

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

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

Roll call was recorded as follows:

Present: D'Adamo, Dill, Gerety, McGuigan, Smith, Toto & Tapp
Also Present: Mayor Glasser, Administrator Swain, Deputy Clerk Samuelsen and Attorney Franklin

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

There were no communications to report.

Mayor's Report

Mayor Glasser encouraged everyone to attend the National Night Out at the Somers Point Beach on Tuesday, 8/2/16 from 5:00 p.m. to 8:00 p.m. There will be a lot of activities and music with complimentary hot dogs and snacks. Once a year this Nation gets together and claims that we are united and will not tolerate crime. Mayor Glasser congratulated the Somers Point Police Department and the Somers Point Municipal Alliance.

At the American Legion Hall located at Pennsylvania Avenue and First Street on Veterans Way, the Atlantic County auxiliary juniors will host the movie Honor Flight on Saturday 8/13/16, from 6:00 p.m. to 9:00 p.m.,

City Administrator Report

Wes Swain, Administrator, explained the benefit to belonging to the FEMA Community Rating System, which may help taxpayers receive reductions to their flood insurance premiums. Through various grants and actions by City Council, our consultant Jim Rutala, City Engineer, Construction Official Jim McBrien, and my assistant, Jason Frost, we have already instituted many policies and programs that will get the City immediate points once we are admitted into the system. Mr. Swain indicated working along with FEMA representatives, over the past 18 months our Construction Official, Jim McBrien, has set up a significant outreach program to address any concerns with buildings. Mr. McBrien has been in contact with 120 property owners to explain what their options were to bring their properties into compliance in order to save money on their flood insurance policies. Earlier this week we met with representatives of the system who were very impressed with our progress and particularly the accomplishments of Mr. McBrien. Based on our combined efforts, we anticipate being admitted into the system this coming fall, and look forward to this milestone and the insurance cost savings it will provide for our property owners who have flood insurance. City Council President Tapp commended everyone for the diligent efforts.

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Committee Reports

Councilman McGuigan announced that the Arts Commission is planning their second annual Foodie Film Festival in conjunction with the Somers Point Business Association Restaurant week to be held on 11/4-13/16. The film festival will be held on 10/21/16 at Fitzgerald's Deli and Steakhouse and on 10/22/16 at Greate Bay Country Club. He added that more information will follow in the near future.

Approval of Minutes:

M/S – Dill/D'Adamo

Minutes of the Regular Meeting of May 26, 2016, Regular Meeting of June 9, 2016, and Executive Session of June 23, 2016, as to content only and Special Meeting of July 14, 2016, were approved by a unanimous vote of those present.

Ordinances:

Ordinance No. 9 – First Reading/Introduction

M/S – Dill/Toto

The ordinance was adopted on First Reading by a unanimous vote of those present. City Administrator Swain explained the original wording indicated that the City was purchasing a dump truck/salt spreader; however, the City is purchasing a dump truck/salt spreader and a dump truck.

ORDINANCE NO. 9 of 2016

**AN ORDINANCE AMENDING BOND ORDINANCE NO. 13 OF 2015
ADOPTED APRIL 30, 2015 WHICH PROVIDES FOR VARIOUS
IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF
SOMERS POINT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Section 3.b.) of Bond Ordinance No. 13 of 2015, adopted April 30, 2015, of the City of Somers Point, County of Atlantic, New Jersey, be and is hereby amended to read as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
b.)Acquisition by purchase of a dump truck salt spreader and a dump truck including all attachments and appurtenances applicable thereto.	\$117,000	\$111,150	5 years

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 3. Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall

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not affect the balance of this ordinance, which shall remain valid and enforceable.

Section 4. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 5. All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

Section 6. This bond ordinance shall take effect after the first publication thereof after final adoption as provided by the Local Bond Law of the State of New Jersey.

Ordinance No. 10 – First Reading/Introduction

M/S- Gerety/D’Adamo

The ordinance was adopted on First Reading by a unanimous vote of those present.

**ORDINANCE NO. 10 OF 2016
AN ORDINANCE FIXING THE SALARIES, WAGES
AND COMPENSATION OF THE OFFICERS AND
EMPLOYEES OF THE CITY OF SOMERS POINT,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY.**

BE IT ORDAINED by the City Council of the City of Somers Point, New Jersey that the annual wages, salaries and compensation of the Officers and Employees of the City of Somers Point shall be as follows, as of January 1, 2016:

**SECTION 1. FULL TIME EMPLOYEES
(for full year)**

Position	From:	To:
Account Clerk Typist	23,400	48,200
Bookkeeper	23,400	48,700
City Administrator	60,000	143,989
City Clerk/Registrar of Vital Statistics, Municipal Search Officer in office 01/01/2016	40,000	98,700
City Clerk/Registrar of Vital Statistics, Municipal Search Officer, first year	40,000	73,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 1 year	73,000	75,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 2 years	75,000	77,000
City Clerk/Registrar of Vital Statistics, Municipal Search Officer after completion of 3 years	77,000	80,000
Clerk Typist	23,400	28,400
Clerk Typist/Matron	23,400	50,250
Chief Financial Officer	10,000	25,000
Construction Official	40,000	55,300
Court Administrator	40,000	77,050
Department of Public Works Worker	24,500	65,100

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Department of Public Works Work Leader	48,000	72,650
Deputy City Clerk/Deputy Registrar	30,000	59,600
Deputy Court Administrator	28,400	52,400
Deputy Tax Collector	28,400	51,750
Dispatcher	26,000	66,700
Administrative Officer of Planning and Zoning & Construction & Code Enforcement Secretary	30,000	61,800
Police Patrol Officer	31,500	85,300
Police Sergeant	83,600	94,300
Police Lieutenant	107,700	118,500
Police Captain	116,400	128,000
Police Chief	99,200	148,800
Principal Manager of Public Works	60,000	91,300
Superintendent of Public Works	60,000	91,300
Asst. Supervisor of Public Works	40,000	73,950
Tax Assessor	40,000	81,400
Tax Collector/Tax Search Officer/Sewer Utility Collector	40,000	67,700
Confidential Asst. to the City Administrator	22,000	63,500
Waste Water Collection System Operator	5,000	11,900
Qualified Purchasing Agent	1,200	16,000
Joint Insurance Fund Commissioner	1,200	2,500
Confidential Secretary to the Police Chief, first year	22,000	25,500
Confidential Secretary to the Police Chief, after completion of first year	25,500	27,200
Confidential Secretary to the Police Chief, after completion of second year	27,200	28,900
Confidential Secretary to the Police Chief, after completion of third year	28,900	30,600
Police Special Detail Coordinator	500	1,000

Each full-time employee shall be paid for overtime, and any other additionally earned compensation, in accordance with his/her employment contract. This may include additional compensation based upon the length of his/her service, at the rate of \$100.00 per year, paid in addition to, and together with his/her salary.

**SECTION 2. PART TIME OFFICERS & EMPLOYEES
(for full year)**

Position	From:	To:
<u>Building Department</u>		
Electrical Sub-Code Official	7,000	11,650
Plumbing Sub-Code Official	7,000	11,650
Fire Sub-Code Official	7,000	11,650
Building Inspector	per inspection	10.00 20.00
Construction Official	per inspection	10.00 25.00
Temporary UCC Sub-code Official	per inspection	10.00 25.00
Zoning Code Enforcement Officer	per hour	10.00 20.00
Asst. Code Enforcement Officer		2,500 6,000
Asst. Code Enforcement Officer	per hour	10.00 20.00
Clerk-Typist	per hour	8.38 18.00
<u>Police Department</u>		
Dispatcher	per hour	9.00 20.00
School Traffic Guard	per day	27.00 48.00

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Special Officer	per hour	11.00	20.00
Data Processing Clerk	per hour	8.38	16.00
Clerk Typist	per hour	8.50	16.00

Recreation

Summer Recreation Coordinator	per hour	10.00	25.00
Lifeguard	per hour	8.38	16.00
Recreation Workers	per hour	8.38	40.00

Public Works Department

Clean Communities Coordinator		500	1,200
Clean Communities Laborer	per hour	8.38	15.00
Recycling Coordinator		200	800
Public Works/Sanitation Workers	per hour	8.38	16.00
Public Works Secretary	per hour	8.38	15.00
Parking Lot Attendant	per hour	8.38	15.00
Boat Ramp Attendant	per hour	8.38	15.00
Waste Water collection System Operator		5,000	11,900
Custodian	per hour	8.38	15.00

Administration, Finance, Tax Collector, Tax Assessor and Court

Mayor		4,500	9,000
Council President		4,000	8,500
Council Persons		4,000	8,500
Chief Financial Officer		10,000	25,000
City Engineer		5,000	13,000
Clerk Typist	per hour	8.38	22.00
Municipal Alliance Coordinator		500	1,200
Safety Coordinator	per hour	19.00	25.00
Blood Borne Pathogens Coordinator		500	1,000
Qualified Purchasing Agent		1,200	16,000
Joint Insurance Fund Commissioner		1,200	2,500
Municipal Magistrate		10,000	22,000
Temporary Court Clerk	per court session	60.00	100.00

Bureau of Fire Prevention

Fire Official		1,400	7,000
Senior Inspector		1,200	6,600
Inspector		1,000	6,000
Inspector	per hour	10.00	20.00

Fire Department

Fire Chief		Up to	7,000
Deputy Fire Chief		Up to	5,400
Assistant Chief		Up to	3,900
Captain		Up to	3,600
Lieutenant		Up to	3,300
Fire Marshall		Up to	2,500
Fire Marshall	per inspection hour	10.00	20.00
Deputy Fire Marshall		Up to	2,500
Deputy Fire Marshall	per inspection hour	10.00	20.00
Fire Safety Officer		Up to	1,600

Emergency Management

Emergency Management Coordinator		Up to	4,000
Deputy Emergency Management Coordinator		Up to	3,000
Assistant Emergency Management Coordinator		Up to	500

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Each part time hourly employee shall be paid for overtime at the rate of one and one-half times the employee's straight time hourly rate for all hours of work which are more than eight hours worked in one day or forty hours worked in one week for any such part time work.

SECTION 3. REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Ordinance No. 11 – First Reading/Introduction

M/S Dill/Gerety

The ordinance was adopted on First Reading by a unanimous vote of those present. City Council President Tapp explained that this ordinance needed to be addressed.

ORDINANCE NO. 11 of 2016

AN ORDINANCE OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY AMENDING SECTION 220-11.A. AND ADDING A SECTION 220-11. F. WITHIN CHAPTER 220 "STREETS AND SIDEWALKS" OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT

Whereas, a recommendation has been made by the Construction Official to modify the exemptions for obtaining a Street Opening permit from the City Clerk; and

Whereas, the recommendation has been reviewed by the City Engineer who has supported the expansion of the exemption to include replacement of driveway aprons and sidewalks subject to a limitation upon the length of the replacement

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:

Section 1. REPEAL OF A PORTION OF SUBPARAGRAPH A. OF SECTION 220-11.

The first paragraph of subparagraph A. in Code Section 220-11 "Permit Required" is deleted in its entirety.

Section 2. AMENDMENT OF SECTION 220-11 TO REPLACE THE FIRST PARAGRAPH OF SUBPARAGRAPH A. OF SECTION 220-11.

Code Section 220-11 "Permit Required" is amended to add a new first paragraph in subparagraph A. to read as follows:

- A. It shall be unlawful, except in an emergency as set forth in Subsection B and for the exempted activities set forth in Subsection F hereunder, for any person to engage in any of the following activities unless such person shall first have obtained the applicable Street Opening / Closure / Detour Permit from the City Clerk as herein provided:

Section 3. AMENDMENT OF SECTION 220-11 TO ADD SUBPARAGRAPH F.

Code Section 220-11 "Permit Required" is amended to add a new Section 220-11. F. to read as follows:

- F. **Exemptions.** No street opening permit shall be required for:
- i) the repair or replacement of residential sidewalks; and

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ii) the repair or replacement of residential driveways and driveway aprons along with associated curbing, provided the curb along the driveway apron to be replaced is twenty (20') feet in length or less; and

iii) in each such instance a valid construction permit is obtained from the Construction Official. A valid certificate of insurance, meeting the requirements of Section 220-16 are still required.

Property owners completing the work themselves shall provide a copy of proof of homeowner's insurance along with a completed Hold Harmless Agreement to indemnify and hold harmless the City, its agents, servants and employees from any and all damage or liability sustained by any person, including injury or death to employees of the applicant or its contractors or subcontractors, and property damage, arising out of, or in any way related to, the work performed by the applicant, its agents, servants and employees. Said agreement shall require the applicant in the event a claim is made against the City of Somers Point, its agents, servants or employees arising out of the applicants construction activities, to provide the City of Somers Point with a legal defense and to pay any and all attorney's fees or costs incurred by the City of Somers Point in connection with any claims, suits, demands or litigation.

Property owners who retain a contractor shall require the contractor to provide proof of contractor's insurance along with a completed Hold Harmless Agreement to indemnify and hold harmless the City, its agents, servants and employees from any and all damage or liability sustained by any person, including injury or death to employees of the applicant or its contractors or subcontractors, and property damage, arising out of, or in any way related to, the work performed by the applicant, its contractor's agents, servants and employees. Said agreement shall require the Contractor, in the event a claim is made against the City of Somers Point, its agents, servants or employees arising out of the applicants construction activities, to provide the City of Somers Point with a legal defense and to pay any and all attorney's fees or costs incurred by the City of Somers Point in connection with any claims, suits, demands or litigation.

Section 4. REPEALER CLAUSE. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 5. SAVINGS CLAUSE. Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

Section 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon final passage and publication and adoption in the manner prescribed by law.

Public Portion on Resolutions

Mr. John Romanelli of 905 Shore Road expressed his concerns regarding the extension of the bike path.

Meeting was then duly closed to the public.

Resolutions

Resolution No. 136

M/S – Toto/Dill

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

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No. 136 of 2016

**Subject: Awarding Bid for the 2016 FY State Aid – Dawes Avenue
Reconstruction**
Introduced by: Councilman Dill

WHEREAS, on July 14, 2016 the City of Somers Point received bids for the FY 2016 State Aid Program – Dawes Avenue Reconstruction, a project that is funded in part by a FY 2016 State Aid Program Grant; and

WHEREAS, A.E. Stone, Inc. of Egg Harbor Township, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to A.E. Stone, Inc. of Egg Harbor Township, New Jersey in the amount of \$167,000.00.

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

- 1.) The Contract for the FY 2016 State Aid Program - Dawes Avenue is hereby awarded to A.E. Stone, Inc. of Egg Harbor Township, New Jersey in the amount of \$167,000.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with A.E. Stone., Inc. signing on behalf of the City.

Resolution No. 137

M/S – Dill//Toto

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

No. 137 of 2016

**Subject: Awarding Bid for the 2014 & 2015 CDBG – Wilmont Avenue
Reconstruction**
Introduced by: Councilman Dill

WHEREAS, on July 14, 2016 the City of Somers Point received bids for the 2014 & 2015 CDBG Program - Wilmont Avenue Reconstruction, a project that is funded in part by a 2014 & 2015 Community Development Block Grant; and

WHEREAS, Arawak Paving Co, Inc. of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Arawak Paving Co, Inc. of Hammonton, New Jersey in the amount of \$217,900.00.

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

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- 3.) The Contract for the 2014 & 2015 CDBG – Wilmont Avenue Reconstruction is hereby awarded Arawak Paving Co, Inc. of Hammonton, New Jersey in the amount of \$217,900.00.
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

Resolution No. 138

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present. Councilman Dill indicated the bids were too high for the project.

No. 138 of 2016

Subject: Rejecting Bids for the 2016 Road Program and authorizing rebidding
Introduced by: Councilman Dill

WHEREAS, on July 14, 2016 the City of Somers Point received bids for the 2016 Road Program; and

WHEREAS, all bids received are not reasonable as to price on the basis of the cost estimate prepared by the City Engineer prior to advertising therefore and also exceed available funding;

WHEREAS, the City Engineer’s office has recommended that the City reject all bids and rebid the project into two separate bids (2016 Road Program and 2016 Stormwater Repairs).

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

- 5.) All bids received for the 2016 Road Program on July 14, 2016 are formally rejected.
- 6.) The City Engineer is authorized to prepare revised plans and specifications for the rebid of the 2016 Road Program and 2016 Stormwater Repairs.

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 139

M/S – Gerety/Dill

The resolution was adopted by a unanimous vote of those present. Councilman McGuigan indicated that Mr. Romanelli’s driveway is adjacent to the bikepath. When he pulls out of his driveway he will feel uncomfortable encroaching the bike path that will have an inch lip. City Council, Administrator Swain and City Engineer Greg Schneider discussed the plans and recent \$755,000.00 grant regarding the widening of the bike path. The Governing Body concurred to wait for quotes for asphalt and concrete.

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No. 139 of 2016

Subject: Advertising for Bids for the Bikepath Extension Phase II
Introduced by: Councilman McGuigan

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to extend the existing bike path to meet the existing Rt.52 bike path;

WHEREAS, the New Jersey Department of Transportation has awarded the City with a \$171,000 grant to complete this project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the Bikepath Extension Phase II; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 140

M/S – Gerety/Smith

The resolution was adopted by a unanimous vote of those present with Councilman McGuigan recusing himself.

No. 140 of 2016

Subject: Appointment of Conflict Municipal Solicitor
Introduced by: Council President Tapp

WHEREAS, due to a conflict in the representation of clients of the Municipal Solicitor the City of Somers Point has identified a need for a Conflict Municipal Solicitor for 2016; and

WHEREAS, utilizing submissions that have previously been received for the Municipal Solicitor position for 2016, the contract is being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

1. Randolph C. Lafferty of Cooper Levenson, P.A. be and hereby is appointed as Conflict Municipal Solicitor for the City of Somers Point for the period July 14, 2016 through December 31, 2016, inclusive.
2. This agreement is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an agreement with Cooper Levenson, P.A. in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S.A. 40A:11.5 (6) is not required.

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Resolution No. 141

M/S – Gerety/Toto

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

Councilman D’Adamo questioned if there is a need of an end date. Mr. Swain indicated that it is a three year contract.

No. 141 of 2016

**Subject: Authorizing Agreement with
Atlantic County Improvement Authority**

Introduced By: Council President Tapp

WHEREAS, the City of Somers Point entered into an interlocal agreement in 2010 with the Atlantic County Improvement Authority for the administration of program income from previous housing rehabilitation grants; and

WHEREAS, that agreement was scheduled to end on June 30, 2016; and

WHEREAS, the Improvement Authority is offering the City of Somers Point another three-year interlocal service agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Mayor and City Clerk are hereby authorized and directed to sign the Interlocal Services Agreement between the City of Somers Point and the Atlantic County Improvement Authority, on behalf of the City.

Resolution No. 142

M/S – Toto/Gerety

Councilman Dill questioned if the Lease was the same as last year. Council President Tapp indicated that there are no changes from last year.

The resolution was adopted by with a 6 to 1 vote with Councilman Dill voting no.

No. 142 of 2016

Subject: Authorizing Lease with Atlantic County Library

Introduced By: Council President Tapp

WHEREAS, the Somers Point Branch of the Atlantic County Library has been situated at 801 Shore Road; and

WHEREAS, Atlantic County has proposed a form of lease between the City of Somers Point and the County of Atlantic for the property situated at 801 Shore Road for use as the Somers Point Branch of the Atlantic County Library system; and

WHEREAS, the City of Somers Point desires to lease the property to the County of Atlantic for the period commencing January 1, 2016 through December 31, 2016.

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

1. The Mayor is hereby authorized and directed to execute the lease in a form acceptable to the City Solicitor for the period commencing January 1, 2016 through December 31, 2016 between the County of Atlantic and the City of Somers Point.
2. Upon its execution, a copy of the lease will be attached hereto and made a part hereof.

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Resolution No. 143

M/S – Toto/Dill

No. 143 of 2016

Subject: Authorizing Advertising for Bids for a Dump Truck
Introduced by: Councilmen Dill, Toto and Gerety

WHEREAS, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to purchase a dump truck for the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator, in conjunction with the Superintendent of Public Works, is hereby authorized to prepare specifications for the purchase of a dump truck; and

BE IT FURTHER RESOLVED that the City Administrator is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., with said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and N.J.S.A. 40A:11-1 et seq.

Resolution No. 144

M/S – Toto/Dill

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

No. 144 of 2016

Subject: Chapter 159 Resolution
Introduced By: Council President Tapp

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$15,038.00 and wishes to amend its 2016 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$15,038.00 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

2016 Municipal Alliance on Alcoholism and Drug Abuse

Prevention Program

\$15,038.00

pursuant to the provision of Statute; and

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BE IT FURTHER RESOLVED that a like sum of \$15,038.00 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
2016 Municipal Alliance on Alcoholism
and Drug Abuse \$15,038.00

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 145

M/S – Toto/D'Adamo

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

No. 145 of 2016

Subject: Requesting Change in Title, Text or Amount of Appropriation
Introduced By: Council President Tapp

WHEREAS, N.J.S. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A:4-85, the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to make the following correction in the 2016 budget:

That the appropriation provided for in the approved budget entitled:

General Appropriations
(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues
Matching Funds
in the amount of \$5,000.00 be reduced by the sum of \$3,760.00 to \$1,240.00

and that an appropriation in the like amount of \$3,760.00 be added to the budget entitled:

General Appropriations
(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues
Municipal Alliance on Drug and Alcohol Abuse City Match

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the municipality for the reasons set forth:

The City provided for the possibility of receiving an additional grant that might require a cash match after the adoption of the 2016 budget by providing a line item "Matching Funds." The amount of the grant and the cash match required for the 2016

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Municipal Alliance on Drug and Alcohol Abuse grant program are now known after the adoption of the budget. The City has received a grant of \$15,038.00 for the 2016 Municipal Alliance on Drug and Alcohol Abuse program, and a municipal cash match of 25%, in the amount of \$3,760.00 is required as a legal provision of the grant. The above correction of this budget appropriation will allow the City to make the necessary cash match.

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 146

M/S – Toto/Dill

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

No. 146 of 2016

Subject: Eliminating Sewer Utility Bill and Connection Requirement Due to Natural Disaster

Introduced by: Councilman McGuigan

WHEREAS, the City Council of the City of Somers Point may make adjustments in Sewer Utility billings in such cases as it deems appropriate; and

WHEREAS, as a result of Superstorm Sandy, 111 Higbee Avenue was deemed uninhabitable by the Somers Point Construction Official until required repairs are completed; and

WHEREAS, 111 Higbee Avenue currently remains uninhabitable; and

WHEREAS, the owners of 111 Higbee Avenue have requested that their 2016 Sewer Utility bill for Account 1462-0 be eliminated and any payments made toward that billing be returned; and

WHEREAS, the owners of 111 Higbee Avenue have further requested that this property be disconnected from the sewer system and that it remain disconnected and all billing cease until such time that it is again determined to be habitable.

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

1. The 2016 Sewer Utility bill for Account 1462-0 is hereby eliminated and any payments made toward that billing shall be returned to the owner;
2. This property shall be disconnected from the sewer system and it shall remain disconnected until it is determined to be habitable;
3. All sewer utility billing shall cease until such time that it is again determined to be habitable;
4. Once it is repaired and determined to be habitable it shall be re-connected to the sewer system after paying the then effective re-connection fee, and the sewer billing for that year shall be pro-rated and applied to the account;
5. A certified copy of this resolution shall be forwarded to the Tax Collector/Sewer Utility Collector.

Resolution No. 147

M/S – McGuigan/Toto

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

Councilman McGuigan commented that he will miss Carol Degrassi. Council President

Tapp agreed and mentioned that she has been a staple here for almost 40 years. Mayor Glasser

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mentioned that the City Clerk is the “go to” person for the Governing Body and especially for the him. He reminisced of their grade school years together, and stated that she was an outstanding City Clerk and will be missed. City Councilman Dill worked with Carol Degrassi as an employee and City Councilman. He stated that she was a very effective and efficient City Clerk. He added that she surely will be missed and appreciates all the years she served the City.

No. 147 of 2016

Subject: Authorizing Agreement with Carol L. Degrassi
Introduced By: Council President Tapp
Councilmen McGuigan and D’Adamo

WHEREAS, after a long and dedicated service to the City of Somers Point, Carol L. Degrassi intends to retire as the Somers Point City Clerk and Registrar of Vital Statistics collectively referred to as the position of City Clerk, effective July 31, 2016; and

WHEREAS, upon retirement Carol L. Degrassi is entitled to certain payments and benefits in accordance with the agreement effective January 1, 2012 between the City of Somers Point and Carol L. Degrassi; and

WHEREAS, the City of Somers Point has determined that Carol L. Degrassi will have an accumulated, reimbursable total in excess of 42 days of unused sick leave, 30 unused days of vacation leave, 18 unused days of holiday leave, and pro-rated pay due for clothing allowance and education incentive as of December 31, 2014; and

WHEREAS, Carol L. Degrassi’s last regular day of work will be July 31, 2016 and she shall receive her last regular pay on August 5, 2016; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Carol L. Degrassi the City agrees to provide health benefits as defined in that agreement.

NOW, THEREFORE, the City of Somers Point hereby authorizes the Mayor to enter into an agreement with Carol L. Degrassi, which memorializes all rights and entitlements of the employment agreement attached hereto and made a part of this Resolution.

Resolution No. 148

M/S – Dill/Toto

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

No. 148 of 2016

Subject: Appointment of Public Agency Compliance Officer
Introduced by: Council President Tapp
Councilmen McGuigan and D’Adamo

WHEREAS, the State Affirmative Action Office, Department of the Treasury, requires that an official person be designated as a liaison and to serve as a Public Agency Compliance Officer.

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NOW, THEREFORE, BE IT RESOLVED that the City Council hereby appoint Lucy R. Samuelsen, to act in this capacity for the City of Somers Point.

Resolution No. 149

M/S – McGuigan/Toto

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

No. 149 of 2016

Subject: Appointing Certifying Agent
Introduced by: Council President Tapp
Councilman McGuigan and D’Adamo

WHEREAS, the rules and regulations of the Civil Service Commission require that the City of Somers Point designate a certifying agent for payroll reports and other matters.

NOW, THEREFORE, BE IT RESOLVED by the City Council that Lucy R. Samuelsen is hereby designated as said certifying agent to the Civil Service Commission.

Resolution No. 150

M/S – Gerety/Dill

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

No. 150 of 2016

Subject: Appointing Jenna A. Salani Deputy Municipal Court Administrator
Introduced By: Council President Tapp, Councilmen McGuigan and D’Adamo

WHEREAS, due to a resignation, it is necessary to appoint a Deputy in the Municipal Court Department; and

WHEREAS, the procedure for appointing a Deputy Municipal Court Administrator is directed by the Administrative Offices of the Court; and

WHEREAS, those procedures require advertising the position, interviews of the qualified candidates by representatives of the Court Vicinage and the City, and approval of the selected candidate by the Court Vicinage Assignment Judge; and

WHEREAS, three candidates were selected to be interviewed, but one of those candidates withdrew her application; and

WHEREAS, interviews of two remaining candidates were held on June 10, 2016; and

WHEREAS, Jenna A. Salani was selected by the interview committee and her selection was subsequently approved by the Court Vicinage Assignment Judge; and

WHEREAS, the Municipal Court Administrator has recommended that Jenna A. Salani be appointed as a Deputy Municipal Court Administrator and the City Administrator concurs with that recommendation.

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

- 7.) The appointment of Jenna A. Salani to the position of Deputy Municipal Court Administrator New Jersey Civil Service Local Government Job Specification 07796, within the Municipal Court Department is hereby approved effective June 22, 2016, on a provisional basis, pending the results of a Departmental Promotional Examination to be issued by the New Jersey Civil Service Commission, if necessary.

- 8.) Effective August 1, 2016 the salary of Jenna A. Salani will be \$38,450 for 2016, retroactive to January 1, 2016.

Resolution No. 151

M/S – Dill/Toto

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

Resolution No. 151 of 2016

A Resolution Authorizing the Temporary Closure of Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday, August 2, 2016 to Allow a National Night Out Block Party and Beach Concert

Sponsored by: Somers Point City Council

WHEREAS, a request has been made by the Somers Point Recreation Commission to authorize the temporary closure to traffic on Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday August 2nd between the hours of 5:00 PM to 8:00 PM to facilitate National Night Out Activities including a Beach Concert which will be free of charge and open to the public; and

WHEREAS, National Night Out was established in 1984 by the National Association of Town Watch (NATW), a non-profit organization dedicated to the development and promotion of various crime prevention programs including neighborhood watch groups, law enforcement agencies, state and regional crime prevention associations, businesses, civic groups, and individuals, devoted to safer communities and is the nation's premiere crime prevention network which works with law enforcement officials and civilian leaders to keep crime watch volunteers informed, interested, involved and motivated; and

WHEREAS, the introduction of National Night Out, "America's Night Out Against Crime" began 31 years ago as an effort to promote involvement in crime prevention activities, police-community partnerships, neighborhood camaraderie and send a message to criminals letting them know that neighborhoods are organized and fighting back; and

WHEREAS, the first National Night Out took place on Tuesday, August 7th 1984 in which 2.5 million Americans took part across 400 communities in 23 states; and

WHEREAS, National Night Out now involves over 37.8 million people and 16,124 communities from all fifty states, U.S. Territories, Canadian cities, and military bases worldwide; and

WHEREAS, the traditional "lights on" campaign and symbolic front porch vigils has turned into an annual celebration across America and elsewhere with various events and activities including, but not limited to, block parties, cookouts, parades, visits from emergency personnel, rallies and marches, exhibits, youth events, safety demonstrations and seminars, in effort to heighten awareness and enhance community relations; and

WHEREAS, there will be a variety of entertainments as well as complimentary hot dogs, snacks and soft serve ice cream will be available for all;

WHEREAS, the Mayor and Council of the City of Somers Point believe National Night Out provides a wonderful opportunity for our community and communities nationwide to promote police-community partnerships, crime prevention, neighborhood camaraderie, and an

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opportunity to meet with members of the Somers Point Police Department, the Somers Point Volunteer Fire Companies Number 1 and 2, members of the Somers Point Office of Emergency Management, together with local politicians and business people; and

WHEREAS, although one night is certainly not an answer to crime, drugs and violence, National Night Out represents the kind of spirit, energy and determination to help make neighborhoods a safer place year round by celebrating safety and crime prevention successes and efforts to expand and strengthen programs for the next 364 days; and

WHEREAS, the Somers Point Police Department will participate in this free community event together with the Somers Point School Board of Recreation, the Somers Point Drug Alliance, and local organizations and businesses including Shore Medical Center and Atlanticare which will be on hand to offer free information about programs which promote police-community partnerships, crime prevention, after school education and recreational activities, health and wellness, and other programs; and

WHEREAS, the Traffic Control Officer has approved this request

Now, therefore, it is hereby RESOLVED, that the temporary closure to traffic on Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday August 2nd between the hours of 5:00 PM to 8:00 PM to facilitate National Night Out Activities is hereby approved and authorized; and

It is further, RESOLVED, that all of the residents of Somers Point and the public are encouraged to participate in National Night Out by attending this free event and by supporting the "lights on" campaign.

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular City Council meeting held on the 28th day of July, 2016.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 28th day of July, 2016

Resolution No. 152

M/S – Toto/Dill

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

No. 152 of 2016

Certification of Receipt and Review of the Audit for the Year 2015

Introduced by: McGuigan, Gerety, D'Adamo

WHEREAS N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS The Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: **General Comments – Recommendations**, and

WHEREAS the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: **General Comments – Recommendations** as evidenced by the group affidavit form of the governing body; and

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WHEREAS Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who After a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 153

M/S – Gerety/Toto

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

**Resolution No. 153 of 2016
AUTHORIZING EXECUTIVE SESSION**

Introduced by: Councilmen D’Adamo, McGuigan, and Dill

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 requires the advice and counsel of the City Solicitor / Special COAH Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on July 28, 2016 during a public meeting to be held commencing at 7:00 P.M, and

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

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 In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15, negotiations, and the status of the declaratory judgment proceedings as affecting Somers Point.

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WHEREAS, the length of the Executive Session is estimated to be approximately 20-25 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Approval by City Council Action / Hearing / Court Order / Ordinance(s).

Resolution No. 154

M/S – Smith/Toto

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

Resolution No. 154 of 2016

**AUTHORIZING THE SOMERS POINT TAX ASSESSOR IN CONJUNCTION WITH
SOMERS POINT SPECIAL TAX COUNSEL TO SETTLE AND COMPROMISE
CERTAIN REAL PROPERTY TAX APPEALS PENDING BEFORE THE NEW JERSEY
TAX COURT**

Introduced By: COUNCILMAN SMITH

WHEREAS, from time to time the Tax Assessor is presented with an opportunity to compromise, settle or otherwise dispose of certain tax appeals pending before the Atlantic County Board of Taxation or the New Jersey Tax Court; and

WHEREAS, for reasons of efficiency this Governing Body has determined that the Tax Assessor should not be required to present each such settlement to this body for approval; and

WHEREAS, this Governing Body has directed that whenever a settlement of a pending matter would result in an assessed tax revenue reduction in excess of Ten Thousand Dollars (\$10,000.00) for any such property within a single tax year no such settlement shall be entered into without a presentation to the City Council explain the proposed settlement, the reason for the settlement recommendation, and the impact upon the current and prior tax years; and

WHEREAS, Special Tax Counsel and the Somers Point Tax Assessor have identified the following series of pending tax appeals and have discussed the implications and recommendations during Executive Sessions held on June 23, 2016 relative to the following pending Tax Appeal which exceeds the approval threshold:

Docket No.:

Caption:

Tax Year:

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013100-2012	Robert Traa v. City of Somers Point	Block - 719	Lot – 19	2012
011729-2013	Brahin Trusts c/o McDonalds v. City of Somers Point	Block - 719	Lot – 19	2013
015780-2014	Brahin Trusts c/o McDonalds v. City of Somers Point	Block - 719	Lot – 19	2014
N/A	Brahin Trusts c/o McDonalds v. City of Somers Point	Block - 719	Lot – 19	2015

WHEREAS, after giving due and careful consideration to the recommendations made by Special Tax Counsel and the Somers Point Tax Assessor

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Special Tax Counsel is hereby authorized to settle or otherwise dispose of the following matters pending before the Tax Court of the State of New Jersey in the following manner:

<u>Docket No.:</u>	<u>Caption:</u>	<u>Tax Year:</u>
013100-2012	Robert Traa v. City of Somers Point	2012
011729-2013	Brahin Trusts c/o McDonalds v. City of Somers Point	2013
015780-2014	Brahin Trusts c/o McDonalds v. City of Somers Point	2014
N/A	Brahin Trusts c/o McDonalds v. City of Somers Point	2015

Through a stipulation for the assessed value of the subject property in the amounts shown for the tax years designated below:

<u>Block / Lot #:</u>	<u>Tax Year:</u>	<u>Stipulated Assessed Value:</u>
Block 719 / Lot 19	2012	\$ 660,750.00
Block 719 / Lot 19	2013	\$ 662,600.00
Block 719 / Lot 19	2014	\$ 1,200,000.00
Block 719 / Lot 19	2015	\$ 1,150,000.00

It shall be further stipulated to the Tax Court by the parties that the Assessment on Land and Improvements shall remain at \$1,150,000.00 during 2016 and 2017 and no Appeals shall be filed by the owner of the property for those tax years.

Interest and penalties shall be waived, the reduction shall be credited against future taxes, and all other taxes and other charges which may be due and owing shall be paid in full.

IT IS FURTHER RESOLVED that the Mayor, the City Administrator, the Somers Point Tax Assessor and Special Tax Counsel are hereby authorized to execute and deliver any and all such documents as may be determined by the Tax Assessor and Special Tax Counsel to be necessary or desirable to effectuate this approved settlement. foregoing is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 28th day of July, 2016.

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Resolution No. 155

M/S – Toto/McGuigan

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

RESOLUTION NO. 155 of 2016

A Resolution Requesting the Design, Funding, and Construction of a Bike Path Connector between the Multi-use Section of the New Jersey Parkway Bridges over the Egg Harbor River along and across State Route 9 and the Somers Point Bike Path as an Essential Element of the Complete Streets Policy Adopted by the New Jersey Department of Transportation and in Order to Provide for the Safety of the Pedestrian and Bicycling Public

Sponsored by: Mayor and Council

Whereas, on Tuesday, June 14, 2016, Somers Point Officials met with representatives of the New Jersey Highway Authority and the New Jersey Department of Transportation to discuss the plans for the new multi-use bridges being built over the Great Egg Harbor River: and

Whereas, the State representatives indicated that they expect these bridges to be completed in 2019; and

Whereas, the new bridges will include a separate multi-use section for bicycles and pedestrian much like what exists on the Route 52 Causeway; and

Whereas, when the Great Egg Harbor Bridges are completed in 2019, the general public will use them frequently to access Cape May County and the reverse trip to access Somers Point; and

Whereas, with the Pleasantville to Somers Point Bike Path and the Route 52 Causeway link to Ocean City and the barrier islands to the south, Somers Point has high quality bicycle facilities which are a critical link within the exceptional and excellent state wide bicycle path network in New Jersey; and

Whereas, without a bikeway connection between the Great Egg Harbor Bridges and the Somers Point Bike Path, a very dangerous situation will be created for vehicular traffic, pedestrians and bicyclists; and

Whereas, although representatives of New Jersey Department of Transportation (“NJDOT”) acknowledged that a concept plan has been developed to take bikers and pedestrians along the west side of Route 9 to Somers Point-Mays Landing Road and then along Somers Point-Mays Landing Road to the Somers Point Bike Path, there are no plans to engineer or build any of those needed improvements; and

The NJDOT has been recognized as a National leader for advancing Complete Streets policies, which promote safety for pedestrians, bicyclists and other users of New Jersey roadways; and

Whereas, given the safety issues that will result from doing nothing, we call upon the NJDOT to insure that a safe connection is built by 2019; and

Whereas, it will take time to design, fund and build the concept design improvements, it is imperative that this process continue immediately.

Now, Therefore, it is Hereby Resolved by the Mayor and Council of the City of Somers Point that:

1) We call upon Richard T. Hammer, the Acting Commissioner of the New Jersey Department of Transportation to take immediate action to implement the design, funding

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and construction of the concept plan which has been developed to take bikers and pedestrians along the west side of Route 9 to Somers Point-Mays Landing Road and then along Somers Point-Mays Landing Road to the Somers Point Bike Path in compliance with the Complete Streets policy for which the NJDOT has received recognition and which is included on the NJDOT web site;

2) We call upon our state and local legislators to assist in this effort; and

3) We call upon the following groups, organizations, and non – profit entities which are being provided with a copy of this Resolution to support this request by making known to the Acting Commissioner of the NJDOT, the Executive Director of the New Jersey Turnpike Authority, and our legislators the importance of this vital bike path link.

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

Richard T. Hammer, Acting Commissioner of the New Jersey Department of Transportation and Chairman of the New Jersey Turnpike Authority Board of Commissioners

Joseph W. Mrozek, Executive Director the New Jersey Turnpike Authority

Senator James Whelan
Assemblyman Chris Brown
Assemblyman Vincent Mazzeo
Senator Jeff Van Drew
Assemblyman Bob Andrzejczak
Assemblyman R. Bruce Land
Atlantic County Freeholder Maureen Kern
Dennis Levinson, County Executive
John Peterson, County Planning Director
Elise Bremer-Nei, NJDOT Office of Bicycle and Pedestrian Safety
NJDOT Bicycle and Pedestrian Coordinator [BIKEPED@dot.nj.gov]

Bill Ragozine, Cross County Connection Transportation Management Association
Jennifer Marandino, South Jersey Transportation Planning Organization
Bike New Jersey
P.O. Box 667
Chatham, NJ 07928

Association of Pedestrian and Bicycle Professionals
957 Route 33
Suite 307
Hamilton Square, NJ 08690

Association of New Jersey Bicycle Racing Clubs
416 Catherine Street
Somerville, NJ 08876

New Jersey Bike and Walk Coalition
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P.O. Box 140
551 Valley Road
Upper Montclair, NJ 07043

Wayfarers
P.O. Box 310
Fairlawn, NJ 07410

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Bicycle Hub
238 Route 79
Marlboro, NJ 07765

Bicycle Touring Club of North Jersey
P. O. Box 839
Mahwah, NJ 07430-0839

BikePacking US
109 5th Avenue
Roebing, NJ 08554

Century Road Club of America
C/o Knopps Bicycle Shop
38 Spring Street
Princeton, NJ 08542

Jersey Shore Touring Society
P.O. Box 8581
Red Bank, NJ 07701

Outdoor Club of South Jersey, Inc.
P.O. Box 455
Cherry Hill, NJ 08003-0455

Princeton Freewheelers
P.O. Box 1204
Princeton, NJ 08542

Shore Cycle Club
P.O. Box 492
Northfield, N.J. 08225

South jersey Wheelmen
P.O. Box 2705
Vineland, NJ 08362-0725

United States Cycling Federation
Cindy Donnelly, New Jersey Representative
416 Catherine Street
Somerville, NJ 08876

Bicycle Coalition of Greater Philadelphia
100 South Broad Street
Philadelphia, PA 19110

Rails to Trails Conservancy
The Duke Ellington Building
2121 Ward Court, NW
5th Floor

Washington, DC 20037
Cc
2133 Market Street
Suite 222
Camp Hill, PA 17011

League of American Bicyclists

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Yield to Life
Davis Zabrieski, Executive Director
1612 K Street NW
Suite 800
Washington, DC 20006-2850

National Center for Bicycling and Walking
1506 21st St NW
Suite 200
Washington, DC 20036

East Coast Greenway Alliance
5826 Fayetteville Rd.
Suite 210
Durham, NC 27713

Adventure Cycling Association
150 East Pine Street
P.O. Box 8308
Missoula, MT 59807

American Bicycling Education Association, Inc.
P.O. Box 2466
Orlando, FL 32802

People For Bikes
P.O. Box 2359
Boulder, CO 80306

Resolution No. 156

M/S – McGuigan/Gerety

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

Resolution No.. 156 of 2016

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

Sponsored by: Councilman D’Adamo

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. (“Econsult”) 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

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such funding only if it authorizes the expenditure of funds by adoption of a subsequent resolution; and

Whereas, by Resolution 86 of 2016 adopted on April 14, 2016, City Council authorized payment of an additional deposit of Two Thousand Dollars to be paid into the MSSDA Escrow Fund; and

Whereas, as a result of the complex litigation and filing of appeals it has been necessary for the Econsult to prepared multiple reports and to expend significant additional time, effort and expense in order to comply with the various Case Management Orders which have been entered and appeals which have been filed, and will be required to continue to do so; and

Whereas, other professionals acting on behalf of the MSSDA members have been required to expended time and effort on behalf of the group, and will be required to continue to do so; and

Whereas, 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, filings and data; and

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 one additional deposit to the MSSDA Escrow Fund in the amount of Two Thousand Dollars (\$2,000.00).
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 and Resolution 86 of 2016 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. 157

M/S – D’Adamo/Gerety

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

**CITY OF SOMERS POINT
RESOLUTION NO. 157 of 2016
AUTHORIZING THE EXECUTION AND DELIVERY OF A MUTUAL RELEASE AND
STIPULATION BETWEEN THE CITY OF SOMERS POINT AND THE SUNSET
MARINA CONDOMINIUM ASSOCIATION**

Sponsored by: Council President Tapp

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Whereas, a dispute had arisen between the City of Somers Point ("City") and the Sunset Marina Condominium Association (the "Association") regarding the responsibility to pay for repairs and replacements required to be made to the City's wastewater collection system allegedly due to the failure of the Association to properly design, repair, or maintain the sewer system owned by the Association (the "Association System") and which connects to the City's wastewater collection system (the "City System"); and

Whereas, the cost to the City to make the required repairs and adjustments to the City System is in the approximate aggregate amount of Forty Four Thousand Fifty One Dollars and Forty Two Cents (\$44,051.42) (the "City System Repairs"); and

Whereas, the City has offset the cost of the City System Repairs against the 2013 through 2016 payments to the Association in the aggregate amount of Thirty Nine Thousand Three Hundred Eighty Two Dollars and Ninety Four Cents (\$39,382.94) which would otherwise have been due from the City to the Association for reimbursement of trash and street light service as provided in the Municipal Services Act and calculated using the applicable sections of the Somers Point City Code (the "Reimbursement"); and

Whereas, the Association has retained an engineer to design the required modifications to the Condominium System and the engineer has prepared design plans and specifications (the "Design Plan") for the Association System reconstruction (the "Association System Rebuild"); and

Whereas the Design Plan has been reviewed by the City's Sewer Utility Engineer; and

Whereas, if the Association System Rebuild is constructed in compliance with the Design Plan and certified by the Association Engineer as having been completed in accordance with the Design Plan, the continuing damage and deterioration to the City System due to the Association System defects and deficiencies is intended to be corrected; and

Whereas, the Association and the City intend to resolve the dispute through executing and delivering a mutual release and stipulation in order to avoid the cost of litigation; and

Whereas, upon the execution and delivery of a mutual release and stipulation in a form satisfactory to the City Solicitor and City Administrator:

a) the City shall the City shall pay to the Association the sum of Ten Thousand Dollars (\$10,000.00);

b) the City shall retain the Thirty Nine Thousand Three Hundred Eighty Two Dollars and Ninety Four Cents (\$39,382.94) which would otherwise have been reimbursed to the Association under the Municipal Services Act and calculated in accordance with the City Ordinances; and

c) upon i) completion of the Association System Rebuild, ii) receipt by the City's Sewer Utility Engineer of the Design Engineer's Certification, iii) inspection and verification by the City's Sewer Utility Engineer that the Association System Rebuild has been constructed and completed in compliance with the Design Plan, iv) confirmation by the Design Engineer and the City's Sewer Utility Engineer that the existing gravity sewer line along the frontage of the Association buildings has been properly abandoned and disconnected from the Association System, and v) confirmation by the City's s Sewer Utility Engineer that the connection of the Association System to the City System functions properly as intended, the City shall, commencing in 2017, resume the annual reimbursement payments to the Association in accordance with the Municipal Services Act and calculated in accordance with the City Ordinance (which shall be based upon 2016 calculations) consistent with past practice.

Now, therefore, subject to the preconditions set forth above, it is hereby Resolved that:

The Mayor is authorized to Execute and deliver the Mutual Release and Stipulation; and

The City Administrator is authorized to make payment to the association in the amount of Ten Thousand Dollars (\$10,000.00).

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Resolution No. 158

M/S – Toto/Dill

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

City Council President Tapp explained that this Bill will relax the restrictions regarding dredging, which is very important to Somers Point.

Resolution No. 158 of 2016

A Resolution Supporting enactment Senate Bill S-2369 which would limit the application of New Jersey Department of Environmental Protection Shellfish Habitat Rules

Sponsor: Councilmen D’Adamo, Dill and Gerety

Whereas, on June 16, 2016 S2369 which would limit the application of New Jersey Department of Environmental Protection (“NJDEP”) shellfish habitat rules for certain specific dredging activities; and

Whereas, the draft bill has been referred to the Senate Environmental and Energy Committee; and

Whereas, without an efficient and cost effective dredging and material disposal program those marinas, restaurants, bait and tackle shops, and other entertainment and recreational facilities, particularly in our back bays, will continue to be adversely economically impacted if boaters cannot access those facilities due to lack of dredging; and

Whereas, those boaters and yachtsmen will find other areas with access in which to spend their tourist dollars, bypassing New Jersey; 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; and

Whereas, S2369, if enacted, would be limited to applications made to the NJDEP for any permit or other approval to dredge:

(1) the established footprint of a functioning marina in operation on the date of enactment of this bill into law;

(2) along a 75-foot wide direct channel between the existing, functioning marina and its docks and the closest State or federal navigation channel serving the locality for the marina; or

(3) within 250 feet of a vertical timber or other material bulkhead supporting an upland development with a water dependent use, as authorized by a riparian grant or lease in effect on the date of enactment of this bill into law; and

Whereas, with those limitations, there will be no adverse impact upon the shellfish population and it provides an excellent balance between the habitat and the economic viability of shore dependent business and revenue.

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 encourage the Senate Environmental and Energy Committee to quickly vote upon S2369.

2) We call upon the Chambers of Commerce in the four shore counties to work with each other and their constituents to encourage enactment of this legislation and further action by the Legislature and the Department of Environmental Protection.

3) 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 support this legislation and 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:

Senators Jim Whelan and Jeff VanDrew

Senator Bob Smith, Chairman of the Senate Environmental and Energy Committee

Senator Linda R. Greenstein, Vice-Chair of the Senate Environmental and Energy Committee

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Senators Christopher Bateman, Richard J. Codey and Samuel D. Thompson, members of the Senate Environmental and Energy Committee
Senate President Stephen M. Sweeney
The Cape May Chamber of Commerce
The Atlantic County Chamber of Commerce
The Greater Atlantic City Chamber of Commerce
Assemblymen Chris Brown and Vince Mazzeo
Assemblymen Bob Andrzejczak and R. Bruce Land
New Jersey Environmental Protection Commissioner Bob Martin
Lieutenant Governor Kim Guadagno
Governor Chris Christie

Resolution No. 159

M/S – Toto/Dill

The resolution was adopted by a unanimous vote of those present. Councilman McGugian questioned if that is our normal custodial service, and Administrator Swain indicated that it is the same company.

Resolution No. 159 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 July 28th, 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:

- a) **Roofing Contractor Services**
 - **Linwood Roofing**

- b) **Custodial Services**
 - **HOC**

- c) **Tractor Equipment and Supplies**
 - **Central Jersey Equipment**

- d) **Salt Spreader and Equipment**
 - **Henderson Products**

- e) **Heavy Duty Truck Mechanic Services**
 - **Clegg's Garage**
 - **Johnson & Towers**

Resolution No. 160

M/S – Dill/Toto

The resolution was adopted by a unanimous roll call vote of those present with a round of applause. City Councilman Dill mentioned that Lucy Samuelsen has been very professional and has adequate qualifications as City Clerk and looks forward to working with her. Councilman McGuigan thanked the audience for attending the meeting and looks forward to working with Lucy. Council

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President Tapp stated that her professionalism is outstanding, the way that she conducts herself to the public is outstanding, and she is a true asset. Clerk Samuelsen's husband, Tony, held her Great, Great Grandfather's Bible joined by their three daughters. Mayor Glasser explained that the City Clerk is the hub of the City. It is one of the most important offices of the City. Mayor Glasser stated that he looks forward to working with Lucy and is happy that she will be the City Clerk. Mayor Glasser swore in Lucy R. Samuelsen as City Clerk.

City Clerk Lucy Samuelsen thanked Mayor Glasser, Council President Tapp, City Council and City Administrator Wes Swain for the opportunity. Additionally she thanked Carol L. Degrassi for her guidance and friendship. She continued to thank her husband, Tony; daughters Erica, Dana and Angela; her mom, Georgette; her mom-in-law, Rita and brother Bill for their support and love. She continued to thank all her friends for sharing this moment with her.

No. 160 of 2016

Subject: Appointment of City Clerk
Introduced by: Council President Tapp, Councilmen McGuigan and D'Adamo

WHEREAS, there is a need to appoint a City Clerk due to the retirement of Carol L. Degrassi; and

WHEREAS, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Policies and Procedures; and

WHEREAS, Lucy R. Samuelsen has been employed as the Somers Point Deputy City Clerk since October 11, 2011; and

WHEREAS, Lucy R. Samuelsen possesses a current, valid Registered Municipal Clerk certification issued by the New Jersey Department of Community Affairs.

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

1. Pursuant to N.J.S.A. 40A:9-133 et seq, and contingent upon Carol L. Degrassi's retirement, Lucy R. Samuelsen is hereby appointed City Clerk effective August 1, 2016 for a term which will expire July 31, 2019.
2. Along with any other duties, in connection with this appointment, Lucy R. Samuelsen shall perform the duties of Municipal Clerk (Civil Service code 02521, unclassified), Registrar of Vital Statistics (Civil Service code 07523, unclassified), and Municipal Search Officer.
3. Lucy Samuelsen's salary for the performance of these duties for the one year period beginning August 1, 2016 shall be \$73,000.

Old Business

Regarding the extension of the bike path, City Councilman Gerety mentioned that the reason why no one rides on the concrete is because we have been taught not to ride on the sidewalks; therefore, if it is done in concrete, he recommended that color be added.

New Business

Abandoned Property List Ordinance

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Council President Tapp explained another tool to address abandoned properties, which allows municipalities to “spot blight” and ultimately to take these properties by eminent domain. An employee would need to be appointed to oversee the program. He requested City Council to review the draft ordinance and welcomed any comments. The Governing Body, Administrator Swain and Attorney Franklin discussed the proposed draft ordinance.

Proposed Amended Shopping Cart Ordinance

Council President Tapp stated that the City’s current ordinance needs to be strengthened. He requested City Council to review the current ordinance and samples of other ordinances that were provided in preparation of the next City Council meeting. The Governing Body discussed the issues regarding shopping carts.

Raffle Licenses

On the motion of Councilman Gerety, seconded by Councilman Smith and carried, the raffle licenses were approved for St. Joseph’s Church, AmVets Post 911 and Jordan Road Parents Group with Councilman D’Adamo abstaining from St. Joseph’s Church and Councilmen Dill and Toto abstaining from AmVets 911.

Discussion of Bills

Administrator Swain reported record of payments in the amount of \$22,450.73, \$2,444.00 and \$1,980.88. The bill list dated 7/26/16 is in the amount of \$2,446,191.44. Councilman McGuigan recused himself from payments to Falasca Mechanical in the amounts of \$263.75 and \$625.68.

Public Portion

John Romanelli of 905 Shore Road expressed his concern about the usage of Gateway Theater. Wes Swain, City Administrator, explained that the City owns the property and it is leased and he is not aware of any deed restrictions.

Public portion was then closed.

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 Falisca 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.

Recess

City Council recessed for a short break at 8:30 p.m. prior to Executive Session.

Reconvene

City Council reconvened in open session at 8:55 p.m.

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Somers Point Apartments

Attorney Franklin referred to the discussion held during executive session and requested direction concerning any further negotiation with the owner of Somers Point Apartments. Given the extent of the tax revenue short fall, the inability of Related Affordable to significantly increase the Annual Service Charge to close the gap between the total 2015 real estate taxes paid and the amount of the Annual Service Charge being proposed, the financial impact to the other taxpayers, taking into consideration the economic condition of Atlantic County, the uncertainty of the future annual payments from the City of Atlantic City to the County, and the fiduciary duty of the Governing Body to all of its tax-payers, the City Council directed Attorney Franklin to inform Related Affordable's counsel that unless the gap can be closed there will be no further negotiations.

Adjournment

There being no further business to come before Council the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 9/8/16