

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
June 23, 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, Clerk Degrassi, Deputy Clerk Samuelsen and Attorney Franklin

**Absent:** None

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**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

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**Communications**

Mayor Glasser announced that City Clerk Degrassi submitted for retirement, which saddens everyone, but was honored to announce her retirement celebration on August 27, 2016, at the No. 1 Volunteer Fire Department between 4:00 p.m. and 9:00 p.m. Mayor Glasser stated that Clerk Degrassi's retirement is bitter sweet, because we are losing part of a family, a great friend and a great City Clerk. Mayor Glasser encouraged everyone to attend to celebrate with Carol. Mayor Glasser stated that tomorrow afternoon at 4:00 p.m., he will be swearing in a new police officer. He also encouraged everyone to join in the festivities of the annual Assault on Patcong Creek Crabbing Tournament and Bar B Que this weekend.

**City Administrator Report**

Wes Swain, City Administrator, announced a public information session is scheduled on Thursday, 7/14/16, from 6:30-8:30 p.m. at the Anthony Canale Training Center in Egg Harbor Township regarding the updating and process of the Atlantic County Master Plan. Also, he and Jason attended an all-day symposium at Stockton University given by the Army Corp of Engineers to generate ideas and processes to address back bay flooding. The working group will continue and a report may be available in April of 2019.

**Committee Reports**

No reports

**Approval of Minutes:**

M/S – Gerety/Toto  
Minutes of the Regular Meeting of March 10, 2016, and Executive Session of March 10, 2016, as to content only were approved by a unanimous vote of those present with Councilman Smith abstaining from voting on the Executive Session and Councilman Dill abstaining.

**Ordinances:**

Council President Tapp tabled Ordinance 8 of 2016

**Public Portion on Resolutions**

Meeting was then opened to the public and duly closed.

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**Resolutions**

**Resolution No. 127**

M/S – Dill/Toto

It was adopted by a unanimous vote of those present.

Councilman Dill thanked them and appreciates all their efforts every year. City Council President Tapp recognized that it is a huge undertaking, and the biggest single day event on the east coast. He added that City Council and the City greatly appreciate their incredible work. Mayor Glasser explained that 30,000 people come to this town for one day and come from all over the east coast. It's the kickoff for the season and is done all by volunteers. On behalf of the City, Mayor Glasser thanked everyone involved. Councilman McGuigan mentioned that he always enjoys and looks forward to Bayfest and thanked all the volunteers. Mayor Glasser and Councilman McGuigan proudly presented the resolution to Shelly Blumenthal.

**No. 127 of 2016**

**Saluting the Efforts of the Bayfest Committee**

**WHEREAS**, Somers Point's Bayfest Celebration was held this year on April 30, 2016 along Historic Bay Avenue; and

**WHEREAS**, this annual event has been held for the past twenty-eight years and has become a tremendous tradition that appeals to all ages and has grown considerably over the years; and

**WHEREAS**, this year's event brought in over 25,000 people to our city and created a great deal of commerce for many of our businesses, community groups, and service organizations; and

**WHEREAS**, the Bayfest Committee is a volunteer committee that has the responsibility for this event each year; and

**WHEREAS**, the Bayfest Committee consists of the following individuals: Muire Cosgrove (Chairperson), Shelly Blumenthal, Maria Cabata, Tim Cabata, Peter Garvey, Geoff Heib, David Heib, Heidi Hibbs, Patti Kedziora, Diana Raspa, and Aimee Schultz; and

**WHEREAS**, the Bayfest is South Jersey's premier one day festival due to the Bayfest Committee members' professionalism, civic pride, dedication and hard work.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby supports and commends the efforts of the Bayfest Committee and all of the individuals who worked hard to make Bayfest 2016 a great success and an event that helps make the City of Somers Point proud.

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**Resolution No. 128**

M/S – Gerety/Toto

It was adopted by a unanimous vote of those present.

**No. 128 of 2016**

**Subject:** Awarding Contract for Firefighting Equipment and Apparatus Testing Services

**Introduced by:** Councilmen Dill and McGuigan

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**WHEREAS**, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. any contract for services other than professional services, the statutory length of which is three years or less may include two one-year extensions; and

**WHEREAS**, the Fire Chief has recommended that the City enter into a three-year contract for the testing of firefighting equipment and apparatus to include fire hose, ground ladders, pumps and aerials; and

**WHEREAS**, the benefit of a three-year contract is that it will lock in the cost of these important and required testing services; and

**WHEREAS**, the City Administrator concurs with the recommendation of the Fire Chief; and

**WHEREAS**, the accumulative costs of these services during the duration of this multi-year contract will be less than the threshold for competitive bidding for the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that a three-year contract for the testing of firefighting equipment and apparatus to include fire hose, ground ladders, pumps and aerials is hereby awarded to FD Testing Services, LLC of Franklinville, New Jersey in partnership with Buds Auto for pump testing and Underwriters Laboratory for aerials.

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**Resolution No. 129**

M/S – Dill/Toto

It was adopted by a unanimous vote of those present.

City Administrator explained that currently there is not an emergency; however, in the event of an emergency, the City will have a company under a contract.

**No. 129 of 2016**

**Subject:                    Awarding Bid for Sanitary Sewer Emergency Repairs and  
                                  Miscellaneous Maintenance**

**Introduced by:        Councilman Dill**

**WHEREAS**, on June 2, 2016 the City of Somers Point received bids from three contractors for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance; and

**WHEREAS**, the total amount of the bid was based on specified units and quantities of work multiplied times the bidder's unit prices of labor, material and equipment for various categories of anticipated emergency repairs and miscellaneous repairs to the sanitary sewer system; and

**WHEREAS**, after applying these calculations, Lafayette Utility of Egg Harbor Township, New Jersey was the lowest responsible bidder; and

**WHEREAS**, the Sewer Utility Engineer has recommended that the City award the contract to Lafayette Utility of Egg Harbor Township, New Jersey in the established maximum amount of \$192,416.00.

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

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- 1.) The Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance is hereby awarded to Lafayette Utility of Egg Harbor Township, New Jersey in the maximum amount of \$192,416.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Lafayette Utility, signing on behalf of the City.
- 3.) This is an open end contract that will be in effect for a period of one (1) year with the possibility of two (2) one-year extensions if both parties agree to the extension, subject to the requirements of N.J.S.A. 40A:11-1 et seq.

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**Resolution No. 130**

M/S – Gerety/Dill

It was adopted by a unanimous vote of those present.

**No. 130 of 2016**

**Subject: Authorizing Estimated Tax Billing**  
**Introduced by: Council President Tapp**

**WHEREAS**, due to reasons beyond its control, the Atlantic County Board of Taxation did not certify a tax rate for the City of Somers Point and, therefore, the City's Tax Collector was unable to complete the mailing or delivery of tax bills by June 14, 2016; and

**WHEREAS**, at this time it is unknown when the City may anticipate receipt of its certified tax rate so that the mailing or delivery of tax bills can be completed; and

**WHEREAS**, under these circumstances it may become necessary to issue estimated tax bills for the third quarter of 2016; and

**WHEREAS**, the Tax Collector in consultation with Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 to be between \$31,264,005.05 and \$34,554,952.95.

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

- 4.) Upon the written authorization of the City Administrator the Tax Collector is directed to immediately prepare and issue estimated tax bills for the City of Somers Point for the third quarter of 2016 in accordance with the provisions of N.J.S.A 54:4-66.2 et seq.
- 5.) The entire estimated tax levy for 2016 is hereby determined to be \$33,534,759.10.
- 6.) The Tax Collector is authorized to take any additional steps necessary to implement this resolution.
- 7.) Certified copies of this resolution shall be forwarded to the Tax Collector and the Chief Finance Officer by the City Clerk

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**Resolution No. 131**

M/S – Gerety/Toto

It was adopted by a unanimous vote of those present.

**Resolution No. 131 of 2016  
Authorizing Executive Session**

**Introduced by: Councilman Smith**

**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

**WHEREAS**, the Somers Point City Council has determined that **ONE** topic which involves the status of a certain pending Tax Appeal, and a recommendation for settlement of claims for reduction in assessed tax valuations or other resolution of claims for reduction in assessed tax valuations for tax years 2012, 2013, 2014, and 2015 which have been asserted against the City which require the advice and counsel of the Special Tax Counsel to the City of Somers Point and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on June 23, 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.

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

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

**A report by the Somers Point Special Tax Counsel 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 resolution 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 has been made and which may be discussed is:**

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

<u>Docket No.:</u>	<u>Caption:</u>	<u>BLOCK / LOT</u>		
<u>Tax Year:</u>				
013100-2012	Robert Traa v. City of Somers Point	Block - 719	Lot – 19	2012
011729-2013	Brahain Trusts c/o McDonalds v.	Block - 719	Lot – 19	
2013	City of Somers Point			

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**015780-2014                      Brahain Trusts c/o  
   McDonalds v.  
   City of Somers Point                      Block - 719    Lot – 19                      2014**

**Potential settlements for tax years 2015, 2016 and 2017 for Block 719 Lot 19 will also be discussed.**

**An overview of the impacts of pending 2015 tax appeals may also be presented by the Tax Assessor and Special Tax Counsel.**

**WHEREAS**, the length of the Executive Session is estimated to be approximately 20 – 30 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
<b>See Exception 7 Above</b>	<b>July 21, 2016 for the listed tax appeals.</b>	<b>City Council Approval by Resolution</b>

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**Resolution No. 132**

M/S – Gerety/Dill

It was adopted by a unanimous vote of those present.

**Resolution No. 132 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 is one (1) topic 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 June 23, 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** “(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:

**Advice of Counsel and attorney client communication with City Administrator regarding the legal implications of a threatened lawsuit and the financial implications.**

**WHEREAS**, the length of the Executive Session is estimated to be approximately 20 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)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
<b>See Exception 7 Above</b>	<b>Unknown at this time</b>	<b>City Council Resolution, and / or Court Order, and /or settlement of any litigation approved by City Council.</b>

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**Resolution No. 133**

M/S – Gerety/D’Adamo

It was adopted by a unanimous vote of those present.

Councilman Toto abstained from voting.

**No. 133 of 2016**

**Subject:                   Liquor License Renewal**  
**Introduced by:       Council President Tapp**

**WHEREAS**, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

**NOW, THEREFORE, BE IT RESOLVED** that the below named and numbered applications are hereby renewed through June 30, 2017:

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0121-33-002-003	RJM Enterprises
0121-44-006-002	Circle Liquor Store, Inc.
0121-33-007-004	Crab Trap Ltd
0121-33-010-002	Gregory Hotel, Inc.
0121-33-011-005	Clancy's by the Bay, Inc.
0121-33-012-008	SSD Diner, LLC
0121-33-015-007	GMH Restaurant Enterprises, LLC
0121-33-016-007	Plantation Bay Resort & Country Club
0121-33-018-005	Ginger's on the Bay, LLC
0121-31-020-001	American Legion Clark-Eliason Post 352
0121-31-022-001	Roberts-Johnson Post 2189 VFW

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**Old Business**

There was no old business.

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**New Business**

St. Joseph School

Councilman Gerety mentioned that St. Joseph's School has a mercantile application pending to sell peppers that the Second Graders are growing in their greenhouse and are requesting the fee to be waived. Councilman Gerety motioned to waive the fee, seconded by Councilman Toto and carried.

Gateway Theater-Special Meeting

Council President Tapp reported that the City is currently negotiating with the contractors; however, the deadline for the grant will expire before our next City Council meeting. He sent the date for a special meeting to possibly award the contract on July 14, 2016 at 5:30 p.m.

Approval of Permit

The application of Social Affairs Permit for the National MS Society, Greater Delaware Valley Chapter was approved unanimously.

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**Discussion of Bills**

Administrator Swain reported record of payments in the amount of \$27,801.58 and \$1,250. The bill list dated 6/23/16 is in the amount of \$1,215,180.97.

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**Public Portion**

Resident Gary Gray expressed his opposition regarding the recent Planning Board approval for Gingers By the Bay.

Public portion was then closed.

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**Payment of Bills**

M/S Gerety/Toto

Councilman McGuigan recused himself from three bills in the amounts of \$1,511.25; \$2,024.67 and \$185.67 for payment to Falasca Mechanical.

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

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**Recess**

City Council recessed for a short break at 8:10 p.m. prior to Executive Session.

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**Reconvene**

City Council reconvened in open session at 8:40 p.m.

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**Public Portion**

A concerned resident expressed his concern regarding smoking cessation, litter abatement and verbal harassment and offered his suggestions for change.

Public portion was then closed.

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**Adjournment**

There being no further business to come before Council the meeting was adjourned at 8:50 p.m.

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Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 9/8/16