

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 11, 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 & Deputy Clerk Samuelsen

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

None

Mayor's Report

Mayor Glasser reported that the Somers Point Historical Society will be holding their installation luncheon on 2/27/16 at 12 noon at the Crab Trap. The Mainland Regional Education Foundation will be honoring Gregory Gregory for making a difference in the community on 4/14/16 at the Linwood Country Club. The Mayor added that Chief Boyd, Lt. Disciascio and City Engineer Greg Snyder will meet with Assembly Brown regarding the Safe Corridor program.

Administrator's Report

None

Committee Reports

Councilman Dill reported heavy flooding due to a storm and high tides. The worse flooding was located at Bay Avenue, Decatur Avenue and New York Avenue. There are two issues regarding the flooding. City Engineer, Greg Snyder, explained to the Governing Body that an old outfall pipe near New York Avenue and Bay Avenue is capped with no check valve, which is no longer needed and could be filled in. The quotes came in at approximately \$2,500.00 and the work should be completed next week. The privately owned bulkhead that is adjoining the City's bulkhead is slightly lower than the City's bulkhead. The Code Enforcement Officer has determined that the privately owned bulkhead is not structurally sound and must be replaced and raised by 2 feet according to the City Code. Currently, they are obtaining DEP permits, and Mr. Snyder called DEP to request them to expedite the permitting process. City Councilman Dill thanked Greg Snyder for his diligent work and extra effort to make numerous site visits monitoring the flooding.

Councilman McGuigan requested a date for a budget workshop meeting on 2/25/16 at 6:00 p.m. City Council concurred to schedule the meeting.

Councilman Toto reported that volunteer of the year is Russ Baab and Charlies Bar and Restaurant has applied for the St. Patrick's Day Plunge at the beach area. There have been discussions regarding the boat ramp at the Rt. 52 area boat ramp.

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Minutes

M/S – Dill/D’Adamo

Minutes of the Regular Council Meeting on January 28, 2016 and the Executive Session of 1/28/2016 as to content only were approved by a unanimous vote of those present.

ORDINANCES

Ordinance No. 1

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

No. 1 of 2016

AN ORDINANCE REPEALING ORDINANCE 27 OF 2015

WHEREAS, , a Community Block Development Grant had been obtained by the City of Somers Point to correct a drainage problem existing on certain properties located within Block 510 as designated on the Tax Map of the City of Somers Point (the “Project”); and

WHEREAS, the City did obtain a Community Development Block Grant to fund the Project; and

WHEREAS, the City Engineer prepared plans and specifications for the project which required drainage easements to be granted by certain owners of property within Block 510; and

WHEREAS, City Council adopted Ordinance 27 of 2015 authorizing the City to obtain the necessary drainage easements; and

WHEREAS, on November 10, 2015 bids were received for the Project which were far in excess of both the Engineer's estimate and the funds available for the Project; and

WHEREAS, as a result, the bids were rejected; and

WHEREAS, there is no need for the City to acquire the drainage easements which would have been necessary to construct the Project as designed

Now, therefore, it is hereby ORDAINED by the Common Council of the City of Somers Point as follows:

SECTION 1: Ordinance 27 of 2015 is hereby repealed in its entirety and shall be of no further force and effect.

SECTION 2: All Ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 3: If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance which shall remain in full force and effect.

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SECTION 4: This Ordinance shall take effect immediately upon final passage and publication and adoption in the manner prescribed by law.

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 49

M/S – McGuigan/Dill

Adopted by a unanimous vote of those present.

Councilman McGuigan proudly commended Justin on his dedication and success in an extremely tough sport and offered his congratulations. Councilman Toto mentioned he has had the honor of coaching Justin in the past. He congratulated him and mentioned that he has made Somers Point proud and his parents proud. Finally, he wished him best of luck in the future. Council President Tapp proudly mentioned that his dedication and hard work should be an example for all the youth and passed on his congratulations. Mayor Glasser and Council President Tapp presented Justin Bishop with a resolution, which was followed by a round of applause.

No. 49 of 2016

Recognizing and Honoring Justin Bishop

The Winningest Wrestler in the History of Mainland Regional High School

WHEREAS, Justin Bishop has been a lifelong resident of Somers Point and attended the local public schools; and

WHEREAS, Justin is a senior student at Mainland Regional High School and has been a member of the varsity wrestling team since his freshman year; and

WHEREAS, Mainland Regional High School has been open to students for over fifty years; and

WHEREAS, wrestling is one of the most difficult sports in which to compete and to succeed at the highest levels in wrestling, you need a combination of physical power, speed, technical skill, mental toughness and endurance; and

WHEREAS, on Saturday January 16, 2016, by winning two matches, Justin Bishop became the winningest wrestler in the history of Mainland Regional High School; and

WHEREAS, on Monday February 1, 2016, Justin earned his 100th victory by pinning his opponent in 10 seconds.

NOW THEREFORE, BE IT RESOLVED, that the dedication and perseverance demonstrated by Justin Bishop that resulted in extraordinary success, reflects his hometown of Somers Point in a positive manner and provides an example for other young persons to follow.

BE IT FURTHER RESOLVED that the governing body of the City of Somers Point recognizes and honors the achievements of Justin Bishop.

ALSO BE IT RESOLVED that The Mayor and The City Council convey their congratulations to Mr. Justin Bishop and their best wishes to him as he continues his academic studies and athletic career.

Resolution No. 50

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M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

Councilman McGuigan indicated that the bids came in too high. They are working with the engineer and architect and are hopeful to go out to bid in a few weeks.

No. 50 of 2016

Subject: Rejecting Gateway Theatre Bid Proposals Received January 29, 2016

Introduced By: Councilman McGuigan

WHEREAS, the City of Somers Point ("City") owns the Gateway Theatre property located at 738 Bay Avenue; and

WHEREAS, the City Council through its grants person did apply for and receive two awards of grant funds from the New Jersey Economic Development Authority and the New Jersey Historical Trust for the reconstruction and restoration of the Gateway Theater (the "Project"); and

WHEREAS, plans and specifications were prepared for the Project by a licensed professional architect and a licensed mechanical, electrical, and plumbing engineering firm; and

WHEREAS, in compliance with the Local Public Contracts Law, a bid package was prepared and bid proposals were solicited; and

WHEREAS, on January 29, 2016 five (5) bids were received; and

WHEREAS, each bid price was in excess of the grant amounts which are available for the project and exceeded the total cost estimate upon which the bid proposals had been solicited; and

WHEREAS the New Jersey Local Contracts Law (N.J.S.A. 40A:11-13.2) provides that a contracting unit may reject bids for any of the following reasons:

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;
- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; and

WHEREAS, the bid proposals received fall within reasons "a" and "b"; and

WHEREAS, since the Project is a vital part of the vision plan for Bay Avenue and the governing body would like to proceed with the Project to the extent practicable using the available funds; and

WHEREAS, the governing body has asked the City Administrator, grantsman, and other necessary professionals to review with the Project Architect and engineers the potential to substantially revise the specifications in order to utilize the available funds rather than abandon the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point City Council that for the reasons set forth above all of the bids on the attached list received on January 29, 2016 are rejected.

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Resolution No. 51

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

No. 51 of 2016

RESOLUTION OF SUPPORT FOR DESIGNATION OF BUS STOP

**LOCATIONS ALONG STATE ROUTE 9 AS DETERMINED
BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

Sponsored by: Councilman McGuigan

Whereas, by letter dated August 8, 2014, a request was made to the City of Somers Point by New Jersey Transit, a State - owned public transportation system ("NJT") to review NJT's recommended locations for designated bus stops along State Highway Route 9 ("Rt. 9) within the City of Somers Point; and

Whereas, a review of the proposed locations was undertaken by the City Engineer and the City's Traffic Safety Officer; and

Whereas, by response to NJT dated March 31, 2015 a Municipal Review Statement was submitted on behalf of the City to NJT with suggested locations; and

Whereas, NJT submitted the Municipal Review Statement to the New Jersey Department of Transportation ("NJDOT") to investigate the feasibility of locating bus stops at the proposed locations along Rt. 9; and

Whereas, by letter dated August 19, 2015, NJDOT submitted a list of approved locations which modified the locations submitted by the City and NJT; and

Whereas, the City Engineer has reviewed the revised locations which have been designated and approved by NJDOT; and

Whereas, in order to legally establish the designated bus stops the NJDOT is required to promulgate a Traffic Regulation Order ("TRO"); and

Whereas, in order to promulgate the TRO the NJDOT requires the City Council to adopt a Resolution of Support

Now, therefore, it is hereby resolved that the governing body of the City of Somers Point approves the following bus stop locations which have been designated by the NJDOT:

1) Along Route US 9 (New Road), northbound, on the easterly side at:

A. Rhode Island Avenue (near side)

Beginning at the southerly curb line of Rhode Island Avenue and extending 105 feet southerly therefrom;

B. Massachusetts Avenue (near side)

Beginning at the southerly curb line of Massachusetts Avenue and extending 105 feet southerly therefrom;

C. Between Chapman Boulevard and Bethel Road (midblock)

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Beginning at a point 165 feet north of the prolongation of the northerly curb line of Chapman Boulevard and extending 135 feet northerly therefrom;

2. Along Route US 9 (New Road), southbound, on the westerly side at:

A. Ocean Heights Avenue (CR 559A) (far side)

Beginning at the southerly curb line of Ocean Heights Avenue and extending 140 feet southerly therefrom;

B. Between Chapman Boulevard and Groveland Avenue (midblock)

Beginning at a point 265 feet south of the southerly curb line of Chapman Boulevard and extending 135 feet southerly therefrom;

C. Massachusetts Avenue (near side)

Beginning at the northerly curb line of Massachusetts Avenue and extending 105 feet northerly therefrom;

D. Between Connecticut Avenue and New York Avenue (midblock)

Beginning at a point 85 feet south of the southerly curb line of Connecticut Avenue and extending 135 feet southerly therefrom.

It is further Resolved that any previously approved bus stop locations or traffic regulations promulgated by the City which are in conflict with or inconsistent with the provisions of this Resolution shall be rescinded upon issuance of the Traffic Regulation by NJDOT; and

It is further, Resolved that the City Clerk is requested to send a certified copy of this Resolution to the New Jersey Department of Transportation and New Jersey Transit with a request to NJDOT to provide to the City Clerk a certified copy of the Traffic Regulation Order when promulgated.

Resolution No. 52

M/S – Gerety/Smith

Adopted by a unanimous vote of those present.

**NO. 52 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 **FOUR** topics which require the advice and counsel of either the City Solicitor, the City Tax Assessor, Special Tax Counsel, or some combination thereof 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 February 11, 2016 during a public meeting to be held commencing at 7:00 P.M, and

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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.

1 “(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

Attorney client communication from the City Solicitor regarding the status of acquisition of a parcel of private property for public use utilizing municipal and / or Green Acres or other Grant Funding.

3 “(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:

1) A report by the Somers Point Special Tax Counsel and 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 Special Tax Counsel. The list of the matters pending before the Tax Court of New Jersey for which such recommendation will be 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>Tax Year:</u>
008852-2011	Power Sports Holdings, Inc. v. City of Somers Point	2011
002048-2012	Power Sports Holdings, Inc. v. City of Somers Point	2012
003533-2013	Power Sports Holdings, Inc. v. City of Somers Point	2013
006738-2014	Power Sports Holdings, Inc. v. City of Somers Point	2014
007370-2015	Power Sports Holdings, Inc. v. City of Somers Point	2015

2) A report by the Somers Point City Solicitor, Special Tax Counsel, and Tax Assessor regarding the legal strategies for certain tax appeals or related Tax Court or County Tax Board proceedings which may be filed during 2016;

3) Advice of Counsel and attorney client communication from the City Solicitor / COAH Counsel In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15; and **WHEREAS, the length of the Executive Session is estimated to be approximately 50 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.

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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 5 Above	Unknown at this time.	City Council Approval by Resolution
See Item 1) in Exception 7 Above	February 25, 2015.	City Council Authorization or a Determination by City Determination Tax Assessor or City Council
See Item 2) in Exception 7 Above	Unknown at this time.	
See Item 3) in Exception 7 Above	Unknown at this time.	

Resolution No. 53
M/S – Gerety/Dill
Adopted by a unanimous vote of those present.

No. 53 of 2016

Subject: Community Development Block Grant Program

Proposed By: Councilmen McGuigan, Gerety & D'Adamo

WHEREAS, the City of Somers Point has opted to participate in the Atlantic County Community Development Block Grant (CDBG) Program for FY 2014 & 2015; and

WHEREAS, as a participant, the City of Somers Point expects to be allocated \$94,459.00 for Fiscal Year(s) 2014 & 2015 for the project known as Road Reconstruction on Wilmont Avenue;

WHEREAS, in order to be allocated CDBG funds, the City of Somers Point must enter into an interlocal service agreement with the Atlantic County Improvement Authority, the administrator of the Atlantic County CDBG Entitlement Program.

NOW, THEREFORE, BE IT RESOLVED, that the Agreement by and between the Atlantic County Improvement Authority and City of Somers Point which is attached hereto, is approved and the Chief Elected Official and the Municipal Clerk are authorized to sign said agreement.

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Resolution No. 54

M/S – Dill/D’Adamo

Adopted by a unanimous vote of those present.

No. 54 of 2016

Subject: Approving the Acceptance of a Proposal from the Stockton University Coastal Research Center to Perform a Malibu Beach Wildlife Management Area Survey

Sponsored by: Councilmen D’Adamo and Dill

WHEREAS, pursuant to N.J.S. 40A:11-5.(2) a contract with the State of New Jersey may be negotiated and awarded by the governing body without public advertising for bids or other compliance with the New Jersey Local Public Contracts Law; and

WHEREAS, Stockton University is a public university of the State of New Jersey; and

WHEREAS, the Stockton University Coastal Research Center (Stockton) has submitted a proposal to perform a Malibu Beach Wildlife Management Area Survey on behalf of the City of Somers Point (the “Survey”); and

WHEREAS, such a survey is a critical step in obtaining from the New Jersey Department of Environmental Protection the permits necessary to undertake the dredging plan for which grant monies have been awarded to the City of Somers Point, and

WHEREAS, the proposal to perform the Survey is in the amount of \$8,881.28; and

WHEREAS, funds are available for the payment of that amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is authorized to accept the proposal submitted by Stockton.

BE IT FURTHER RESOLVED that the City Administrator, the Mayor, and the City Clerk are authorized to execute and deliver any and all other documents which may be necessary or desirable to fulfill the intent of this Resolution, subject to the review and approval of the City Solicitor.

Consent Agenda

There were no items on the consent agenda for consideration.

New Business

A raffle license application was approved by a 6-0 vote for the St. Joseph’s Church on 3/19/2016 and on 5/27/2016 with Councilman D’Adamo recusing himself from voting.

The Governing Body approved a Social Affair permit for Cape Shore Chorale on 4/16/2016.

Old Business

None

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Discussion of Bills

Bills were presented for discussion in the amount of \$150,086.08 with Councilman McGuigan recusing himself from two bills on Page 7 for Falasca Mechanical.

Public Portion

Meeting was opened to the public.

A resident Decatur Avenue thanked Councilman Dill and Mr. Snyder for everything they have done for the flooding.

The meeting was closed to the public.

Payment of Bills

M/S – Gerety/Dill

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 7:30 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 9:00 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 06/09/16