

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 14, 2017**

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag followed by a moment of silence for the passing of Ray Fugi, longtime volunteer firefighter and predominant business owner, Jack Thomas, who supported many community activities and events.

Roll call was recorded as follows:

Present: Tapp, D'Adamo, Dill, Gerety, Toto, McGuigan

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

Absent: None

City Council President McGuigan recognized former City Council President Maureen Kern, Freeholder Lynn, former Assemblyman Sam Fiockie.

Open Public Meetings Act:

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

Communications:

Council President McGuigan read a resignation letter from Thomas G. Smith to Clerk Samuelson resigning his position as City Council, Ward One, effective 5:00 p.m. on September 14, 2017. Council President McGuigan will miss working with him and appreciates his seven years of service.

Council President McGuigan read an email from the Somers Point Regular Republican League County Committee who submitted three names to fill the vacancy from former City Councilman Thomas G. Smith. The names are: Ron Meischker, John Saneski and Adrian Calibra. City Council President McGuigan brought Resolution No. 164 for discussion of names to be considered to fill the vacancy. City Councilman D'Adamo stated that he is concerned regarding the manner that the resignation was submitted, which precludes any individual from being placed

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on the ballot this year. He stated that it is his intention to vote no. City Council President McGuigan stated that there is nothing unethical or illegal of the manner of the resignation of Mr. Smith. Councilman Gerety indicated that he knows each individual that was submitted for consideration. Councilman Gerety spoke highly of Ron Meischker, who last year was honored as “volunteer of the year” and has dedicated his services in various ways for many years for the betterment of Somers Point. Councilman Gerety officially nominated Ron Meischker to fill the vacancy, seconded by Councilman Dill to put Ron Meischker’s name on Resolution No. 164. City Council President called for any other nominations or comments, hearing none; the nominations were officially closed. With City Councilman D’Amato voting no, the remaining City Council members voted yes, by roll call vote, to place Ron Meischker’s name on Resolution No. 164 for consideration to fill the vacancy of former City Councilman Thomas G. Smith.

Public Portion on Resolutions

M/S – Dill/Gerety

Meeting was opened to the public and duly closed.

Resolution No. 164 of 2017

M/S – Dill/Gerety

With City Councilman D’Amato voting no, the remaining City Councilmembers voted yes by roll call vote adopting the resolution. City Council President McGuigan congratulated Mr. Meischker. Freeholder Maureen Kern administered the Oath of Office while his wife, Jayne, held the Bible. After a round of applause, City Councilman Meischker took his seat at the dais.

No. 164 of 2017

A Resolution Appointing a Nominee Received from the Somers Point Republican Committee to Fill the Ward 1 Vacancy on Somers Point City Council Created by the Resignation of Thomas Smith

Sponsored by: Council President McGuigan

Whereas, on September 11, 2017, as provided in NJS 40A:16-3 Councilman Thomas Smith submitted the City Clerk a written resignation from his position as Councilman for the First Ward; and

Whereas, in compliance with NJS 40A:16-11 when there is a vacancy of an incumbent who was a nominee of a political party the municipal committee of that political party shall, within 15 days, present Council with 3 nominees to fill the vacancy; and

Whereas, the Somers Point Republican Committee has submitted such a list for Council consideration; and

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Whereas, in accordance with NJS 40A:16-5 if the vacancy occurs subsequent to September 1 of the next to the last year and up to the expiration of the term of the officer whose office has become vacant the office may be filled for its unexpired term by appointment of the governing body; and

Whereas, the City Council of the City of Somers Point has reviewed the names submitted and is desirous of filling the vacancy in accordance with N.J.S.A. 40A:16-5a for the balance of the unexpired term until December 31, 2018;

Now, therefore, it is hereby **RESOLVED** that Ron Meischker be and is hereby appointed to fill the vacancy for Council Member Ward 1 on the Somers Point City Council; and

It is further **RESOLVED**, that this appointment shall be effective immediately and shall continue for the full unexpired term of Thomas Smith through December 31, 2018; and

Be it further **RESOLVED** that Thomas Smith is thanked for his service to the community and to this City Council.

Communications: (continued)

City Council President McGuigan read an email from a resident regarding trees and will further research the matter.

Mayor's Report:

Mayor Glasser congratulated and welcomed Councilman Meischker to the esteemed Governing Body. Mayor Glasser congratulated everyone regarding the success of the annual Good Ole Days Festival. He commended everyone with special kudos to Council President McGuigan and Freeholder Kern and her family. In addition, Mayor Glasser encouraged the public to attend a public meeting this Monday evening beginning at 6:00 p.m. at the Firehouse House No. 2 with guest speakers to include Chief Boyd, a representative from Family Promises and himself to discuss and help the Opioid addiction. Tomorrow evening will be a POW/MIA service at 7:00 p.m. at Patriots Park. Mayor Glasser mentioned that former Councilman Tom Smith will be missed, who offered a certain panache and will certainly be missed. He continued that Tom offered valuable legal opinions and advice and was a dedicated public servant.

City Administrator's Report:

None

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Committee Reports:

None

Approval of Minutes:

M/S – Gerety/Toto

Minutes of 4/27/17 and 5/11/17 were approved by votes of those present with Councilman Tapp recusing himself from 4/27/17, Councilman Meischker recusing himself from 4/27/17 and 5/11/17 and Councilman D’Amato recusing himself from 5/11/17.

Ordinances:

Ordinance No. 16 of 2017

Second Reading/Public Hearing/Adoption

M/S – Toto/Dill

The meeting was opened and hearing no public comments, it was duly closed. The ordinance was adopted by a unanimous vote of those present.

ORDINANCE 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

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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

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;

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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,
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

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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

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.

Resolutions:

Public Portion on Resolutions

M/S – Dill/Gerety

Meeting was opened to the public and hearing no public comments, it was duly closed.

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Resolution No. 160 of 2017

M/S – Dill/Toto

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

**Subject: Person-to-Person & Place-to-Place
 Liquor License Transfer**

Introduced by: City Council President McGuigan

WHEREAS, an Application has been filed for a place-to-place and person-to-person transfer of Plenary Retail Consumption License Number 0121-33-014-008 (the “license”); and

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

WHEREAS, the Applicant Republic 1st Bank 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, 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 issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the license is a Pocket License which is currently inactive but is intended to be transferred to the licensed premises situated within the building as now constructed at 908 Shore Road in the City of Somers Point, County of Atlantic, State of New Jersey 08244 as described in the License Application as reviewed and approved by this licensing authority;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Somers Point Governing Body does hereby approve, effective September 14, 2017, the transfer of Plenary Retail Consumption License Number 0121-33-014-008 with a mailing location of 908 Shore Road, Somers Point, New Jersey; and

IT IS FURTHER RESOLVED that the Somers Point Governing Body does hereby approve, effective September 14, 2017, the transfer of Plenary Retail Consumption License Number 0121-33-014-008 to Republic 1st Bank, and 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 Republic 1st Bank and to the existing building premises located at 908 Shore Road, Somers Point, New Jersey, effective September 14, 2017.

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Resolution No. 161 of 2017

M/S – Toto/Gerety

City Council President recused himself as Council President and Council President Pro Tempore Tapp called for the motion. The resolution was adopted by a unanimous vote of those present with Council President McGuigan recusing himself from voting along with Councilman Dill.

Subject: Authorizing Agreement with Richard Heiler
Introduced By: Councilmen Tapp & Toto

WHEREAS, after long and dedicated service to the City of Somers Point, Police Officer Richard Heiler intends to retire from the Somers Point Police Department effective November 30, 2017; and

WHEREAS, upon retirement Richard Heiler is entitled to certain payments and benefits in accordance with the agreement effective January 1, 2012 between the City of Somers Point and Mainland PBA Local 77; and

WHEREAS, the City of Somers Point has determined that Richard Heiler will have an accumulated, reimbursable total of approximately 64.25 days of unused sick leave as of November 30, 2017; and

WHEREAS, Richard Heiler’s last regular day of work will be November 30, 2017 and he shall receive his last regular pay on November 22, 2017; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Mainland PBA Local #77 the City agrees to provide health benefits to Richard Heiler for one year following his retirement.

NOW, THEREFORE, the City of Somers Point hereby authorizes the City Administrator to enter into an agreement with Richard Heiler, which memorializes all rights and entitlements of the employment agreement attached hereto and made a part of this Resolution.

Resolution No. 162 of 2017

M/S – Toto/Gerety

The resolution was adopted by a unanimous vote of those present. Councilman Meischker confirmed that the Economic Development Advisory Commission concurred unanimously to recommend the appointment of Sausion Communications.

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Councilman D’Adamo questioned the length of the contract. Mr. Swain explained that it is not based on time, but based on the project.

Subject: Appointment of Suasion Communications Group for EDAC Website Design

Introduced By: Councilmen Tapp, Gerety

WHEREAS, the City of Somers Point has identified a need for Website Design Services for the Economic Development Advisory Commission: and

WHEREAS, requests for proposals for Website Design Services for the Economic Development Advisory Commission were published on April 5, 2017 and six proposals were received by the City on April 20, 2017; and

WHEREAS, the Economic Development Advisory Commission reviewed the proposals received and recommends Suasion Communications Group; and

WHEREAS, this contract is awarded through a fair and open process pursuant to N.J.S.19:44A-20.4 et. Seq.

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

1. Suasion Communications Group be and hereby is appointed to provide Website Design Services for the Economic Development Advisory Commission of the City of Somers Point.
2. This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an agreement with Suasion Communications Group in connection with these services, in the amount of \$ 11,900.00 in a form approved by the City Solicitor and, upon execution, the agreement will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5(6) is not required.

Resolution No. 163 of 2017

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present. Councilman Dill stated since this has been an ongoing issue for years, he s pleased that it is going out to bid.

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Introduced by: Council President McGuigan and Councilmen Dill and Tapp

Subject: Advertising for Bids for the Reconstruction of 10th Street from Connecticut Avenue to West Laurel Drive

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct 10th Street from Connecticut Avenue to West Laurel; and

WHEREAS, the New Jersey Department of Transportation has awarded the City with a \$231,000.00 grant to complete this project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the reconstruction of 10th Street; and

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

Resolution No. 165 of 2017

M/S – Toto/Dill

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

Councilman Tapp explained that this resolutions was recommended by EDAC, and with Somers Point being a peninsula and a bay community, the City needs to support legislation that will entice the public to visit and stay to enjoy our waterways. Councilman Meischker indicated that that the Patcong Creek Foundation is in favor of the resolution to attract visitors to enjoy our natural resources.

A Resolution Calling Upon Our Legislators to Remove the Restriction Prohibiting Recreational Clamming On Sundays, Extending The Same Recreational Benefit To Residents And Visitors In Other Counties Which Is Now Limited To And Enjoyed Only Within Monmouth County

Sponsored by: Mayor and Council

Whereas, NJS 50:2-11 prohibits recreational clamming on Sundays within the entire State of New Jersey with the exception of four specific bodies of water situated within Monmouth County: namely the waters of Raritan Bay, Sandy Hook Bay, Shrewsbury River and Navesink River; and

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Whereas, recreational clamming is a vital economic component which all shore and river communities which have healthy shellfish beds should be able to offer to their residents and visitors; and

Whereas, the limited exemption allowing for Sunday clamming is detrimental to other communities which are equally able to provide that activity on the same day of the week, giving an unfair advantage to those businesses situated within those communities and depriving other communities along the coast and waterways from offering the same activity; and

Whereas, there is no marine or aquatic science justification for designating only four areas which have no element which is unique from all other clamming areas where clamming may be legally carried on for six, but never seven, days per week; and

Whereas, in 2009 A4039 which would have removed the Sunday prohibition was introduced and unanimously approved by the Assembly Agriculture and Natural Resources Committee.

Now, therefore, it is hereby Resolved by the Mayor and Council of the City of Somers Point, County of Atlantic, State of New Jersey that we call upon our legislators to remove the restriction prohibiting recreational clamming on Sundays, thus extending the same benefit to residents and visitors to other Counties which are now available only within Monmouth County; and

It is further Resolved that we ask for support from the New Jersey Division of Fish and Wildlife and from the Shellfisheries Council; and It is further resolved that the City Clerk is directed to send a certified copy of this resolution to:

Senator – Select Colin Bell
Assemblyman Chris A. Brown
Assemblyman Vincent Mazzeo
Assemblyman Bob Andrzejczak, Chair - Assembly Agriculture and Natural Resources Committee
Assemblyman Benjie E. Wimberly, Chair - Assembly Commerce and Economic Development Committee
Senator Raymond J. Lesniak, - Chair - Senate Economic Growth Committee
Senator Nellie Pou, Chair – Senate Commerce Committee
The Cape May County Chamber of Commerce
The Greater Atlantic City Chamber of Commerce
The Atlantic County Economic Alliance
The Somers Point Economic Development Advisory Commission

Resolution No. 166 of 2017

M/S – Toto/Dill

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

Councilman Toto commended Kathy Arleath and the members of the Arts Commission for their efforts.

Resolution Approving Program of Activities to be undertaken by the Somers Point Arts Commission during Calendar Year 2018

Sponsored by: Councilman Gerety

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WHEREAS, Somers Point Municipal Code Section 2-18 provides that no implementation of any call for action or any report and recommendation by the Arts Commission to City Council shall take place or have any status as action by the City or a report of the City or a policy of the City, unless and until accepted and approved by City Council by resolution, and City Council in its discretion may decline to act, accept or approve, or may act upon, accept or approve, any portion or the whole, as it desires and determines; and

WHEREAS, during a regularly scheduled meeting of the Somers Point Arts Commission held on August 28, 2017 the Arts Commission approved a series of planned programs for calendar year 2018; and

WHEREAS, Ms. Kathleen Arleth, Chair of the Somers Point Art Commission submitted a report to Councilman Gerety who serves as the Council Liaison to the Arts Commission which contained the list of programs and events proposed to be held or sponsored by the Somers Point Arts Commission during 2018: and

WHEREAS, due to the need to properly plan sufficiently in advance for the implementation of those events, on behalf of the Arts Commission, Chairperson Arleth requested that the governing body review and approve the slate of proposed events as submitted; and

WHEREAS, the report prepared by Ms. Arleth has been distributed to the Mayor and Council for their individual review; and

WHEREAS, it is the consensus of the governing body that the proposed list of events and programs be approved and authorized.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following programs and events proposed by the Somers Point Arts Commission to be held during 2018 subject to availability of funding through donations and grants and any added funds which may be allocated to the Arts Commission in the 2018 City Budget:

- Arts Reach Out programs for after school instruction, instruction for Senior citizens, for children in the Somers Point After School (C.A.S.T.L.E.) Program, and additional art instructional and display programs using available community resources;
- Art in the Park exhibition of amateur and professional artists, including art created by the children in the C.A.S.T.L.E. Program, and musical performances to be held at Kennedy Park on a bluff overlooking Great Egg Harbor Bay;

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- Spring Evening of Spoken Word and Music at various venues throughout the City to coincide with National Poetry Month and National Jazz Month;
- Beautifying the traffic light control boxes at the Rt. 52, and Rt. 9 Intersections and other traffic light control boxes throughout the City subject to receipt of any necessary approvals from the City, Atlantic County and / or the New Jersey Department of Transportation , all to be done in partnership with the Somers Point Green Thumb Garden Club;
- Writing Poetry Your Way: Foundations of Poetry for All Levels to provide high school students and adults the opportunity to participate in a series sessions open to the community including beginners who want to learn about expression through this art form
- Spring Evening of Spoken Words and Music event presenting both the literary and performing arts through poetry readings in various formats and musical presentations through the jazz genre.
- Annual Foodie Film Festival as a kick-off to Somers Point Restaurant Week and consisting of several food related movies at participating restaurants;
- Love the Arts in Somers Point which is a celebration of the prior year's Arts Commission endeavors and a roll out of the programs planned for the coming year including various exhibitions and recognition of sponsors and supporters;
- Continuing the Poet Laureate appointment which was acted upon by City Council at the 2017 Reorganization Meeting; and

It is further **RESOLVED** that within the framework of this authorization, the Chairperson of the Arts Commission will from time to time provide updates to City Council regarding the proposed programs and events and any suggested additional events, programs or venues; and

It is further **RESOLVED** the Mayor and Council express their appreciation to the members of the Arts Commission for their time and dedication in providing our residents and visitors with such a wide range of vibrant activities supporting all of the arts.

Resolution No. 167 of 2017

M/S – Dill/D'Adamo

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

AUTHORIZING EXECUTIVE SESSION

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Introduced by: Council President McGuigan

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 **ONE** topic which involves the status of certain pending Tax Appeals filed on behalf of nine (9) commercial property owners, and a recommendation for settlement of claims for reduction in assessed tax valuations or other resolution of claims for reduction in assessed tax valuations for tax years 2012 through 2017 which have been asserted against the City which require discussion of the advice and recommendations provided by the Tax Assessor and Tax Counsel to the City of Somers Point and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on September 14, 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.

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

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

A report by the Somers Point City Solicitor as Tax Counsel and the Somers Point Tax Assessor on the status of certain tax appeals filed or pending against the City of Somers Point, and explanation of the basis for settlement or other recommendations made by the Tax Assessor and City Solicitor The list of the matters pending before the Tax Court of New Jersey for which such recommendation has been made and which may be discussed is:

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

<u>Docket No.:</u>	<u>Caption:</u>	<u>BLOCK / LOT</u>	<u>Tax</u>
Year: 14922-2014 Lot – 1.02	Himmelstein Associates, LLC v. City of Somers Point 2014		Block -1815

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7841-2015 **Himmelstein Associates, LLC**
v. City of Somers Point **Block -1815** **Lot – 1.02**
2015

6023-2016 **Himmelstein Associates, LLC**
v. City of Somers Point **Block -1815** **Lot – 1.02**
2016

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

014228-2012 **519 Shore Road, LLC**
v. City of Somers Point **Block - 1114** **Lot – 5** **2012**

010553-2012 **519 Shore Road, LLC**
v. City of Somers Point **Block - 1114** **Lot – 5** **2013**

013372-2014 **519 Shore Road, LLC**
v. City of Somers Point **Block - 1114** **Lot – 5** **2014**

012083-2015 **519 Shore Road, LLC**
v. City of Somers Point **Block - 1114** **Lot – 5** **2015**

012084-2015 **Morris Properties, Inc.**
v. City of Somers Point **Block - 1915** **Lot – 5** **2015**

012085-2015 **Morris Properties, Inc.**
v. City of Somers Point **Block - 2133** **Lot – 1** **2015**

006028-2015 **Morris Properties, Inc.**
v. City of Somers Point **Block - 1943** **Lot – 5** **2015**

011887-2016 **Morris Properties, Inc.**
v. City of Somers Point **Block -1915** **Lot – 14.02** **2016**

011888-2016 **Morris Properties, Inc.**
v. City of Somers Point **Block - 2133** **Lot – 1** **2019**

006987-2016 **Morris Properties, Inc.**
v. City of Somers Point **Block - 1943** **Lot – 5** **2016**

005439-2014 **GMH Restaurant Holdings**
v. City of Somers Point **Block - 1810** **Lot – 3** **2014**

002887-2015 **GMH Restaurant Holdings**
v. City of Somers Point **Block - 1810** **Lot – 3** **2015**

001776-2016 **GMH Restaurant Holdings**
v. City of Somers Point **Block - 1810** **Lot – 3** **2016**

014049-2014 **Sunset Bay Partners, LLC**
v. City of Somers Point **Block - 2043** **Lot – 6** **2014**

**REGULAR MEETING
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011119-2015	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043	Lot – 6	2015
012146-2016	Sunset Bay Partners, LLC v. City of Somers Point	Block - 2043	Lot – 6	2016
011955-2016	Pier 4, LLC v. City of Somers Point	Block - 2012	Lot – 12	2016
003747-2016	Crab Trap v. City of Somers Point	Block - 2012	Lot – 11	2016
012311-2016	Owl Motel v. City of Somers Point	Block - 1423	Lot – 1	2016
012090-2017	Owl Motel v. City of Somers Point	Block - 1423	Lot – 1	2017
Various 2017	Alexander Kazmarck v. Somers Point	Block -2018	Lots- 1.01- 1.05	2015-
		Block - 2018	Lot - 1.08	
		Block - 2018	Lot - 2.02	

WHEREAS, the length of the Executive Session is estimated to be approximately 25– 30 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	On or after September 28, 2017.	City Council Approval by Resolution

Resolution No. 168 of 2017

M/S – Dill/D’Adamo

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
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Subject: Authorizing Bike Sale
Sponsored by: Council President McGuigan

WHEREAS, the Police Department of the City of Somers Point is presently in possession of certain goods, chattels and other personal property belonging to certain unknown owners; and

WHEREAS, the Police Department of the City of Somers Point has been in possession of said property for more than six (6) months and has been unable to determine the whereabouts of the owners of said property; and

WHEREAS, the City Council of the City of Somers Point is desirous of conducting a public sale for the purpose of exposing for sale said personal property as hereinafter mentioned.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Somers Point, that:

1. The City of Somers Point hereinafter referred to in this Resolution as the “City” shall sell at public sale to the highest bidder on the 7th day of October, 2017, at the hour of 10:00 a.m. (preview at 9:00 a.m.), at the Public Works Building, 830 Center Street, Somers Point, New Jersey, as per the attached. Bikes can be inspected between 9:00 am and 10:00 am.
2. The property to be offered in individual lots.
3. The City determines that this sale shall be conducted in accordance with N.J.S.A. 40A:14-157.
4. Public notice of the time and place stating the description of the property to be sold shall be published in the Press of Atlantic City on 9/24/17 and again on 10/01/17.
5. The successful bidder shall submit cash or certified check made payable to the City of Somers Point drawn on a recognized banking institution in an amount equivalent to the full purchase price, said sum to be paid at the time of the offer.
6. It is understood that the City is conducting this sale in accordance with N.J.S.A. 40A:14-157 and makes no representations, warranties or guarantees of any kind with respect to the City’s right, title and interest in and to the property, and is being sold in “as is” condition and no purchaser shall have any rights or remedies against the City.
7. The conditions of this sale shall be binding not only to the successful bidder but also on the heirs, devisees, personal representatives, successors or assigns of any successful bidder.
8. The City reserves the right to reject any and all bids.
9. The City makes no representations, warranties or guarantees of any kind with respect to the property about to be sold.

Old Business:

None

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New Business:

City Administrator Swain reported that the old EXXON gas station has a City tax lien on it for approximately \$75,0000, and the potential buyer requested the City consider an installment plan. Administrator Swain, Attorney Franklin and the Governing Body discussed the options and legal requirements. City Council concurred to continue to work towards an agreement.

Council President McGuigan requested a motion to waive the \$50 mercantile fee for St. Joseph's Regional School to sell fresh grown peppers. A motion was duly made, seconded and carried to approve the request.

Councilman Dill motioned, seconded by Councilman Gerety and carried to approve a for Sean Iannace the N.J. State Firemen's' Association application.

Councilman Dill motioned, seconded by Councilman Toto and carried to waive a raffle license fee for the VFW Post.

Council President McGuigan indicated there is an application for a handicapped parking space and offered the residents to address their concerns to the Governing Body during Public Portion.

Council President McGuigan requested a 48- hour waiver for: a trunk or treat event sponsored by the Somers Point Police Department and the National Multiple Sclerosis Society for their annual fund-raising event. Both were duly approved by City Council.

The application for the MS bicycle event has requested a new route. City Council duly approved the new route.

City Council duly approved the Somers Point Police Department to hold their first Trunk or Treat in the City's parking lot.

Discussion of Bills:

Administrator Swain reported a bill list dated 9/12/17 in the amount of \$ 885,774.61 along with a record of payments dated 9/1/17 for \$ 8,482.86.

Public Portion

Public Portion was duly opened.

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Paul Huber of Crestview Drive mentioned that the National MS received approval from the Recreation Commission to use Kennedy Park. Council President McGuigan explained that the plans have changed.

Mr. Green of Shore Road expressed his concern regarding a request for handicapped parking. City Council President McGuigan indicated that he is interested in moving forward to address their request. The Governing Body concurred to move forward with the request. Mr. Green and his daughter thanked the Governing Body for their support.

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

Payment of Bills

M/S – Dill/Gerety

The bills were approved by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

Recess:

The Mayor and City Council entered a short recess and then entered into Executive Session.

The Governing Body duly closed Executive Session and entered into Open Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: