for the past several years the annual event has been orchestrated and managed by volunteer organizations; and

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Whereas, Seth Grossman has proposed that the members of his 501(c)(3) corporation, Liberty and Prosperity are willing to organize this year's Richard Somers Day ceremony; and

Whereas, Mr. Grossman has appeared as a speaker at prior annual ceremonies; and

Whereas, a request has been made to City Council to hold this year's Richard Somers Day at the Richard Somers Park on [Sunday, September 10, 2017](#) commencing at [1:00 pm](#); and

Whereas, Liberty and Prosperity has filed with the City Clerk the required certificates of insurance and policy endorsements in favor of the City of Somers Point; and

Whereas, the right to undertake the management of the annual celebration does not constitute an endorsement of the organization; and

Whereas, the members of City Council appreciate that the annual Commandant Richard Somers Point Day will once more be held on the grounds of the Richard Somers Park.

Now, therefore, it is hereby Resolved that Liberty and Prosperity is granted permission to present this year's Annual Commandant Richard Somers Day on the grounds of Richard Somers Park.

\*\*\*\*\*

**Resolution No. 153**

M/S – Gerety/Dill

The resolution was adopted by a unanimous vote of those present

**No. 153 of 2017**

**AUTHORIZING EXECUTIVE SESSION**

**Introduced by: Councilman Smith**

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

**WHEREAS**, the Somers Point City Council has determined that **two (2)** topics which involve:

- i) A report by Special Tax Counsel (t/a) and the Tax Assessor regarding the

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status of an appeal pending in the NJ Tax Court filed by a commercial property owner and subsequent negotiations for a revised proposed settlement;

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

**WHEREAS**, each is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and is necessary to be discussed without the public in attendance during an Executive Session to be held on August 24, 2017 during a public meeting to be held commencing at 7:00 P.M, and

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

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

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

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

1

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v. City of Somers Point      Block -1815   Lot – 1.02

2016

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

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

**Docket No.:**

**Caption:**

**L-672-16**

**City Of Somers Point V. Himmelstein Associates, LLC.**

**WHEREAS**, the length of the Executive Session for the four categories is estimated to be approximately 15 - 30minutes 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.

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

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M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present

**No. 154 of 2017**

**RESOLUTION ACKNOWLEDGING RECEIPT OF A DONATION AND AFFIRMING  
AND RATIFYING EXECUTION AND DELIVERY OF  
A FINANCIAL DONATION AGREEMENT BETWEEN SHORE MEMORIAL  
HOSPITAL D/B/A SHORE MEDICAL CENTER AND ITS AFFILIATES AND THE  
CITY OF SOMERS POINT TO BE USED BY THE CITY FOR THE PURPOSES  
SPECIFIED**

**Sponsored by: Councilman Tapp**

**WHEREAS**, N.J.S.A. 40A:5-29 authorizes and empowers any local unit to accept bequests, legacies and gifts and donations and to utilize same for any use which is designated by the donor or is not inconsistent with the laws of this State and of the United States; and

**WHEREAS**, between 2012 and 2016 Shore Memorial Hospital (now doing business as Shore Medical Center) (“SMC”) as a good corporate citizen had made annual donations to the City which had been either paid into the General Fund or dedicated to specific purposes; and

**WHEREAS**, SMC and City agreed to continue a similar arrangement during 2017; and

**WHEREAS**, SMC had proposed to contribute the sum of One Hundred Thousand Dollars (\$100,000.00) to be paid into the general fund to be used for general expenses without any specific designation as to the use of the proceeds and an additional One Hundred Six Thousand Dollars (\$106,000.00) to be used to enhance public safety in the community including funding applied toward the purchase of police and fire equipment; and

**WHEREAS**, on or about August 11, 2017 SMC delivered to the City its check in the amount of Two Hundred Six Thousand Dollars (\$206,000.00) which shall be applied as hereinabove specified.

Now, therefore, it is hereby **RESOLVED** by this governing body that the actions taken, including the execution of an agreement between the City and Shore Memorial Hospital D/B/A Shore Medical Center and its affiliates which memorializes the understanding between the parties is hereby approved, ratified and affirmed; and

It is further **RESOLVED** that the City agrees to accept the donations made by Shore Medical Center to the City for the purposes and uses intended.

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**Resolution No. 156**

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present

**No. 156 of 2017**

**A Resolution of Support by the Somers Point City Council Authorizing**

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**the Filing of an Application for a Municipal Aid Grant Application MA-2018-Somers Point  
City with the New Jersey Department of Transportation**

**Sponsored by: Councilman D’Adamo and Councilman Dill**

**WHEREAS**, the New Jersey Department of Transportation is accepting applications for the 2018 Municipal Aid Grant Program; and

**WHEREAS**, this grant program is available to all counties and municipalities in the State of New Jersey; and

**WHEREAS**, this grant program does not require a local match; and

**WHEREAS**, the City of Somers Point carefully considers grant programs that will assist the City in achieving projects and programs that are priorities for this community; and

**WHEREAS**, the City Engineer has recommended filing an application to fund certain Bethel Road reconstruction and replacement projects.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Somers Point formally approves the filing of a grant application for this municipal aid project; and

**BE IT FURTHER RESOLVED** that the Mayor, the City Administrator, and the City Engineer are hereby authorized to submit an electronic grant application identified as MA-2018-Somers Point City-00047 to the New Jersey Department of Transportation on behalf of the City of Somers Point on or before the October 6, 2017 application filing deadline; and

**BE IT FURTHER RESOLVED** that if awarded and accepted, the Mayor and City Clerk are authorized to sign the grant agreement on behalf of the City of Somers Point; and that their signature shall constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of the grant agreement.

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**Resolution No. 157**

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present

**No. 157 of 2017**

**A Resolution of Support by the Somers Point City Council Authorizing  
the Filing of an Application for the Flood Mitigation Assistance Program  
Administered by the Federal Emergency Management Agency**

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**Sponsored by: Councilman D’Adamo and Councilman Dill**

**WHEREAS**, the City of Somers Point qualifies for the Flood Mitigation Assistance (FMA) Programs administered by the Federal Emergency Management Agency (FEMA); and

**WHEREAS**, the Flood Mitigation Assistance (FMA) program provides funding to assist in efforts to reduce or eliminate the risks of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program (NFIP); and

**WHEREAS**, the program grants provide from 75% to 100% of the cost to elevate homes within FEMA flood zones and are paid to program grant recipients after completing the elevation of the structure; and

**WHEREAS**, the City of Somers Point strives to save tax dollars; assist homeowners to recover from Superstorm Sandy; assure clean land, air and water; and improve working and living environments; and

**WHEREAS**, the City of Somers Point wishes to assist interested homeowners by applying for funding through the FEMA FMA Program; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Somers Point, State of New Jersey, hereby supports and authorizes the filing of a Flood Mitigation Assistance (FMA) Program application on or before the November 14, 2017 deadline; and

**BE IT FURTHER RESOLVED** that Rutala Associates is designated as the contact person for interested homeowners; and

**BE IT FURTHER RESOLVED** that the Mayor, the City Administrator, and the City Grant person are hereby authorized to submit a grant application to the Federal Emergency Management Agency.

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**Old Business:**

None

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**New Business:**

None

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**Discussion of Bills:**

Administrator Swain reported a bill list dated 8/22 /17 in the amount of \$ 2,529,076.22 along with records of payments for \$ \$126,944.56 dated 8/7/17 and for \$ 283,168.98 dated 8/21/17 and for \$ 450.00 dated 8/21/17.

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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 – 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.

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**Recess:**

City Council recessed at 7:54 p.m. prior to going into Executive Session.

**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 8:40 p.m.

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Respectfully submitted,

Lucy R. Samuelson, RMC  
Municipal Clerk  
Approved: 1/25/18