

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 28, 2016**

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

Roll call was recorded as follows:

Present: D'Adamo, Dill, Gerety, McGuigan, Smith, Toto & Tapp
Also Present: Mayor Glasser, Administrator Swain, Atty. Franklin & Clerk
Degrassi

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

Public Portion (Resolution)

Meeting was opened to the Public and duly closed with regard to Resolution No. 41 which was brought forward on the agenda.

Resolution No. 41

M/S – Gerety/Dill

Councilman Dill thanked Neil for his service to the City stating that this is long overdue and that forty years is a tremendous amount of time to serve your community. Councilman Smith congratulated Neil stating that he has known him for a very long time. Councilman McGuigan also thanked Neil for his service to the City and also on behalf of his family stating that forty years is quite an accomplishment. Councilman D'Adamo stated that Neil not only is involved in City organizations, but other volunteer organizations as well, showing a true commitment. Councilman Toto thanked Neil for his dedication and service. Councilman Gerety thanked him for his dedicated service to the City of Somers Point. Council President Tapp thanked Neil, as well as his family, for all the years of service to the City of Somers Point. Mayor Glasser stated that he has known Neil for so many years and he is a true volunteer, a true Somers Pointer. Rob Cozen, Deputy Emergency Management Coordinator, presented Neil with a plaque thanking him for his many years of service. He stated that it's been said that the service of our volunteers makes Somers Point special and when someone arrives at forty years of service, that is very special. He stated that Neil doesn't go home until he is sure that everyone who has been relocated is safe, secure and warm, then he goes home. Mayor Glasser also presented Neil with a signed copy of the resolution, thanking him from a grateful City.

No. 41 of 2016

Honoring Neil Regina for Forty Years of Dedicated Service to the City of Somers Point

Sponsored by: Mayor and City Council

WHEREAS, Neil Regina, a resident of the City of Somers Point will, in 2016, celebrate forty (40) years of consecutive public service to the City of Somers Point and our residents; and

WHEREAS, during those forty years, Neil Regina has served in all four Public Safety Units of the City of Somers Point having served for:

17 years as a member of the Somers Point Volunteer Rescue Squad (including one year as a Lieutenant);

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Resolution No. 41 (Continued)

15 years as a member of the Somers Point Volunteer Fire Department as a firefighter and as an Emergency Medical Technician;

2 years as a part-time Dispatcher in the Somers Point Police Department; and

40 years as a member of the Somers Point Office of Emergency Management (including 21 years as Deputy Coordinator); and

WHEREAS, Neil Regina has amassed a significant list of accomplishments in his 40 years of service to our City; and

WHEREAS, Neil Regina exemplifies the true spirit of dedicated Public Service and serves as a role model for those who are willing and able to support their fellow citizens and their local government.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of Somers Point commend Neil Regina for his dedicated service to our City; and

BE IT FURTHER RESOLVED, that the Mayor and City Council convey their gratitude and the gratitude of the citizens of Somers Point to Neil Regina; and

BE IT FURTHER RESOLVED, that the Mayor and City Council congratulate Neil Regina on the fortieth anniversary of his service to the Public Safety Departments of our City.

Communications

Councilman McGuigan updated everyone with regard to the Arts Commission stating that they have an event on February 21st.

Council President Tapp reported that he has a resignation from Al Cohen from the Zoning Board which he will place on file, stating that we will need to find a replacement for him.

Mayor's Report

Mayor Glasser reported that the Office of Emergency Management did a great job, as did all of the public safety departments this past weekend with the storm. We did get some flooding along Bay Avenue and we did have two water rescues on Saturday morning and commended the Fire Department for their good job as well. He also mentioned that there will be a wellness luncheon for the full time employees tomorrow from 11:30 am – 1:30 p.m. held at Fire Company No. 2.

Administrator's Report

Administrator Swain reported that we received a \$50,000. Grant to help with the planning of a community rating system which will lead to lower flood insurance.

Committee Reports

Councilman Dill thanked the Public Safety people and the public works department for their hard work and dedication during the storm.

Minutes

There were no minutes to approve.

ORDINANCES

There were no ordinances to consider.

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RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 42

M/S – McGuigan/Dill

Adopted by a unanimous vote of those present.

No. 42 of 2016

Subject: Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July, 2014 - June 30, 2019

Introduced by: Council President Tapp

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the City Council of the City of Somers Point, County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages and, therefore, has an established Municipal Alliance Committee; and

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in the community; and

WHEREAS, the City Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Atlantic.

NOW, THEREFORE, BE IT RESOLVED that the City of Somers Point, County of Atlantic, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize the submission of a strategic plan for the Somers Point Municipal Alliance for fiscal year 2017 in the amount of:

DEDR	\$15,038.00
Cash Match	\$3,760.00
In-Kind	\$11,278.00

2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution No. 43

M/S – Dill/Toto

Adopted by a unanimous vote of those present.

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Resolution No. 43 (Continued)

No. 43 of 2016

Subject: Appointment of Timothy Welsh as a Lieutenant in the Somers Point Volunteer Fire Department

Sponsored by: Council President Tapp

WHEREAS, on January 4, 2016 this governing body adopted Resolution 3 of 2016 confirming the recommendations received from members of the Somers Point Volunteer Fire Department and appointing the appropriate officers and their respective terms of service; and

WHEREAS, at the time of preparation of Resolution 3 of 2016 there was a vacancy in one of the two Lieutenant positions with no name having been supplied; and

WHEREAS, subsequent to the preparation of the Resolution, a recommendation was made by the members of the Somers Point Volunteer Fire Department to appoint Timothy Welsh to the position of Lieutenant for a term of one (1) year expiring on December 31, 2016; and

WHEREAS, Timothy Welsh did appear and was duly sworn in along with the other Fire Department Officers on January 4, 2015

Now, therefore, it is hereby RESOLVED that Timothy Welsh is appointed to serve as a Lieutenant in the Somers Point Volunteer Fire Department for a term of one (1) year effective upon his swearing in on January 4, 2016 and expiring on December 31, 2016.

Resolution No. 44
M/S – McGuigan/Gerety
Adopted by a unanimous vote of those present.

RESOLUTION NO. 44 of 2016

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, 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 there are **FIVE** (5) topics which require the advice and counsel of the City Solicitor 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 January 28, 2016 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.

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1 “(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.”

The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

A report to mayor and City Council by the Somers Point Chief of Police regarding the elements of the public safety program which has been implemented for school safety, and the status of the joint task force comprised of representatives from the Police Department and the public and private elementary and high schools within the City; providing an opportunity for a full and thorough presentation to Council, the public disclosure of the means and methods could impair the effectiveness of the protection.

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 nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

1) Advice of Counsel and attorney client communication In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15;

2) Advice of counsel and attorney client communication and discussion with City Administrator regarding negotiation of the terms and conditions of a Redeveloper’s Agreement and Financial Agreements consistent with and authorized under the provisions of N.J.S.A. 40A:12A inclusive of but not limited to N.J.S.A. 40A:12A-8, 12A-9, 12A-41, 12A-59 and 12A-60 as referenced in the Redevelopment Plan approved by Ordinance 5 of 2015.

3) Advice of Counsel and attorney client communication regarding a threatened lawsuit and pending legislation.

4) Advice of Counsel and attorney client communication regarding the legal implications of a potential lawsuit.

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

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

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Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 6 Above	Not to be disclosed for the protection of public safety and police procedures.	N/A
See Exception 7 Above	Unknown at this time	City Council and / or Court Approval by Ordinance and / or Court Order/ and /or settlement of any litigation approved by City Council.

Resolution No. 45

M/S – Dill/D’Adamo

Adopted by a unanimous vote of those present.

**City of Somers
Point Resolution**

No. 45 of 2016

Subject: Revising Towing Operator Fees and Rates

Sponsored By: Council President Tapp

WHEREAS, Section 240-8 of the Somers Point City Code provides that from time to time, the City Council of the city of Somers Point shall, by resolution, enact standardized fees and rates for the following work to be performed by licensed towing operators; and

WHEREAS, the governing body of the City of Somers Point has determined that the last fee schedule adopted by City Council was by Resolution 46 Of 2003; and

WHEREAS, the Somers Point Chief of Police acting with members of the Police Department has met with the licensed towing operators and has reviewed and compared the current Somers Point fee Schedule against the current fee schedules which are in place in neighboring and other municipalities within the local region; and

WHEREAS, the Somers Point Chief of Police has made a recommendation to this governing body for an increase in allowed fees and rates; and

WHEREAS, the recommendation has been reviewed and found to be fair and reasonable and in accord with accepted practices in the industry

NOW, THEREFORE, IT IS HEREBY **RESOLVED** by the City Council of the City of Somers Point that from the date of the passage of this resolution until a date when a subsequent resolution shall be passed by City Council, all licensed tow operators shall charge the following fees and rates:

TOWING FEES AND RATES

- a) Transporting of illegally parked, impounded or disabled motor vehicle 7,000 lbs. or less \$100.

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Resolution No. 45 (Continued)

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| b) Transporting of illegally parked, impounded or disabled motor vehicle exceeding 7,000 lbs. | \$110.00 |
| c) Transporting of motor vehicles 7,000 lbs. or less from accident scenes to include cleaning and removal of area debris. | \$125.00 |
| d) Transporting of motor vehicle exceeding \$125.00 7,000 lbs. but less than 12,000 lbs. from accident scenes to include cleaning and removal of debris. | |
| e) Transporting of motor vehicles 12,000 lbs. or more to include cleaning and removal of debris. | \$130.00 |
| f) Charge for storage for the first 24-hour period | \$20.00 |
| Charge for storage for each additional 24 hr. period | \$30.00 |
| g) Towing of all City owned Police Vehicles outside the limits of Atlantic County. (Load charge only) | \$2.00 per mile |
| h) Providing winching service | \$75.00 |
| i) No charge for towing of any motor vehicle or Impounding of motor vehicles for Police Investigation purposes at the direction of the Chief of Police or his designee to include storage. | No Charge. |
| j) Response fee (no tow) | \$50.00 |
| k) Road service to disabled vehicles during normal business hours & after hours. (no tow) | |
| Business hours Monday thru Friday 8 am – 5 pm | \$50.00 |
| After hours and weekends | \$75.00 |
| l) Road service to police vehicles | \$25.00 |
| m) Towing of motorcycles | \$100.00 |

Resolution No. 46

M/S – D’Adamo/Dill

Adopted by a unanimous vote of those present.

No. 46 of 2016

AUTHORIZING THE EXECUTION AND DELIVERY OF A SHARED SERVICES AGREEMENT BETWEEN THE ATLANTIC COUNTY UTILITIES AUTHORITY AND THE CITY OF SOMERS POINT TO PROVIDE ROLL – OFF CONTAINER SERVICES

Sponsored by: Council President Tapp

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Resolution No. 46 (Continued)

WHEREAS, The Uniform Shared Services and Consolidation Act, N.J.S. 40A:65-1 et seq., (the “Act”) authorizes local units such as the City of Somers Point (the “City”) to enter into shared service agreements with other local units; and

WHEREAS, The Atlantic County Utilities Authority (the “ACUA”) is a local unit as defined in the Act; and

WHEREAS, ACUA provides collection, disposal, recycling, processing and treatment of solid waste; and

WHEREAS, the Somers Point City Administrator and the Public Works Department have determined that a savings to the City can be achieved by using the services of the ACIA to provide one or more roll-off containers and the necessary labor and equipment to perform the transportation, hauling, weighing, unloading and returning of the roll-off container(s) on an as needed basis as determined by the City; and

WHEREAS, the ACUA has presented a form of Shared Service Agreement

Now, therefore, it is hereby Resolved that City Council of the City of Somers Point authorizes the Mayor to execute and deliver a Shared Services Agreement, generally in the form submitted, between the City of Somers Point and the Atlantic County Utilities Authority and to take any such other action as may be deemed by the City Administrator and the City Solicitor to be necessary or desirable in order to effectuate the intent of this Resolution.

Resolution No. 47

M/S – Dill/Toto

Adopted by a unanimous vote of those present.

No. 47 of 2016

Subject: Change Order – Contract No. 35 – 2015 Road Program

WHEREAS, in accordance with Resolution 124 of 2015, Arawak Paving Co., Inc. of Hammonton, NJ was awarded the contract for the 2015 Road Program for the sum of \$393,700.00; and

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

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

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

Base Contract	\$393,700.00	
Change order 1 (to reflect as-built quantities)	-\$32,547.16	
Revised Contract Amount	\$361,152.84	
Total Deduction: \$32,547.16	Total Additional: \$0	Net Change: -8.27%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for 2015 Road Program is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 48

M/S – Dill/Toto

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Resolution No. 48 (Continued)

No. 48 of 2016

**Subject: Change Order – Contract No. 34 – FY 2015 State Aid –
Reconstruction of Delaware Avenue**

WHEREAS, in accordance with Resolution 125 of 2015, Arawak Paving Co., Inc. of Hammonton, NJ was awarded the contract for the FY 2015 State Aid – Reconstruction of Delaware Avenue for the sum of \$178,400.00; and

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

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

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

Base Contract	\$178,400.00		
Change order 1 (to reflect as-built quantities & asphalt penalty)	-\$45,239.52		
Revised Contract Amount	\$133,160.48		
Total Deduction: \$45,239.52	Total Additional: \$0	Net Change: -25.36%	

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for FY 2015 State Aid – Reconstruction of Delaware Avenue is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Consent Agenda

There were no items on the consent agenda for consideration.

New Business

Councilman Smith stated that he has a copy of the Somers Point Historical Society Newsletter and noted that Councilman D'Adamo is one of the scoutmasters recognized.

A raffle license application was approved by a 6-0 vote for the Somers Point Historical Society with Councilman D'Adamo recusing himself from voting.

A raffle license application was also approved unanimously for the Ocean City Crew Boosters.

Old Business

There was no Old Business presented.

Discussion of Bills

Bills were presented for discussion in the amount of \$1,223,641.59 as well as a record of payment in the amount of \$2,520.00

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Public Portion

Meeting was opened to the public and duly closed.

Payment of Bills

M/S – Dill/D’Adamo

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 for a few minutes at 7:40 pm prior to going into Executive Session.

Adjournment

Council reconvened in open session, with Council President Tapp noting that no action was taken. Meeting was then adjourned at 8:39 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 02-11-16