

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 14, 2016**

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

President Tapp asked for a moment of silence in memory of the City Clerk's Mom who recently passed away.

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

Resolution No. 77 was moved up on the agenda. Meeting was opened to the public and duly closed with regard to Resolution No. 77.

Resolution No. 77

M/S – Dill/Toto

Councilman D'Adamo stated that Jacob has a very positive demeanor and that he is an excellent example for other young people to follow and we are all proud of him. Councilman McGuigan congratulated Jake stating that he is a fine example for others in this community. Council President Tapp on behalf of the City Council congratulated Jake stating that they are very proud of his accomplishments and his leadership. Resolution No. 77 was then adopted by a unanimous vote and Mayor Glasser presented Jake with a certified copy of the Resolution.

**No. 77 of 2016
Recognizing and Honoring Jacob Babb
for Earning the Rank of Eagle Scout**

WHEREAS, Jacob Babb has lived his entire life in Somers Point and has exhibited excellent citizenship both in school and in community activities; and

WHEREAS, Jacob is a member of Troop 55 of the Jersey Shore Council in New Jersey, Boy Scouts of America; and

WHEREAS, Jacob led the effort to repair and paint the dugouts and concession stand at the Somers Point Babe Ruth Facility at Fehrle Field; and

WHEREAS, the dugouts and concession stand are now in first class condition and reflect well of the city to its citizens and visitors; and

WHEREAS, the project was a step in the process of Jacob attaining the rank of Eagle Scout in the Boy Scouts of America, the highest rank available; and

WHEREAS, in addition to the Babe Ruth project, Jacob has helped seven other Eagle Scouts with their projects; and

WHEREAS, he is also very active outside of scouting, being a member of the Mainland Regional High School Crew Team, participating in numerous ice hockey, street hockey, and roller hockey teams, as well as being a member of the Fellowship of Christian Athletes.

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Resolution No. 77 (Continued)**

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Somers Point recognizes and honors the efforts of Mr. Jacob Babb, Eagle Scout, as an excellent example for other young people to follow.

BE IT FURTHER RESOLVED that the Mayor and City Council of Somers Point conveys their gratitude to Jacob and their best wishes to him in all his future endeavors and services to the community.

Communications

Police Body Camera Presentation

Police Chief Boyd thanked the governing body for this opportunity to make this presentation advising that a representative of the Watch Guard Company, Mike Colboleski, is here as well to do a presentation and answer any questions. Mr. Colboleski gave a presentation with regard to his company's Body Camera, answering many questions from the Governing Body.

Free Rabies Clinic

City Clerk Degrassi announced that the City will be having their free Rabies Clinic on May 7th from 10 am – 12 noon at the City Garage. Cats must be in a carrier and the City Clerk's Office will be open during those hours for anyone who also needs to get a dog/cat license.

Mayor's Report

Mayor Glasser gave the Mayor's Report in full noting that he and several of the Councilmembers attended the Opening Ceremony for Little League this past Saturday and a great time was had by all.

Administrator's Report

Administrator Swain had no report.

Committee Reports

There were no Committee Reports given.

Minutes

M/S – D'Adamo/Dill
Minutes of the Regular Council Meeting on January 14, 2016 and the Special Emergency Meeting of March 30, 2016 were approved by a unanimous vote of those present.

ORDINANCES

Ordinance No. 3 – Final Reading

Meeting was opened to the public and duly closed. Councilman D'Adamo made a motion to adopt on final reading, seconded by Councilman Dill. Ordinance No. 3 was then adopted on final reading by a unanimous vote of those present.

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Ordinance No. 3 (Continued)

ORDINANCE No. 2 of 2016

AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A FINANCIAL AGREEMENT BETWEEN THE CITY OF SOMERS POINT AND BAYVIEW COURT URBAN RENEWAL ENTITY, LLC GRANTING A LONG TERM FIFTEEN YEAR TAX EXEMPTION AND FIFTEEN YEAR CAPITAL CONTRIBUTION TO PROVIDE FOR REDEVELOPMENT OF THE GATES PROJECT REDEVELOPMENT AREA IN COMPLIANCE WITH THE APPROVED REDEVELOPMENT PLAN

**FIRST READING: March 10, 2016
PUBLICATION: March 16, 2016
FINAL PASSAGE: March 24, 2016**

Ordinance No. 3 – Final Reading

Meeting was opened to the public and duly closed. Councilman McGuigan made a motion to adopt on final reading, seconded by Councilman Dill. Ordinance No. 3 was then adopted on final reading by a unanimous vote of those present.

ORDINANCE No. 3 of 2016

**CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

**FIRST READING: 03/24/16
PUBLICATION: 03/31/16
FINAL READING: 04/14/16
PUBLICATION: 04/20/16**

Ordinance No. 4 – First Reading

M/S – Dill/Toto

Approved on first reading by a unanimous vote of those present.

Ordinance No. 4 of 2016

An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197.6. and N.J.S.A. 39: 4-197.7, granting the Authority to establish a Restricted Parking Zone in Front of a Residence Occupied by a Handicapped Person Under Certain Conditions; Amending and Supplementing Section 250-50 of the Somers Point City Code;

Repealing All Ordinances Heretofore Adopted, the Provisions of Which are Inconsistent Herewith

WHEREAS, N.J.S.A. 39:4-197.6. authorizes a Municipality, by Ordinance, to establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued by the Division of Motor Vehicles for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person; and

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Ordinance No. 4 (Continued)

WHEREAS, N.J.S.A. 39:4-197.7 authorizes a Municipality, by ordinance, to provide for the issuance of permits which identify a specific motor vehicle and the location wherein it is to be parked, such permits to be issued only to persons who can prove ownership and operation of the motor vehicle and residency at the location specified thereon; and

WHEREAS, Section 250-57 of the Somers Point Municipal Code "[Restricted parking zones authorized; conditions](#)" sets forth the requirements which are to be adhered to by the permit holder including payment of the Permit fee, and placement of the Permit within the vehicle; and .

WHEREAS, a request has been made by Phyllis R. Marek stating the need for a Handicapped Parking Space in front of the Marek residence, 748 2nd Street, Somers Point, NJ accompanied by a verified Permanent Disability Parking Placard #P1435220 issued by the New Jersey Motor Vehicle Commission; and

WHEREAS, the Somers Point City Engineer has reviewed the request and determined the proper placement of the Handicapped Parking space signage; and

WHEREAS, the request and the recommendation of the City Engineer have been reviewed by the Somers Point Police Department Traffic Officer and deemed appropriate and reasonable.

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

SECTION 1. The Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 Designation of spaces is hereby amended to designate the following location as a Permit Only Handicapped Parking spaces and shall be so marked by sign indicating "Handicapped Parking by Permit Only", in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways:

Name of Street	Location
Second Street	Directly in front of 748 2 nd Street (Sign to be placed 142 feet north of the northerly curb line of New Jersey Avenue)

SECTION 2. Further Conditions.

1) The Traffic Division of the Police Department in conjunction with the City Engineer shall designate in area of 25 feet in length in front of the residence of the handicapped persons, to be painted as a no-parking zone.

2) A "Handicapped Parking by Permit Only" sign to be placed alongside the designated area.

3) A permit 5 1/2 inches by 8 1/2 inches in size, bearing an appropriate certification of authenticity shall be issued and shall be placed in the vehicle as required by Code Section 250-57 G.

4) The holder of a City handicapped parking permit must notify the City Clerk immediately if such person changes his or her residence, changes his or her vehicle registration number, or if the special vehicle identification card and certificate issued by the Director of Motor Vehicles shall be modified, revoked or expired.

5) The permit shall be issued upon payment of the initial fee and shall be subject to payment of the annual renewal fee in compliance with Code Section 250-57 I.

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Ordinance No. 4 (Continued)

SECTION 2: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: April 14, 2016

PUBLICATION: April 20, 2016

FINAL PASSAGE: May 12, 2016

Ordinance No. 5 – First Reading

M/S – Dill/Gerety

Councilman Smith asked if he would need to recuse himself from voting as he represents the SPCA. Atty. Franklin advised that he did not need to recuse himself. Ordinance No. 5 was then approved on first reading by a unanimous vote of those present.

ORDINANCE NO. 5 of 2016

**AN ORDINANCE SUPPLEMENTING AND AMENDING
MUNICIPAL CODE SECTION 120-9 TO INCLUDE A
PROVISION FOR TETHERING AND DEFINING ACCESS
TO ADEQUATE PROTECTION FROM THE WEATHER**

WHEREAS, dogs and other domesticated animals suffer because of varying interpretations of the phrase "access to adequate protection from the weather"; and

WHEREAS, the governing body of the City of Somers Point believes it is in the best interests of the public safety and general welfare, and the welfare of animals lawfully present within our City to adopt an interpretation which is consistent with and in accordance with N.J.S.A. 4:22 et seq. governing the prevention of cruelty to animals; and

WHEREAS, it is the purpose and intent of this Ordinance to ensure that dogs and other domesticated animals receive necessary and proper care including, but not limited to "access to adequate protection from the weather".

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Somers Point, Atlantic County, New Jersey, that the Municipal Code Section 120-9 be supplemented and amended as follows:

SECTION 1. REPEAL OF SECTION 120-9. Section 120-9 of Chapter 120 of the Somers Point Municipal Code is hereby repealed in its entirety.

SECTION 2. AMENDMENT OF SECTION 120-9. Section 120-9 of Chapter 120 of the Somers Point Municipal Code is amended to read as follows:

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Ordinance No. 5 (Continued)**

[Section 120-9 Cruelty to animals prohibited.](#)

120-9.1 The provisions of N.J.S.A. 4:22-11-1 through N.J.S.A. 4:22-60 governing the prevention of cruelty to animals are incorporated herein by reference.

120-9.2 TETHER - Tether means to restrain an animal by tying to any stationary object or structure, including but not limited to a house, tree, fence, post, garage or shed, by any means, including but not limited to, a chain, rope, cord, leash or pulley/running line, but shall not include the use of a leash when walking an animal.

120-9.3 Chaining or tethering of dogs.

A. Dogs must be able to move freely when chained or tethered and shall be so confined for a period no greater than nine hours within a twenty-four hour period. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle-type collars. The tether or chain shall be constructed of lightweight cable not weighing more than 1/16 of the animal's weight. A doghouse shall be accessible to dogs that are chained or tethered. Tethered animal shall have access to potable water, food, shelter and dry ground at all times.

B. No dog or other domesticated animal shall remain outdoors, tethered, untethered or penned during a period of extreme weather, including but not limited to, extreme heat (above 90 degrees Fahrenheit), extreme cold (below 32 degrees Fahrenheit), during thunderstorms, tornadoes, tropical storms, or hurricanes.

C. In no instance shall a dog or other domesticated animal remain outdoors, tethered, untethered or penned under the age of six months old, or while sick, injured or in distress.

120-9.4 Enforcement and Entry onto Premises.

Any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, county society for the prevention of cruelty to animals, the Somers Point certified animal control officer, or other State or local law enforcement officer may immediately enter onto the private property where a dog is located and take physical custody of the dog or other domesticated animal if the officer or agent has probable cause to believe that the dog or other domesticated animal is at risk of imminent harm due to a violation of this subsection; and shall place the dog or other domesticated animal in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the dog or other domesticated animal. Upon taking physical custody of a dog or other domesticated animal pursuant to this subsection, the person taking physical custody of the dog or other domesticated animal shall:

(1) promptly post, in a conspicuous place at the location where the dog was taken, a notice which shall contain:

- a) a description of the dog or other domesticated animal;
- b) a statement that the dog or other domesticated animal may be euthanized upon a veterinarian's written determination of medical necessity;
- c) the reason for taking custody of the dog or other domesticated animal including a reference to this section of the municipal code;
- d) the contact information, including at least the name of any applicable office or entity, the name of a person at such office or entity, and a telephone number for the dog's or other domesticated animal's owner or the person with custody or control of the dog to obtain information concerning the dog or other domesticated animal, the alleged violation, and the location where the dog or other domesticated animal has been impounded; and

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Ordinance No. 5 (Continued)

(2) send by registered, certified, or ordinary mail a copy of the same notice to the address of the location where the dog or other domesticated animal was taken into physical custody.

120-9.5 Violations and Penalties.

a) Penalties for violations shall be as described in Code Section 120-25.

b) In addition to any such penalty, the owner or custodian of any dog or other domesticated animal which shall have impounded under this Section shall be responsible for the payment of all costs, charges, and expenses incurred in and during such impoundment.

SECTION 3. REPEALER CLAUSE. All Ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 4. SAVINGS CLAUSE. 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.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon final passage and publication and adoption in the manner prescribed by law.

FIRST READING:	April 14, 2016
PUBLICATION:	April 20, 2016
PASSAGE:	May 12, 2016

RESOLUTIONS

Public Portion on Resolutions

M/S – Dill/D’Adamo\
Meeting was opened to the public and duly closed.

Consent Agenda

There were no items on the Consent Agenda.

Resolutions

Resolution No. 78

M/S – McGuigan/Toto
Adopted by a unanimous vote of those present.

RESOLUTION NO. 78 OF 2016

**RESOLUTION APPROVING ISSUANCE OF A PERMIT
TO PRESENT A FIREWORKS DISPLAY ON THE PREMISES OF GREATE BAY
COUNTRY CLUB ON MAY 21, 2016**

Sponsored by: Council President Tapp

WHEREAS, an application has been submitted on behalf of Greate Bay Country Club to conduct a pyrotechnic fireworks display on their property situated at 901 Mays Landing Road, Somers Point, New Jersey, at a location more specifically described within the application filed by Fireworks Extravaganza; and

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Resolution No. 78 (Continued)

WHEREAS, the fireworks display is scheduled to be held on May 21, 2016 commencing at 8:30 pm for an estimated duration of fifteen (15) minutes; and

WHEREAS, the fireworks display shall be conducted by Fireworks Extravaganza, having its principal office at 174 Route 17 North, Rochelle Park, NJ 07662; and

WHEREAS, Fireworks Extravaganza is a U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives licensed Importer of Explosives, License Number 8-NJ-003-51-7F-00310, a licensed US Department of Transportation Hazardous Materials Carrier, DOT #2064141, and New Jersey Permit to Use Explosive License #003309; and

WHEREAS, the New Jersey Uniform Fire Code requires that the governing body of the municipality approve by resolution, said fireworks display, prior to the issuance of a permit by the Fire Official (*N.J.A.C. 5:70 et seq.*); and

WHEREAS, the Fire Official has communicated with Fire Chief Michael R. Sweeney of the Somers Point Volunteer Fire Company which has consented to provide fire protection as required, with the Medical Emergency Services to arrange for emergency medical services as required, and with Chief of Police Michael Boyd who has reviewed the application and the portion of the premises where the discharge is to take place; and

WHEREAS, appropriate notices have been or shall be provided to the US Department of Transportation and the Federal Aviation Administration; and

WHEREAS, Fireworks Extravaganza has provided proof of general liability insurance in excess of \$1,000,000.00 as required by the New Jersey Uniform Fire Code (*N.J.A.C. 5:70 et seq.*); and

WHEREAS, the Somers Point Municipal Code Section 117-9 provides that no person shall possess, discharge, set off, fire or light any roman candle, carbide cannon, dynamite cap, rocket, firecracker or other fireworks within the limits of or into the limits of the City of Somers Point unless such person shall be in possession of a valid permit issued by the Mayor of the City of Somers Point in compliance with the requirements of Chapter [143](#), Section [143-1](#), of the Somers Point Code; and

WHEREAS, the Somers Point Fire Chief and the Somers Point Chief of Police have reviewed the application for permit, insurance requirements and all other applicable regulations and have found all to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Somers Point that this resolution is adopted and that a permit may be granted for a fireworks display on the specified premises of Greate Bay Country Club on May 21, 2016 on the time specified within the application, and without any rain date.

BE IT FURTHER RESOLVED that, Fireworks Extravaganza shall as a condition of this approval and in compliance with N.J.S.A. 21:3-5 post with the City Clerk a surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than twenty-five hundred dollars (\$2,500.00), conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents, employees or subcontractors. Such surety shall run to the municipality in which the license is granted, and shall be for the use and benefit of any person, persons, or the owner or owners of any property so damaged, who is or are authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns; and

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Resolution No. 78 (Continued)

BE IT FURTHER RESOLVED that in compliance with N.J.S.A. 21:3-6. A duplicate copy of the application, this Resolution, and the Permit shall be forwarded to the Office of Safety Compliance in the Department of Labor by the City Clerk, and such copies shall be kept on file in the Department, subject to public inspection

Resolution No. 79

M/S – Dill/D’Adamo

Adopted by a unanimous vote of those present.

No. 79 of 2016

**RESOLUTION APPROVING CLOSING A PORTION OF BAY AVENUE FOR THE
2016 BAYFEST CELEBRATION**

Sponsored by: Council President Tapp

WHEREAS, the Bayfest 2016 celebration is scheduled for April 30, 2016; and

WHEREAS, the Bayfest Committee has requested that a portion of Bay Avenue be closed for the Bayfest Celebration; and

WHEREAS, The Chief of Police and the Traffic Control Officer have reviewed the request and have recommended its approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Bay Avenue be closed from Anna Avenue to Pleasant Avenue, from 6:00 a.m. until 7:00 p.m., on April 30, 2016 in order to accommodate the Bayfest Celebration .

Resolution No. 80

M/S – Dill/Toto

Councilman McGuigan asked if he needs to recuse himself from voting as he is a member of the Good Old Days Committee. Atty. Franklin answered that he did not. Resolution No. 80 was then adopted by a unanimous vote of those present.

RESOLUTION No. 80 of 2016

Subject: Approving Sponsorship by the City of Somers Point and the Somers Point Recreation Commission of the “Good Old Days” Festival

Sponsor: Councilman Sean T. McGuigan

Whereas, The Good Old Days Festival has for many years been a mainstay of the Somers Point celebration and entertainment calendar; and

Whereas, it is necessary for the proper permits and approvals to be obtained from the Somers Point Recreation Commission; and

Whereas, one of the Recreation Commission permit regulation requirements is to provide a Certificate of Insurance naming the City and the Somers Point Recreation Commission as additional insureds under the policy; and

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Resolution No. 80 (Continued)**

Whereas, the 501 (c) (3) not for profit entity which organizes the event has for economic reasons requested a waiver from the insurance requirements and has requested the City of Somers Point to co-sponsor the event to be held upon City owned property; and

Whereas, this request will not eliminate the obligation of the organizing entity to utilize properly licensed purveyors of any alcoholic beverages which may be approved for consumption and will require that purveyor to utilize only properly trained personnel to dispense the alcoholic beverages, and will provide a certificate of insurance naming the Kern Foundation, the City of Somers Point, the Somers Point Recreation Commission, their officers, officials, agents, and employees as additional insureds and which shall include General Liability, Automobile Liability and Dram Shop Coverage, each having a minimum of in the amount of at least One Million Dollars (\$1,000,000.00) in coverage; and

Whereas, this annual festival has for many years been enjoyed by our residents and others and has served a worthy cause; and

Whereas, such requests are considered on a case by case basis and with due consideration to the nexus between the event, the sponsor and this City; and

Whereas, this Governing Body desires to support this worthwhile organization and the event; and

Whereas, by approving the request the City does not intend to set a precedent or to be bound to provide any such waiver for any future event by this or any other applicant; and

Now, Therefore, Be It Resolved by the City Council of the City of Somers Point that the request made by the Kern Foundation for waiver of the required Certificate of Insurance is hereby approved subject to compliance with all other rules and regulations of the Recreation Commission, obtaining all other required permits, and production of the Insurance Certificate to be provided by the purveyor(s) of any approved alcoholic beverages in a form satisfactory to the City Administrator and the City's Risk Manager; and

It is **Further Resolved** that in recognition of the long time presence of this event within our City, the City of Somers Point will proudly co-sponsor this year's event which is scheduled for September 10th, 2016.

Resolution No. 81

M/S – McGuigan/Dill

Adopted by a unanimous vote of those present.

No. 81 of 2016

Recognizing April 2016 as Child Abuse Prevention and Awareness Month in Somers Point

Introduced by: Councilman Sean T. McGuigan

WHEREAS, April is National Child Abuse Prevention and Awareness Month; and

WHEREAS, the link between child abuse and juvenile delinquency has been well documented and children who have been victimized by abuse, neglect, and abandonment often suffer the downward spiral of school failure, illness, and welfare dependency; and

WHEREAS, the developmental delays, educational, and behavioral dysfunction that can result from abuse and neglect corrode a community's structure and stability; and

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Resolution No. 81 (Continued)

WHEREAS, the Court Appointed Special Advocate program (CASA) of Cape May and Atlantic Counties is a Somers Point based organization that has made significant advances in insuring the protection and well-being of abused and neglected children in the foster care system, and have been instrumental in working to secure for them a safe, permanent, loving home all children need and deserve; and

WHEREAS, the future of our community depends on promoting policies and services that support healthy childhood development and strengthen families; and

WHEREAS, the prevention of child abuse and neglect represents a worthy commitment to our children's future;

NOW THEREFORE, BE IT RESOLVED, that the governing body of the City of Somers Point recognizes April 2016 as Child Abuse Prevention and Awareness Month in the City of Somers Point, New Jersey.

BE IT FURTHER RESOLVED that the City Council recognizes and thanks the Court Appointed Special Advocate program (CASA) of Cape May and Atlantic Counties for their efforts on behalf of the children of this community.

ALSO BE IT RESOLVED that The City Council of Somers Point encourages the citizens of Somers Point to support efforts during the month of April and throughout the year to increase awareness of child abuse and neglect and to act to protect our youngest citizens.

Resolution No. 82

M/S – Dill/McGuigan

Councilman McGuigan thanked the City Council for their support, as his heart goes out to these families. Resolution No. 82 was then adopted by a unanimous vote of those present.

No. 82 of 2016

Supporting Autism Awareness

Introduced by: Councilman Sean T. McGuigan

WHEREAS, Autism Spectrum Disorder (ASD) represents a broad group of disorders that vary widely from mild to severe, and is characterized by difficulty with social interaction, communication, severely limited interests, and repetitive behaviors; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) studies have indicated that New Jersey has among the highest autism prevalence rates in the country, estimated to affect 1 in 41 children; and

WHEREAS, Autism is the fastest-growing developmental disability in the United States, and knows no racial, ethnic, or social boundaries;

WHEREAS, there is no known medical detection or cure for Autism;

WHEREAS, a variety of public and private organizations and agencies strive to provide quality care and support or services to children and adults with ASD to enable them to live as independently as possible and to reach their full potential; and

WHEREAS, locally in Atlantic County, FACES 4 Autism and nationally organizations such as Autism Speaks, are non-profit organizations dedicated to autism awareness, education and support of children with Autism and their families, together with other local, state, and national non-profit organizations with similar goals; and

WHEREAS, Governor Chris Christie, recognizing the individual and unique needs of New Jerseyans with developmental disabilities, signed a proclamation declaring the month of April as Autism Awareness Month in New Jersey; and

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Resolution No. 82 (Continued)

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Somers Point supports the efforts to increase awareness of autism and recognizes April as Autism Awareness month in the City of Somers Point;

BE IT FURTHER RESOLVED, that the City Council encourages the citizens of Somers Point to seek more information on this condition and to recognizes the challenges families face who have been touched by Autism.

Resolution No. 83

M/S – McGuigan/Dill

Adopted by a unanimous vote of those present.

No. 83 of 2016

**Approving the Somers Point Arts Commission Program
“Art in the Park”**

Sponsored by: Councilman Sean T. McGuigan

WHEREAS, the Somers Point Arts Commission wishes to promote the arts in the City while bringing visual art experiences to a diverse selection of our community’s population and providing activities that create commerce; and

WHEREAS, the Commission wishes to produce a program known as “Art in the Park” in John F. Kennedy Park on June 18, 2016;

WHEREAS, if the weather is foul on that day then the event would be held on the following day, June 19, 2016;

WHEREAS, the event will feature artists painting on location (en plein aire) as well exhibiting completed work from their collections; and

WHEREAS, the public will be invited to witness, for free, the artists at work as well as to enjoy the exhibits of completed works; and

WHEREAS, the Somers Point Recreation Commission has issued a permit at their regularly scheduled meeting of March 3, 2016, for the use of JFK Park on June 18, 2016 as well as the rain date of June 19, 2016 contingent on City Council approving of the project; and

WHEREAS, Section 2-18 of the Somers Point Municipal Code requires 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

NOW THEREFORE, BE IT RESOLVED that the City Council of Somers Point hereby approves the Somers Point Arts Commission sponsoring and organizing “Art in the Park” as described above; and

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Resolution No. 83 (Continued)

BE IT FURTHER RESOLVED that the City Council thank the members of the Commission for organizing and participating in this program.

Resolution No. 84

M/S – Dill/Toto

Adopted by a unanimous vote of those present.

RESOLUTION NO. 84 of 2016

A RESOLUTION COMMENDING THE LEGISLATURE FOR OVERWHELMINGLY PASSING S2784 TO PROMOTE AND BOLSTER OUR BOATING INDUSTRY AND CALLING UPON THE LEGISLATURE TO CONTINUE TO WORK TOGETHER TO TAKE THE SECOND NECESSARY STEP BY ADOPTING LEGISLATION WHICH WILL PERMIT THOSE BOATERS TO ACCESS OUR MARINAS, BAIT AND TACKLE SHOPS AND OTHER PROVIDERS OF GOODS AND SERVICES WHICH ARE NOT NOW ABLE TO UNDERTAKE NECESSARY DREDGING IN ORDER TO PROVIDE SUCH ACCESS

Sponsored by: Council President Tapp

Whereas, in December, 2015 the New Jersey Assembly unanimously passed Senate Bill 2784; and

Whereas, on December 9, 2016 Governor Christie signed into law S2784 which became effective on February 1, 2016 and which provides a partial exemption upon sales and use tax for sales of boats and vessels reducing the sales tax from 7.0% to 3.5% and capping the maximum amount of sales tax to be imposed upon any such purchase at \$20,000 which will apply to yachts sold for more than \$571,000; and

Whereas, S2784 was co-sponsored by Senators VanDrew and Whelan and Assemblymen Andrzejczak and Johnson, and

Whereas S2784 was unanimously passed by the Assembly and had been passed by the Senate on a vote of 33 – 1; and

Whereas, this law won the universal support of the state Legislature as a means to boost an industry which has experienced a decline due to a combination of factors including the economic recession and the impacts from super storm Sandy, enabling our New Jersey boating industry to better compete with manufacturers and sellers in other states; and

Whereas, encouraging the sales of boats and vessels in New Jersey is one step in the right direction and an attempt to preserve and hopefully enhance our commercial fishing industry which provides 30,000 jobs and contributes 2 Billion Dollars in annual revenue and our boating / recreational fishing industry which accounts for 18,000 jobs and an additional 2.2 Billion Dollars in annual revenue; and

Whereas, without an efficient and cost effective dredging and material disposal program any increase in boat sales will not benefit those marinas, restaurants, bait and tackle shops, and other entertainment and recreational facilities, particularly in our back bays, if boaters cannot access those facilities due to lack of dredging; and

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Resolution No. 84 (Continued)

Whereas, deep water access is necessary for those who may purchase the tax free yachts which cost more than \$571,000 and who could presumably have tourism dollars to spend locally; and Whereas, those boaters and yachtsmen will find other areas with access in which to spend their tourist dollars, bypassing New Jersey; and

Whereas, numerous conferences have been held and reports have been issued identifying the impediments to a cost effective and efficient dredging program, including but not limited to a Workshop held in Portsmouth, New Hampshire October 22, 2003 “Implementing Regional Sediment Management: Opportunities and Impediments A Summary of Small Group Discussions from a Joint U.S. Army Corps of Engineers Coastal States Organization”, a June 2006 paper “Dredged Material Management in New Jersey, The Regional Planning Approach” prepared by Genevieve Boehm, NJ Marine Trades Program Manager, “PUBLIC AND PRIVATE DREDGED MATERIAL MANAGEMENT STRATEGIES IN NEW JERSEY: A CASE STUDY ECONOMIC ANALYSIS Prepared for New Jersey Department of Transportation Office of Maritime Resources by: Lawler, Matusky & Skelly Engineers LLP”, and more recently, a series of dredging forums sponsored by the Cape May County Chamber of Commerce held in October 2015 and in March, 2016; and

Whereas, the major impediments have been identified as the permitting process, the cost of dredging, the lack of coordinated material disposal, and the inability to identify sufficient beneficial uses; and

Whereas, the material testing requirements add significant time and expense to the process; and

Whereas, Stewart Farrell, Director and founder of Stockton University's Coastal Research Center has stated that in New Jersey, dredging has gone on with Department of Environmental Protection (NJDEP) review for 40 years and within the four New Jersey coastal counties, not one has been found to have dredge materials that are unacceptable for upland disposal; and

Whereas, a working group was put together in April 2014 to, among other tasks, review the NJ Dredge Manual which had not been revised since 1997; and

Whereas, the working group in October, 2015 submitted to NJDEP Commissioner Martin in October reports with 21 recommendations for changes in the NJ Dredging Manual; and

Whereas, an effective and efficient dredging program would also enhance property values to bolster a declining tax base, particularly in Atlantic County, enhance the quality of life for our residents and visitors, provide additional revenue from water related and supported activities, and promote another economic engine to fill the gap created by the loss of a robust casino gaming industry

Now, therefore it is hereby resolved by the Mayor and Council of the City of Somers Point, County of Atlantic, New Jersey that:

- 1) We commend the Legislature for overwhelmingly recognizing the need to bolster the state’s boating industry;
- 2) We call upon the Legislature to demonstrate the same non – partisan and state – wide support to adopt legislation to streamlining and expedite the permitting process, enhancing the ability to dredge, particularly along the back bays which have been most impacted by storms and accretion, and which will bolster the very marinas and other water accessible enterprises which could provide good and services to those boaters who will purchase boats and yachts in New Jersey and would then be able to use them in the same state as purchased.

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Resolution No. 84 (Continued)

- 3) We encourage the New Jersey Department of Environmental Protection to give serious consideration to the recommendations submitted to Commissioner Martin in October and to revise the NJ Dredging Manual.
- 4) We call upon the Chambers of Commerce in the four shore counties to work with each other and their constituents to encourage action by the Legislature and the Department of Environmental Protection.
- 5) We call upon all marinas, bait and tackle shops, restaurants, and other providers of goods and services which have been adversely impacted by the inability to dredge for the preservation or expansion of their businesses to inform the Legislature, the Regulators, and other elected officials of their concerns and needs.

It is further resolved that a copy of this Resolution shall be sent by the Somers Point City Clerk to:

The Cape May Chamber of Commerce
The Atlantic County Chamber of Commerce
The Greater Atlantic City Chamber of Commerce
Senators Jim Whelan and Jeff VanDrew
Assemblymen Chris Brown and Vince Mazzeo
Assemblymen Bob Andrzejczak and Gordon M. Johnson
New Jersey Environmental Protection Commissioner Bob Martin
Lieutenant Governor Kim Guadagno
Governor Chris Christie

Resolution No. 85

M/S – Dill/D’Adamo

Councilman McGuigan advised that he will be recusing himself from voting with regard to Paragraph “Q” as Falasca is his primary employer, as well as “K” as he has a relative working there. Council President Tapp also noted that he would recuse himself from voting with regard to Paragraphs “M” and “N” as he works for two companies listed under these letters. Administrator Swain advised that these are responses to Pay to Play solicitations and this enables us to work with these various companies if the total amount goes over \$17,500.00. He explained that this is not awarding a bid for any professional services contracts. Councilman Toto explained that there is a typing error in paragraph “H” and that the word should be “freight”. Resolution No. 85 was then adopted by a unanimous vote of those present with the above correction and Councilman McGuigan and Council President Tapp recusing themselves from voting on certain paragraphs.

Resolution No. 85 of 2016

Subject: **Approving proposals – Goods and Services 2016**
Introduced By: **Council President Tapp**

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on February 5th, 2016 are approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of January 1, 2016 through December 31, 2016:

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Resolution No. 85 (Continued)

a) Influent Grinders for Sewer Pump Stations

KRS Services, Inc.
Watermark
Deltronics Corp.
Municipal Maintenance Co

b) Emergency Sewer Pumps and Equipment

KRS Services, Inc.
Deltronics Corp.
Municipal Maintenance Co
Godwin/ Xylem

c) Sewer Pump Station Maintenance

Russel Reid
KRS Services, Inc.
Municipal Maintenance Co.
A.C. Schultes

d) Sewer Pump Stations, Electrical & Electronics

KRS Services, Inc.
Deltronics Corp.

e) Sewer Pump Station Parts & Supplies

Hydranumatic Sales
KRS Services, Inc.
Deltronics Corp.
Excelsior Blower Systems
CW Sales Corp
Evoqua
Municipal Maintenance Co

f) Sewer System Coating, Lining & Restoration

Pullman Shared Systems Technology
Swerp

g) Vactor Parts & Supplies

Gran Turk

h) Heavy Duty Truck Mechanic Services

Cruzan's Freight Liner

i) Misc. Employee Uniforms

Action Uniform

j) Tax Assessment Hardware, Software and Internet Packages

Vital Communications

k) Ceilings, Flooring, Wall Covering and Partition Material, Materials & Installation

Erco Ceilings of Somers Point Inc.

l) Excavation and Pipe Installation and/or Replacement

Seashore Associated Mechanical Inc.
F.W. Shawl & Sons Inc.
Garrison Enterprise Inc.
Neri's Construction and Rental

m) Electrical Contractor Services

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Resolution No. 85 (Continued)

Calvi Electric
Multi-Temp Mechanical Inc
Municipal Maintenance Co

n) Electrical Contractor Services

Calvi Electric
Multi-Temp Mechanical Inc
Municipal Maintenance Co

o) Generator Parts and Service

Genserve
Warshauer Generator LLC

p) Hardware Supplies

True Value Hardware

q) Plumbing & HVAC Services

Falasca
Seashore Mechanical

Resolution No. 86

M/S – Gerety/D’Adamo

Adopted by a unanimous vote of those present.

RESOLUTION NO. 86 of 2016

**AUTHORIZING AN ADDITIONAL PAYMENT OF \$2,000 INTO THE MSSDA
ESCROW ACCOUNT**

Sponsored by: Councilmen D’Adamo & McGuigan

Whereas, the City Council of the City of Somers Point by Resolution 110 of 2015 adopted on June 11, 2015 authorized the Mayor to execute and deliver a Shared Service Defense Agreement (“MSSDA”); and

Whereas, the City Council of the City of Somers Point by Resolution 155 of 2015 authorized an amendment to the MSSDA to provide for the retention of Econsult Consultants, Inc. to conduct a Fair Share Analysis and Reports which, as a member of the MSSDA group may be used by Somers Point in the Mount Laurel Declaratory Judgement action proceedings; and

Whereas, the City’s designated COAH counsel was authorized on behalf of City Council to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA; and

Whereas, in the event such changes and actions require the City to appropriate and commit any additional funding for the MSSDA, the City of Somers Point shall be responsible for such funding only if it authorizes the expenditure of funds by adoption of a subsequent resolution; and

Whereas, in order to prepare the necessary analyses and reports it has been necessary for Econsult Solutions, Inc. to expend significant additional time, effort and expense in order to comply with the various Case Management Orders which have been entered; and

Whereas, other professionals acting on behalf of the members have been required to expended time and effort on behalf of the group; and

Whereas, as a result, a request has been made for each municipal member participating in the MSSDA to make an additional escrow deposit in the amount of Two Thousand Dollars (\$2,000) in order to continue the preparation of the necessary reports and data; and

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Resolution No. 86 (Continued)

Whereas, significant cost savings have been achieved through the MSSDA which enable each participating municipality to derive the benefit of the professional services on a shared basis rather than have to incur the sole expense which would be monumental

Now, therefore, it is hereby RESOLVED, that:

1. The City of Somers Point shall make an additional deposit to the MSSDA Escrow Fund.
2. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized or expenditure approved by designated COAH counsel without further resolution adopted by this governing body approving same.
3. Without further action by this governing body the maximum additional expenditure of funds shall be limited to the Two Thousand Dollars certified in this Resolution as funds available for this purpose in the 2016 temporary budget in the account: Mayor and Council OE, 6-01-20-110-200.
4. All other terms and conditions of the MSSDA and of Resolutions 110 and 155 of 2015 shall remain in full force and effect including, without limitation, the right of the City of Somers Point to take such action as deemed necessary to protect its own interests, or to present its own analysis of its Housing Obligation and rely upon credits, vacant land analysis adjustments, and such other factors and/or crediting mechanisms that may be necessary and appropriate to properly adjust its Housing Obligation.
5. This Resolution shall take effect immediately.

Resolution No. 87

M/S – Dill/Toto

Adopted by a unanimous vote of those present.

No. 87 of 2016

Subject: AUTHORIZING TONNAGE GRANT APPLICATION

Introduced By: Councilman Dill

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, its the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

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Resolution No. 87 (Continued)

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of City Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City of Somers Point hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and designates Wes Swain, City Administrator, and James Daugherty, Recycling Coordinator, to ensure that the said Application is properly filed.

Old Business

There was no Old Business.

New Business

Clerk Degross asked if a Raffle License application could be added to the agenda for the Shore Memorial Health Foundation, adding that it is in order. Council agreed.

The following applications for Raffle Licenses and/or Bingo License were approved with Councilman D'Adamo recusing himself from voting on the Knights of Columbus Raffle License Application and Councilman Toto and Councilman Dill recusing themselves from voting on the AmVets Post 911 Raffle License application.

Raffle License for Jordan Road Parents Group
Raffle License for the Rotary Club of Somers Point
Raffle License for the AmVets Post 911
Bingo License for Linwood Nursery School
Raffle License for Knights of Columbus #10220 St. Joseph Council
Raffle License for Shore Memorial Health Foundation \

Discussion of Bills

A record of payment in the amount of \$100.00 as well as a bill list in the amount of \$1,101,809.35 were presented for discussion.

Public Portion

Ed O'Donnell came forward and addressed the governing body advising that Franklin Graham, son of Billy Graham is going to be going to fifty States and is scheduled to go to Trenton. He asked if the City Somers Point and the area Churches would consider writing a letter and inviting him here. He stated that he has made the same request of the City of Ocean City and would be willing to write the letter.

Public portion was then closed.

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Payment of Bills

M/S – Dill/Toto

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

Adjournment

M/S – Gerety/Dill

There being no further business, meeting adjourned at 8:05 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 05/12/16