

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 26, 2017**

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag.

Roll call was recorded as follows:

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

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

Absent: None

Open Public Meetings Act

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

Communications:

Mayor Glasser congratulated the Police Department regarding their duty at the Presidential Inauguration of President Trump.

Mayor's Report:

None

Administrator's Report:

None

Committee Reports:

Councilman Toto reported that the Recreation Commission held their first meeting of the year last Thursday and discussed by-laws, policies, fees and use of the fields.

Council President McGuigan mentioned that the Finance and Budget Committee has set a schedule to meet with the various departments.

Wes Swain, City Administrator, proudly stated that the City's rating of Standard and Poor has improved.

Minutes

M/S – Toto/Gerety

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Minutes of the regular meetings of November 10, 2016, and December 8, 2016, were approved by a unanimous vote of those present with Councilmen Dill and Smith recusing.

ORDINANCES

There were no ordinances to consider.

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 50

M/S – Gerety/Toto

The resolution was adopted by a unanimous vote of those present. Council President McGuigan mentioned that Ms. Sutherland has an extensive background and appreciates her volunteerism.

No. 50 of 2017

Subject: Somers Point Arts Commission

Introduced by: Councilman Gerety

WHEREAS, the Somers Point City Code provides in Section 2-6 that the Arts Commission shall consist of 10 members appointed by City Council; and

WHEREAS, by Resolution 31 of 2017 City Council appointed eight persons to serve on the Arts Commission for a term of one year to expire on December 31, 2017; and

WHEREAS, Somers Point Code Section 2-11 provides that any vacancy may be filled by a Resolution adopted by City Council; and

WHEREAS, a recommendation has been received from the Arts Commission for Council to consider and approve the appointment of Karen Sutherland, a resident of the City of Somers Point to fill one of the member vacancies; and

WHEREAS, the recommendation has been considered by City Council.

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NOW, THEREFORE, BE IT RESOLVED that Karen Sutherland is hereby appointed to serve as a member of the Somers Point Arts Commission for a term expiring December 31, 2017.

Resolution No. 51

M/S – Tapp/Toto

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

No. 51 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** topic which requires the advice and counsel of the City Solicitor with regard to a litigated claim and is a matter 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 January 26, 2017 during a public meeting to be held commencing at 7:00 P.M.; and

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

1 “(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 to be 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 on the status of an eminent domain proceeding:

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CAPTION and DOCKET NO.:
**CITY OF SOMERS POINT v. HIMMELSTEIN ASSOCIATES, LLC. DOCKET
NO. L-672-16**

WHEREAS, the length of the Executive Session is estimated to be approximately 15 – 30 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

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

Consent Agenda

M/S – Dill/Gerety

The Consent Agenda was adopted by unanimous vote of those present.

Councilman Smith questioned Greg Schneider, City Engineer, of the type of plan that will be used for Resolution No. 48 of 2017. Mr. Schneider explained the plan to the Governing Body and indicated that the City is not committing to a specific plan.

Resolution No. 43

No. 43 of 2017

Subject: Authorizing the Somers Point Green Advisory Committee to make application for a Sustainable Jersey Grant funded by PSEG in the amount of \$2,000.

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Introduced By: Councilman Toto

WHEREAS, the Somers Point Green Advisory Committee was created by City Council to advise the City Council and the City administration on ways to improve municipal operations with green initiatives which are economically and environmentally sound through research and evaluation; and

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Somers Point strives to save tax dollars, assure clean land, air and water, and improve working and living environments; and

WHEREAS, Somers Point is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, the Somers Point Green Advisory Committee feels that residents could take part in protecting our local natural resources if given the opportunity; and

WHEREAS, activities relating to property maintenance can lead to reduced non-point source pollution, water conservation, increased habitat for wildlife, and improved groundwater conditions; and

WHEREAS, the Somers Point Green Advisory Committee can promote these practices by educating residents about native landscaping, composting, and downspout diversion to reduce water runoff with the use of Grant funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Somers Point Green Advisory Committee is hereby authorized to submit the aforementioned Sustainable Jersey Grant.

BE IT FURTHER RESOLVED that the Mayor and City Administrator are hereby authorized to execute any documents necessary on behalf of the City and the Green Advisory Committee in connection with this grant application including any grant agreement that may be forthcoming.

Resolution No. 44

No. 44 of 2017

Subject: Authorizing the Somers Point Green Advisory Committee to make application for a Sustainable Jersey Grant funded by PSEG in the amount of \$10,000.

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Introduced By: Councilman Toto

WHEREAS, the Somers Point Green Advisory Committee was created by City Council to advise the City Council and the City administration on ways to improve municipal operations with green initiatives which are economically and environmentally sound through research and evaluation; and

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Somers Point strives to save tax dollars, assure clean land, air and water, and improve working and living environments; and

WHEREAS, Somers Point is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Grants Program; and

WHEREAS, the Somers Point Green Advisory Committee feels that Somers Point could benefit from working with the business community in order to spread the sustainability message; and

WHEREAS, businesses can take actions to improve their sustainability as well as that of the greater community; and

WHEREAS, such actions can include recycling, conserving energy and water, purchasing sustainable products, landscaping, gardening, reducing direct carbon emissions, and more; and

WHEREAS, meeting certain guidelines for a Green Business Recognition Program would enable businesses to publicize their sustainability achievements, thus further benefiting their businesses in addition to other Sustainable Jersey actions such as Buy Local and Support Local Business; and

WHEREAS, this publicity would raise the public's awareness of sustainability and educate the public about actions that could be taken at home; and

WHEREAS, with the use of Grant funds, the Somers Point Green Advisory Committee can fully develop and promote the Green Business Recognition program to businesses, and then award the recognized businesses with publicity and materials as part of a certification packet.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Somers Point Green Advisory Committee is hereby authorized to submit the aforementioned Sustainable Jersey Grant.

BE IT FURTHER RESOLVED that the Mayor and City Administrator are hereby authorized to execute any documents necessary on behalf of the City and the Green Advisory Committee in connection with this grant application including any grant agreement that may be forthcoming.

Resolution No. 45

No. 45 of 2017

Subject: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the FY 2017 Safe Streets to Transit – Route 9 Pedestrian Improvements

Sponsor: Council President McGuigan. Councilmen Dill and Tapp

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to apply to the New Jersey Department of Transportation for the FY 2017 Safe Street to Transit Grant Program, and

WHEREAS, the City Engineer has recommended that the City apply for the pedestrian improvements along Rt.9 from Somers Point - Mays Landing Road to West Laurel Drive, and

WHEREAS, these improvements consist of the installation of new sidewalk to connect pedestrian areas, the installation of new handicap ramps where required, and the installation of new guiderail.

WHEREAS, the City is requesting \$400,000.00 to complete this project

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the New Jersey Department of Transportation on behalf of the City of Somers Point that shall include an executed copy of the resolution of approval in the format prepared by the State which is attached hereto and made a part hereof.

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BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement.

Resolution No. 46

No. 46 of 2017

Subject: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the FY 2017 Municipal Aid Program– Reconstruction of Bethel Road.

Sponsors: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to apply to the New Jersey Department of Transportation for the Local Aid Infrastructure Fund, and

WHEREAS, the City Engineer has recommended that the City apply for the reconstruction of Bethel Road from Ocean Heights Avenue to Shore Road, and

WHEREAS, these improvements consist of repaving the existing road, the installation of new handicap ramps where required, new sidewalk to connect pedestrian areas, reconfiguration of the bikepath crossing, and new traffic striping.

WHEREAS, the City is requesting \$750,000.00 to complete this project

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the New Jersey Department of Transportation on behalf of the City of Somers Point that shall include an executed copy of the resolution of approval in the format prepared by the State which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement.

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Resolution No. 47

No. 47 of 2017

Subject: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the FY 2017 Municipal Aid Program– Reconstruction of 10th Street

Sponsors: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to apply to the New Jersey Department of Transportation for the FY 2017 Municipal Aid Program, and

WHEREAS, the City Engineer has recommended that the City apply for the reconstruction of 10th Street from Connecticut Avenue to West Laurel Drive, and

WHEREAS, these improvements consist of repaving the existing road, the installation of new handicap ramps where required, new sidewalk to connect pedestrian areas, drainage improvement, and new traffic striping.

WHEREAS, the City is requesting \$280,000.00 to complete this project

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the New Jersey Department of Transportation on behalf of the City of Somers Point that includes a copy of the resolution in this matter in the format prepared by the State and attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement.

Resolution No. 48

No. 48 of 2017

Subject: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the FY 2017 Bikeways Grant – Bikeway Improvements along Somers Point- Mays Landing Road

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Sponsors: Councilmen Dill and D'Adamo

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to apply to the New Jersey Department of Transportation for the FY 2017 Bikeways Grant Program, and

WHEREAS, the City Engineer has recommended that the City apply for Bikeway Improvements along Somers Point- Mays Landing Road, and

WHEREAS, these improvements consist of the installation of new bike lanes and repairs to the existing sidewalk; and

WHEREAS, the City is requesting \$130,000.00 to complete this project

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the New Jersey Department of Transportation on behalf of the City of Somers Point that shall include an executed copy of the resolution of approval in the format prepared by the State which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 49

No. 49 of 2017

A RESOLUTION OF SUPPORT FOR A PROPOSED
PROJECT WHICH WILL PROVIDE FOR THE INTERCONNECTION OF THE SOMERS
POINT PEDESTRIAN WALKWAY / BIKE PATH, THE SOMERS POINT – OCEAN CITY
BRIDGE PEDESTRIAN WALKWAY / BIKEPATH AND THE GARDEN STATE
PARKWAY SOUTHBOUND BRIDGE SPAN PEDESTRIAN WALKWAY / BIKEPATH

Sponsor: Councilmen Dill and D'Adamo

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Whereas, the Southbound Span of the Garden State Parkway includes a pedestrian walkway / bike path linking Somers Point and Upper Township and points north; and

Whereas, the Somers Point - Ocean City Rt. 52 Bridge includes a pedestrian walkway / bike path linking Somers Point and Ocean City; and

Whereas, the City of Somers Point is in the process of extending the Somers Point Bike Path to connect to Rt. 52, Rt. 559 and the Somers Point - Ocean City Bridge; and

Whereas, there is no existing adequate pedestrian walkway / bike path linking the Somers Point Bike Path, the Rt. 52 Bridge pedestrian walkway / bike path and the Garden State Parkway Bridge pedestrian walkway / bike path; and

Whereas, representatives of the New Jersey Turnpike Authority, the New Jersey Department of Transportation, Atlantic County and Somers Point have worked together to develop a plan to connect the Garden State Parkway Bridge pedestrian walkway / bike path to Route 9, the Somers Point - Mays Landing Road (CR559), Route 52, the Somers Point - Ocean City pedestrian walkway / bike path and the Somers Point Bike Path which, if constructed, will provide a safe and scenic route providing connectivity to the system of bike paths and bike routes within the State; and

Whereas, the proposed plan which is in the concept phase will require the construction of an overpass across the Northbound Parkway Exit Ramp connecting to the east side of the Exit Ramp, continuing along the East side of Rt. 9 to the intersection of Rt. 9 and Somers Point - Mays Landing Road (CR 559) and then along the South Side of CR559 to the Somers Point - Ocean City Bridge; and

Whereas, the New Jersey Department of Transportation and Parsons Brinkerhoff have requested a Resolution of Support for the project from City Council in order to move the project into the engineering, design, and cost determination phase in anticipation of being able to undertake the construction while the construction of the Northbound Parkway Bridge Span is continuing; and

Whereas, City Council and the City Engineer have reviewed the concept plan and project summary: and

Whereas, City Council is submitting a grant application to the NJ Department of Transportation requesting funding for the pedestrian walkway / bike path to be constructed along CR 559; and

Whereas, the City Council believes that a safe connection of pedestrian walkways / bike paths is beneficial to the City, its residents, businesses and visitors

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Now, therefore, it is hereby RESOLVED that the City Council of the City of Somers Point fully supports the propose Project and encourages the New Jersey Department of Transportation and the New Jersey Turnpike Authority to expeditiously proceed to the design, engineering, and construction phase.

It is further, RESOLVED, that the Somers Point City Clerk shall provide a certified copy of this Resolution of Support to:

The New Jersey Department of Transportation
The New Jersey Turnpike Authority
Senator Jim Whelan
Senator Jeff Van Drew
Assemblyman Chris Brown
Assemblyman Bob Andrzejcak
Assemblyman R. Bruce Land
Atlantic County Executive Dennis Levinson
The Atlantic County Board of Chosen Freeholders
Melissa Bovera, Ocean City Municipal Clerk
Barbara L. Young, RMC, Upper Township Municipal Clerk
The Greater Atlantic City Chamber of Commerce
The Cape May County Chamber of Commerce

Old Business

Councilman Smith indicated that the Recreation Commission would be able to prepare a proper budget if they knew the status of the City accepting the Route 52 Corridor Project (Project). In addition, Councilman Smith recommended an option of going out to bid for the maintenance of Route 52. Attorney Franklin advised that if the City were to accept the Project, the boat ramp could fall under the Recreation Commission. Wes Swain, City Administrator, advised that the City would not own the property, but be responsible for the upkeep and boat ramp fees collected must be used for the upkeep. City Administrator Swain explained that the New Jersey Department of Transportation (NJDOT) had planned a walk-through of where all the processes were located and would provide the City with pieces of the lights and sprinkler heads; but the NJDOT never followed through. There has been difficulty locating the contact person from the NJDOT. Additionally, it is his understanding that there should be a meeting before the City assumes responsibility and control of the property. For the past three years, the City has maintained the property. Mr. Swain recommended collecting fees and hiring a boat ramp attendant to monitor the area. Councilman Smith opined that the City has accepted responsibility of the area by acknowledging that the NJDOT is not coming back for a meeting, and the City has been maintaining the areas. City Council President McGuigan announced that the City has accepted the Project. A letter will be forwarded to NJDOT notifying them that Somers Point has accepted the Project.

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Council President McGuigan mentioned that asphalt was replaced at the Rt. 52 instead of the brick overlay. Mr. Schneider will contact the NJDOT for the proper in-kind replacement.

New Business:

Proposed Ordinance for Bus Stop

Council President McGuigan mentioned that the ordinance will be on the February 9, 2017, agenda.

Proposed Ordinance Regarding Four Way Stop Intersection

Councilman Toto reported that there have been complaints from residents at the intersection of Ambler Road and Bala Avenue. He mentioned that a four way stop would help reduce the amount of accidents and slow down the traffic in that area. Councilman Smith opposed the four way stop proposal because this area doesn't have many four way stops as does the Midwest, and everyone believes their road is the most dangerous. Council President McGuigan mentioned that he would request additional information from the Police Department. Councilman Dill shared the four way stop history of Massachusetts Avenue and Ambler Road, which was a through street. Then the road was reconstructed and vehicles kept hitting the drainage ditch, which was a public safety issue. It was more economical to make that intersection a four way stop than reconstructing the whole intersection. Since the National Highway Safety Administration historically has not been a proponent of four way stop intersections, Mayor Glasser recommended doing more research. The Governing Body discussed receiving any accident reports and additional information from the Police Department.

The 48-hour rule was imposed to consider the following:

The Knights of Columbus Raffle License

Somers Point Fire Department No. 2 Raffle License

City Council unanimously approved the on-premise raffle license for Jordan Road Parents Group, The Knights of Columbus Raffle License and Somers Point Volunteer Fire Department No. 2 Raffle License with Councilman D'Adamo recusing himself from The Knights of Columbus Raffle License.

Discussion of Bills

Administrator Swain reported a Bill List dated 1/24/17 in the amount of \$5,235,564.10 that includes the County tax and the Mainland Regional High School payment. City Council President recused himself from Capri Construction payment for the Gateway Theatre.

Public Portion

Meeting was opened to the public.

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Mr. Chris residing at 401 Ocean Heights Road congratulated Somers Point regarding our rating with Standard and Poor. Additionally, he questioned his water quality, and City Council President referred him to the New Jersey American Water Company.

Mr. Himmelstein of Surfside Casual expressed his concerns regarding Braddock Avenue and curbing and sidewalks and requested City Council to vacate a portion of Braddock Avenue. City Council President McGuigan referred the matter to the Parking and Traffic Committee.

Mr. Michael Caserta residing at 138 Decatur Avenue expressed his concerns regarding flooding. Councilman Gerety questioned City Engineer, Greg Schneider, regarding the check valve. Mr. Schneider indicated that the check valve is fairly old and may need replacement. Council President McGuigan stated that Mr. Schneider will inspect the area. Mr. Caserta thanked everyone for their assistance.

Mr. Franco agreed with Mr. Caserta with his concerns. Council President McGuigan assured Mr. Franco that the City's emergency services will do everything in their power to safeguard residents and property.

Payment of Bills

M/S – Tapp/Gerety

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

Recess

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

Adjournment

There being no further business, meeting adjourned at 8:10 p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk

Approved: 5/11/2017

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