

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
July 30, 2015**

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

Roll call was recorded as follows:

**Present:** D'Adamo, Dill, McGuigan, Smith, Tapp & Kern  
**Also Present:** Mayor Glasser, Administrator Swain, Atty. Franklin & Clerk  
Degrassi & Deputy Clerk Samuelsen

**Absent:** Gerety

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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**

Lloyd Humphries addressed the governing body on behalf of the Multiple Sclerosis Foundation to thank them for allowing the City to Shore bike ride which will be on October 3<sup>rd</sup> and 4<sup>th</sup> this year. He expressed the organizations heart-felt thanks for their help and support adding that last year they raised over six million on this ride alone. He stated that most of the money raised by this chapter stays in the Delaware Valley and South Jersey area. He presented the City with a plaque thanking them for their support. Council President Kern thanked him for running such a professional event.

**Mayor's Report**

Mayor Glasser reported that our Police Department provided support to the Northfield Police Department recently for the funeral of Sgt. Perry of the Northfield Police Department. He stated that Sgt. Perry was a great Police Officer and a friend. Mayor Glasser then gave the month Police Department report for the month of June in full. He also reported that next Tuesday night is National Night Out and there will be a beach concert from 6-8 pm and asked everyone to come out for all of the activities that are planned.

**Administrator's Report** - No report given.

**Committee Reports**

Councilman McGuigan stated that he has distributed information with regard to the Arts Commission sponsoring a film festival and would ask Council's support in waiving the 48 Hour rule to have a resolution of support for this.

Council President Kern stated that she would like someone to give the EDAC Committee report as they have been doing a fabulous job showcasing the City. Councilman Gerety stated that Fox 29 was here last week and there was an article in the Inquirer on Monday. He stated that there is a lot of positive out there in the street and we will be talking now about what next year's campaign is going to be. He also reported that there will be a car and boat show on October 17<sup>th</sup> from 10 am – 4 pm, sponsored by the SP Historical Society and Shore Medical Center – Horsepower on the Bay! He stated that there will be family fun, hot rods, antiques, etc. – a little bit of everything.

Council President Kern reported on the Recreation Committee stating that the Friday night beach concerts have exploded and they are doing a nice job with this.

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**MINUTES**

M/S – McGuigan/D’Adamo

The minutes of the Regular Meeting of June 11, 2015, Regular Meeting of June 25, 2015, Executive Session of June 25, 2015 (as to content only), Executive Session of May 14, 2015 (as to content only), Executive Session of May 28, 2015 (No. 1 as to content only), Executive Session of May 28, 2015 (No. 2 as to content only) were approved by a unanimous vote of those present.

**ORDINANCES**

**Ordinance No. 23 – First Reading**

Council President Kern advised that this ordinance is being pulled.

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**Ordinance No. 20 – First Reading**

Council President Kern stated that there may be a conflict because six of the seven members of City Council, as well as the Mayor, have a relationship with one of the three property owners. Atty. Franklin advised that this would be a conflict, however, since only the governing body can vacate and the Engineer has certified that there is no public purpose for the property, the doctrine of necessity would apply and everyone is free to vote on the matter. Councilman Dill then made a motion to approve on first reading, seconded by Councilman Gerety. Ordinance No. 21 was then approved on first reading by a unanimous vote of those present.

**ORDINANCE No. 20 of 2015**

**AN ORDINANCE VACATING A PORTION OF A 20 FT. WIDE ALLEY DESIGNATED AS STRETCH’S ALLEY IN THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

**WHEREAS**, N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

**WHEREAS**, it has been determined by the Somers Point City Council as follows:

1. The portion of A twenty foot (20’) wide alley described below is a "paper street" marked on a map or plat recorded with the City of Somers Point that shows the existence of an intended public right of way (the “Area to be Vacated”).
2. It has been confirmed by the City Engineer that the City of Somers Point does not hold title to that portion of the Area to be Vacated.
3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.
4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Somers Point that any public easements, rights and interests in and to same shall be vacated, released and extinguished.
5. The City Engineer has confirmed that the right – of - way proposed to be vacated is twenty feet (20’) in width and fifty feet (50’) in length.

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**Ordinance No. 20 (Continued)**

6.1. A portion of the property abutting to the East of the Area to be Vacated to which the title to the right – of – way will revert upon vacation is Block 1416, Lot 10 which is currently owned by a single entity.

6.2. A portion of the property abutting to the East of the Area to be Vacated to which the title to the right – of – way will revert upon vacation is Block 1416, Lot 11 which is currently owned by a single entity.

6.3. A portion of the property abutting to the West of the Area to be Vacated to which the title to the right – of – way will revert upon vacation is Block 1416, Lot 2 which is currently owned by a single entity.

7. The City Engineer has prepared a legal description of the Area to be Vacated and a marked up aerial showing the Area to be vacated and the abutting properties.

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

**SECTION 1. A PORTION OF PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:**

All public easements, rights and interests to the portion of the Area to be Vacated described below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

**SECTION 2. DESCRIPTION OF THE PORTION OF THE AREA TO BE VACATED:**

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, New Jersey bounded and described as follows:

BEGINNING AT a point in the Westerly line of Stretch's Alley (20 feet wide), South 27 degrees 31 minutes 53 seconds West, a distance of 200.0 feet from the intersection of the Westerly line of Stretch's Alley (20 feet wide) with the Southerly line of Connecticut Avenue (60 feet wide), said point being the common corner to Block 1416, Lots 2 and 3; extending thence

1. South 27 degrees 31 minutes 53 seconds West along the Westerly line of Stretch's Alley (20 feet wide), 50 feet to a point in the division line of Block 1416, Lots 2 and 12; thence

2. South 62 degrees 28 minutes 07 seconds East along the Southerly line of Stretch's Alley (20 feet wide), 20.00 feet to a point; thence

3. North 27 degrees 31 minutes 53 seconds East along the Easterly line of Stretch's Alley (20 feet wide), 50.0 feet to a point; thence

4. North 62 degrees 28 minutes 07 seconds West along a line perpendicular to the Easterly line of Stretch's Alley (20 feet wide), 20.00 feet to a point and place of BEGINNING.

BEING KNOWN AS a portion of Stretch's Alley on Sheet 15 of the Official Tax Map of Somers Point, New Jersey.

ALSO BEING KNOWN AS a portion of an Unnamed Alley on a Map of Lots in Somers Point named "Daniel Frazier" filed as map No. 526 on March 1, 1907.

CONTAINING a total area of 1,000 square feet (0.2829 Acres).

**SECTION 3. STATUTORY PUBLICATION AND NOTICE:**

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Ordinance No. 20 (Continued)

- A. The City Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage,
- B. shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be effected by this Ordinance insofar as has been ascertained by the City engineer. Said notices shall be made by the City Clerk to the record owners of:

Block 1416, Lot 2  
Block 1416, Lot 10  
Block 1416, Lot 11.

C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

**SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNERS.**

All fees and costs associated with preparation and publication of this ordinance shall be paid by the beneficial owners to which title will revert upon vacation. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Somers Point Planning Board.

**SECTION 5. REPEALER CLAUSE.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

**FIRST READING: July 30, 2015**  
**PUBLICATION: August 5, 2015**  
**FINAL PASSAGE: August 27, 2015**

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**Ordinance No 21 – First Reading**

M/S – Gerety/Dill

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

**ORDINANCE NO. 21 OF 2105**

**AN ORDINANCE OF THE CITY OF SOMERS POINT AUTHORIZING THE  
ACQUISITION OF AN EASEMENT FOR A PORTION OF BLOCK 1815, LOT 9.02  
LOCATED WITHIN THE CITY OF SOMERS POINT FROM THE ATLANTIC  
COUNTY HISTORICAL SOCIETY NECESSARY FOR COMPLETION OF THE BIKE  
PATH**

WHEREAS, pursuant to N.J.S.A. 40A:12-1, et seq., the City of Somers Point (“City”) may acquire such lands and buildings as may be necessary and suitable for municipal public purposes; and

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Ordinance No. 21 (Continued)**

WHEREAS, The Atlantic County Historical Society is the owner of certain property located within the City of Somers Point and designated as Block 1615, Lot 9.02 on the Official Tax Map of the City of Somers Point (the "Property"); and

WHEREAS, in order to extend and complete the Somers Point segment of the Bike Path to connect to the Somers Point Ocean City Bridge it is necessary to acquire the right to use of a portion of Block 1615, Lot 9.02; and

WHEREAS, The Atlantic County Historical Society has offered to grant to the City for nominal consideration an easement over the portion of Block 1615, Lot 9.02 necessary for such municipal purpose; and

WHEREAS, the City undertook to obtain a survey, a title report, and Phase I Environmental Assessment Study; and

WHEREAS, in accepting the Deed of Easement it is the intent of the parties that, in consideration of the grant of the Easement, the 12.5-foot wide portion of the easement between the delineated bikeway and the existing 12-foot wide extension of the Center Street right-of-way (the only legal public access from Somers Avenue to the parking area) will remain open and passable for vehicles wishing to access the Atlantic County Historical Society parking area; and

WHEREAS, the City desires to acquire said easement for municipal public purposes.

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

**SECTION 1.** The City Administrator of the City of Somers Point is hereby authorized and directed, in conjunction with the City Solicitor, to take all action necessary or desirable to accept from the Atlantic County Historical Commission a Deed of Easement which grants to the City of Somers Point the right to utilize the following described portion of 1615, Lot 9.02:

All that certain tract or parcel of land located at the intersection in the City of Somers Point, County of Atlantic, New Jersey bounded and described as follows:

BEGINNING AT the intersection of the Southerly Line of Somers Avenue West (30 feet wide) and the Westerly line of an unnamed alley (12 feet wide), extending South 32 degrees 14 minutes 9 seconds West, 107.85 feet along the Westerly line of an unnamed alley (12 feet wide) to a point in the division line of Block 1815, Lots 1.02 & 9.02; extending thence, North 57 degrees 0 minutes 0 seconds West, 12.5 feet along the division line of Block 1815, Lots 1.02 & 9.02 to a point; extending thence

1. South 32 degrees 14 minutes 9 seconds West, 25.0 feet to a point; thence
2. North 57 degrees 0 minutes 0 seconds West, 28.0 feet to a point; thence
3. South 30 degrees 27 minutes 10 seconds West, 47.05 feet to a point in the division line of Block 1815, Lots 9.01 & 9.02; thence
4. Along a curve to the right having a radius of 905.40 feet, an arc length of 48.15 feet to a concrete monument and the common corner of Block 1815, Lots 9.01 & 9.02; thence
5. North 30 degrees 27 minutes 10 seconds East, 34.0 feet to a point in the division line of Block 1815, Lots 1.02 & 9.02; thence

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Ordinance No. 21 (Continued)**

6. South 57 degrees 0 minutes 0 seconds East, 52.29 feet along the division line of Block 1815, Lots 1.02 & 9.02 to a point and place of BEGINNING.

BEING KNOWN AS A PORTION of Block 1815, Lot 9.02 on Sheet 22 of the Official Tax Map of Somers Point, New Jersey.

CONTAINING a total area of 1,946.65 square feet (0.045 Acres).

For the sum of One Dollar and other good and valuable non-monetary compensation the adequacy and sufficiency of which is accepted by the Grantor.

**SECTION 2.** The appropriate City of Somers Point officials, its employees, professionals and agents are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance, including the execution of documents required to close the above mentioned transaction.

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Ordinance No. 21 (Continued)**

**SECTION 3.** All ordinances of the City of Somers Point that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 4.** If any subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 5.** This Ordinance shall take effect following final passage and publication in accordance with law.

**FIRST READING: July 30, 2015  
PUBLICATION: August 5, 2015  
FINAL PASSAGE: August 27, 2015**

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**Ordinance No. 22 – First Reading**

M/S – Dill/Gerety

Approved by a unanimous vote of those present.

**ORDINANCE NO. 22 OF 2015  
An Ordinance Supplementing and Amending Section 169-74 E. (1) of the Mortgage  
Registration Fee Requirements**

Whereas a review has been made of the Mortgagee Registration Fees and a comparison against other similar fee schedules within New Jersey.

Now, therefore, it is hereby ORDAINED by the Governing Body of the City of Somers Point, County of Atlantic, State of New Jersey that

**SECTION 1.** Section 169-74 E. (1) within Article VII of the Somers Point Municipal Code MORTGAGEE REGISTRATION is hereby deleted in its entirety and is amended as follows:

Section 169-74

E. Annual registration.

(1) All property registrations are valid for one year from the date of registration.

a) The initial registration fee is \$500 (\$1,000 if not paid when due); and must accompany the registration form.

b) Subsequent annual registration fees are:

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**Ordinance No. 22 (Continued)**

For the first renewal \$1,500 (\$2,500 if not paid when due);  
For the second renewal \$3,000 (\$4,000 if not paid when due);  
For the third renewal and for all subsequent renewals \$5,000

(\$6,000 if not paid when due).

All applications and fees are due by the registration date specified in Code Section 169-74. All renewal applications and fees are due on the expiration of the prior annual registration.

Registration fees and renewal fees will not be prorated or refunded; and are in addition to any fines, penalties or assessments which may be imposed under Code Section 169-79.

**SECTION 2. REPEALER CLAUSE**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies. All other provisions of Chapter 169 which are not affected by this Article are ratified and confirmed and shall remain in full force and effect.

**Section 3. SEVERABILITY**

If any portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**Section 4. EFFECTIVE DATE**

This ordinance shall take effect following final reading and publication in accordance with New Jersey law.

**FIRST READING:     JULY 30, 2015  
PUBLICATION:     AUGUST 5, 2015  
FINAL PASSAGE:    AUGUST 27, 2015**

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**Waiver of 48-Hour Rule**

M/S – Tapp/Dill

The 48-Hour Rule was waived unanimously in order to consider Resolutions No. 139, 140 and 141 (Resolution No. 141 being the Resolution to approve the proposal by the Arts Commission which was just presented this evening).

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**RESOLUTIONS**

**Public Portion on Resolutions**

Meeting was opened to the public and duly closed.

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**Resolution No. 127**

M/S – Tapp/D'Adamo

Adopted by a unanimous vote of those present.

**Resolution No. 127 of 2015**

**Authorizing an extension of the effective Contractually Mandated  
Date of Termination of employee Lori Bradley based upon unusual  
extenuating circumstances as permitted by the terms and conditions  
of a Collective Bargaining Agreement between the City of Somers Point and  
Teamsters Local 115**

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Resolution No. 127 (Continued)**

**Introduced By: Council members Tapp, McGuigan and Smith**

**WHEREAS**, a request in writing has been made by employee Lori Bradley to extend a leave of absence beyond her contractually mandated termination date; and

**WHEREAS**, the request has been prompted due to a series of unanticipated and exceptional circumstances over which Ms. Bradley has no control; and

**WHEREAS**, it has been determined that the circumstances pursuant to which this request has been made are unique, unusual and extenuating; and

**WHEREAS**, this one time determination is deemed to be unique to the circumstances of this situation, is not intended to establish a precedent or to bind this or any future Council to grant or deny any such future request, with each such matter to be judged solely upon its merits and the circumstances existing at the time; and

**WHEREAS**, this action is permitted to be taken by Council upon Resolution and in accordance with the terms of a Collective Bargaining Agreement between the City of Somers Point and Teamsters Local 115;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the City Administrator is hereby authorized and directed to grant the request of Ms. Lori Bradley to extend the contractually mandated termination of her employment by the City of Somers Point for a period commencing on August 19, 2015, and which shall expire at the close of business on December 1, 2015.

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**Resolution No. 128**

M/S – Gerety/Tapp

After discussion, it was determined that the ordinance requires the members to be residents or taxpayers. Councilman Gerety made a motion to withdraw the resolution, seconded by Councilman Tapp. Atty. Franklin advised that the ordinance would allow her to be appointed as an ex-officio member, but would not be able to vote. Motion to withdraw then carried unanimously. It was also suggested that when appointments are being made that a brief resume be circulated to the Council prior to the meeting.

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**Resolution No. 129**

M/S – Gerety/Tapp

Resolution was amended to remove the words in the title “Horsepower by the Bay”. Resolution No. 129 was then adopted, as amended, by a unanimous vote of those present.

**NO. 129 of 2015 (As Amended)**

**ACCEPTING AND APPROVING THE ACTIONS TAKEN BY THE SOMERS POINT  
ECONOMIC DEVELOPMENT ADVISORY COMMISSION TO IMPLEMENT A  
CAMPAIGN PROMOTING SOMERS POINT AS A SECOND HOME LOCATION BY  
THE SHORE, DEVELOPMENT OF A STANDARDIZED USER FRIENDLY EVENT  
APPLICATION, AND A PROPOSED OCTOBER EVENT CONSISTENT WITH THE  
MISSION STATEMENT ADOPTED BY THE COMMISSION ON NOVEMBER 5, 2014  
AND HERETOFORE APPROVED BY CITY COUNCIL**



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**Resolution No. 129 (Continued)**

**WHEREAS**, by Ordinance 20 of 2014 the Somers Point City Council did amend Chapter 20 of the Somers Point Municipal Code to expand the duties and powers of the Somers Point Economic Development Advisory Commission (“EDAC” or “Commission”) as more specifically set forth therein; and

**WHEREAS**, EDAC is required to present recommendations to City Council for approval and implementation

**WHEREAS**, representatives of EDAC appeared at a recent meeting of City Council to report upon three separate initiatives (A Second Home Campaign; development of a user friendly electronic event application form which is a work in progress and which will require Council action by way of ordinance amendments; and an event planned for October 2015 consisting of a car and boat show); and

**WHEREAS**, the City Council finds those initiatives to be consistent with the EDAC Mission Statement

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby accepts, approves, and ratifies the actions taken to date by the Somers Point Economic Advisory Commission as set forth above; and

It is further, **RESOLVED**, that City Council commends EDAC members for their continuing efforts on behalf of the City, our residents, and our visitors.

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**Resolution No. 130**

M/S – Tapp/Dill

Adopted by a unanimous vote of those present.

**No. 130 of 2015**

**A Resolution Appointing Matt Doran to serve as Code Enforcement Officer and Building Inspector for the City of Somers Point during any time when James R. McBrien is absent**

**Whereas**, by Resolution 68 of 2012 James R. McBrien was appointed to serve as the Code Enforcement Officer and Building Inspector for the City of Somers Point; and

**Whereas**, from time to time due to the authorized absence of James R. McBrien it is necessary to have a qualified person serve as Building Inspector and Code Enforcement Officer; and

**Whereas**, Matt Doran who serves as the Engineer for the Somers Point Zoning Board of Adjustment holds the necessary certifications and credentials and, from time to time, has agreed to serve in that capacity in the absence of James R. McBrien.

Now Therefore, it is hereby **Resolved** that the City Council designates Matt Doran to serve as the Construction Official and as a Code Enforcement Officer for the City of Somers Point. as requested, in the absence of James R. McBrien with full authority to undertake inspections and issue citations for code violations.

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**Resolution No. 131**

M/S – D’Adamo/Smith

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 131 of 2015  
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, 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 five (5) topics which require the advice and counsel of the City Solicitor and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on July 30, 2015 during a public meeting to be held commencing at 7:00 P.M, and

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

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

Attorney client communication regarding the status of acquisition of a parcel of private property for public use utilizing municipal and /or Green Acres or other Grant Funding using the power of eminent domain.

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

The 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 are:

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

Advice or counsel re possible legal ramification of AHS Hospital Corp, d/b/a Morristown Memorial Hospital v. Town of Morristown Docket Nos: 010900-2007, 01091-2007, and 000406-2008;

Advice of counsel and attorney client communication re: Bay Avenue Redevelopers, L.L.C, Bass Harbor, L/L/C. Harbor Cove Marina L.L.C, and S.P. #2 vs. City of Somers Point and City of Somers Point Planning Board, Docket No. ATL-L-3204-05;

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

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Resolution No. 131 (Continued)

**WHEREAS**, the length of the Executive Session is estimated to be approximately 45 – 60 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>
See #7 above Attorney Client conference	Upon Completion of the pending matters or determination by City Council at the appropriate time.	Final Court Order / Final Resolution, Settlement or other final disposition of such matter.
See #5 above	Upon resolution of the matter or upon filing of a complaint in eminent domain.	Amicable settlement without necessity of litigation or Final Court Order or other disposition of the matter.

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**Resolution No. 132**

M/S –D’Adamo/Smith

Adopted by a unanimous vote of those present.

**No. 132 of 2015**

**Subject:                   Increasing Bid Threshold**  
**Introduced By:       Council President Kern**

**WHEREAS**, pursuant to N.J.S.A. 40A:11-9 the City of Somers Point has appointed William E. Swain as its Qualified Purchasing Agent; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-3.a the City of Somers Point has established its bid threshold at \$36,000.00; and

**WHEREAS**, on July 1, 2015 pursuant to N.J.S.A. 40A:11-3.c the bid threshold increased from \$36,000. to \$40,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Somers Point, in the County of Atlantic, in the State of New Jersey hereby increases its bid threshold to \$40,000.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

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**Resolution No. 133**

M/S – McGuigan/Tapp

Adopted by a unanimous vote of those present.

**No. 133 of 2015**

**Subject: Authorizing Advertising for Bids for the Gateway Theatre Renovations**

**Introduced by: Councilman McGuigan**

**WHEREAS**, the City of Somers Point is the owner of property at 101 Higbee Avenue in Somers Point, known as the Gateway Theatre; and

**WHEREAS**, the property is currently leased by the Theater Collaborative of South Jersey; and

**WHEREAS**, the Theater Collaborative of South Jersey has been endeavoring to complete renovations of the facility to restore it to operation for performing arts in Somers Point; and

**WHEREAS**, the City of Somers Point has secured grants from the New Jersey Historic Trust and the New Jersey Economic Development Authority to aid in the completion of the renovations; and

**WHEREAS**, the Governing Body of the City of Somers Point has determined that it is the best interest of the City to authorize bids for the completion of the renovation of the Gateway Theatre.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the City Administrator is hereby authorized undertake the steps necessary to prepare plans and specifications for the completion of the renovation of the Gateway Theatre in conjunction with the Theater Collaborative of South Jersey.

**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.

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**Resolution No. 134**

M/S – McGuigan/Tapp

Adopted by a unanimous vote of those present.

**RESOLUTION No. 134 of 2015**

**Co-Sponsoring with the Somers Point Arts Commission, the Somers Point Historical Society the Annual Richard Somers Day Celebration to be held on the grounds of the Richard Somers Memorial Park on September 20, 2015 at 2:00 PM**

**WHEREAS**, Richard Somers was born in Somers Point in 1778, and was the Great grandson of John Somers, the original settler of the area now known as Somers Point; and

**WHEREAS**, Richard Somers received his warrant as midshipman in the United States Navy in 1798 and rose to the rank of Master Commandant and served during the war between the United States and Tripoli from 1801 to 1805; and

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**Resolution No. 134 (Continued)**

**WHEREAS**, Master Commandant Richard Somers lost his life aboard the ship Intrepid during a battle in Tripoli harbor in 1804; and

**WHEREAS**, in recognition of his service to his country and his bravery, numerous memorials were given to Master Commandant Somers, including the honor of having seven ships named USS Somers, and a monument at the US Naval Academy at Annapolis, Maryland; and

**WHEREAS**, for many years the Somers Point Historical Society has honored the memory of our local hero by commemorating him on Richard Somers Day; and

**WHEREAS**, by Resolution 99 of 2013 City Council acknowledged that there is a grass roots movement to plan for, develop and create a mural to be placed on the walls of the former Somers Point City Hall, now leased by the City of Somers Point to Atlantic County for use as a part of the Atlantic County Library System, commemorating the life and times of Master Commandant Richard Somers who is such an essential local hero involved in the creation of what is now the United States Navy and Marine Corps; and

**WHEREAS**, the Somers Point Arts Commission solicited proposals for the design and placement of such a mural; and

**WHEREAS**, By Resolution 47 of 2015 Maryann Cannon of La Bottega of Art was selected and approved as the artist to create and paint the Richard Somers mural on the walls of the old Somers Point City Hall; and

**WHEREAS**, the unveiling of the Master Commandant Richard Somers Mural is scheduled to take place during this year's celebration; and

**WHEREAS**, the Somers Point Historical Society has requested the City to allow the celebration to be held on the grounds of the Somers Memorial Park; and

**WHEREAS**, this year the Richard Somers Day Celebration will be held on September 20 commencing at 2:00 PM; and

**WHEREAS**, the Historical Society and the Somers Point Arts Commission has requested the City to co- sponsor the event and waive any requirement for the Historical Society to provide a Certificate of Insurance; and

**WHEREAS**, the Governing Body of the City of Somers Point believes it to be in the best interest of our citizens to encourage events such as the Richard Somers Day Celebration; and

**WHEREAS**, this Governing Body further finds it fitting and proper for this celebration to be held on the grounds of the Richard Somers Memorial Park which the City in 2013 dedicated in honor and memory of Master Commandant Somers whose remains, and the remains of his courageous crew, continue to languish in foreign soil in a cemetery in Libya

Now, therefore, it is hereby **RESOLVED**, by the City Council of the City of Somers Point that the use of the grounds of the Richard Somers Memorial Park as requested by the Somers Point Historical Society for the Richard Somers Day Celebration is hereby approved; and

It is further **RESOLVED**, that in recognition of the special circumstances of this celebration, the City of Somers Point will proudly co-sponsor the event and will on this occasion waive the obligation of the Historical Society to provide a Certificate of Insurance for this event; and

It is further **RESOLVED** that the Mayor and City Council congratulate the members of the Somers Point Arts Commission for raising the funds to pay for the mural; and

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**Resolution No. 134 (Continued)**

It is further **RESOLVED**, that the City Administrator is directed to send a copy of this Resolution to the Municipal Joint Insurance Fund; and

It is further **RESOLVED**, that the Mayor and City Council encourage all of our residents to participate in this celebration in order to learn more about Master Commandant Somers, his crew, the mission of the Intrepid, the historical significance of his actions, and to observe the unveiling of the Commandant Richard Somers Mural in which these events are depicted.

\*\*\*\*\*

**Resolution No. 135**

M/S – D’Adamo/Smith

Adopted by a unanimous vote of those present.

**No. 135 of 2015**

**WHEREAS**, Atlantic County was notified by letter dated October 27, 2000, from the United States Department of Housing and Urban Development (hereafter “HUD”) announcing that the County of Atlantic qualified to receive a Formula Allocation for the Community Development Block Grant Program (hereafter the “Urban County Program”) for the fiscal year 2001, 2002 and 2003; and

**WHEREAS**, it is necessary to provide documentation to HUD every three years to re-qualify the Urban County (hereafter “County”) to continue to receive a formula allocation for the next three federal fiscal years; and

**WHEREAS**, it is necessary for the County to submit the qualifying documentation to HUD by July 24, 2015 to re-qualify for Fiscal Years 2016, 2017 and 2018; and

**WHEREAS**, in order to participate with the County in the Urban County Program for these years it is necessary for the Local Government to enter into a Cooperation Agreement with the County and other local governments; and

**WHEREAS**, the Local Government may not apply for grants or appropriations under the Small Cities or State CDBG Programs for the fiscal years during the period in which it participates in the Urban County CDBG Program, and

**WHEREAS**, the City of Somers Point desires to join with the County in the Urban County program; and

**WHEREAS**, the Interlocal Services Act NJSA 40:8A-1 et seq. Authorizes counties and municipalities to enter into agreements for the provision of joint services; and

**WHEREAS**, the execution of the Cooperation Agreement does not require the Local Government to expend municipal funds;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached amendment to the Cooperation Agreement with the County, and other local governments, in substantially the following form with such minor changes as may be required by HUD.

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Resolution No. 135 (Continued)

2. This amendment along with Cooperation Agreement shall be effective for the remaining year of the Urban County Qualification period (Federal fiscal years beginning October 1, 2016, October 1, 2017 and October 1, 2018) and shall be automatically renewed for participation in successive three year qualification periods unless the County or the City of Somers Point provides written notice it elects not to participate for a new qualification period.
3. HUD requires that this Cooperation Agreement may have to be amended to incorporate changes necessary to comply with federal requirements for future qualification periods. Failure to comply will void the automatic renewal for such qualification period.
4. All resolution or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of their inconsistency.
5. The Clerk is hereby directed to provide a certified copy of this Resolution together with the annexed Cooperation Agreement, duly executed, to the County executive.

\*\*\*\*\*

**Resolution No. 136**

M/S – Gerety/D’Adamo

Adopted by a unanimous vote of those present.

**No. 136 of 2015**

**AUTHORIZING A REQUEST TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY TO EXTEND THE TERM OF A MEMORANDUM OF AGREEMENT**

**Whereas**, on or about February 7, 2011 the State of New Jersey Department of Environmental Protection, Division of Parks and Forestry ("DEP") and the City of Somers Point ("City") executed a Memorandum of Agreement ("MOA") authorizing the City of Somers Point to use a specified portion of Block 1815, Lot 9.01 (the Somers Mansion property) for the sole purpose of developing, constructing and maintaining a bicycle pathway ("Bike Path"); and

**Whereas**, the MOA was for a term of five (5) years; and

**Whereas**, the MOA provides that the City may request that the term of the MOA be renewed for one additional term of five years; and

**Whereas**, in order to complete the construction of the Bike Path the extension of the MOA is deemed necessary and desirable for public recreation purposes.

Now, therefore, it is hereby **Resolved** that

1) The City Administrator and City Engineer are authorized to request the extension of the Term of the MOA;

2) The City Administrator, City Engineer, and City Solicitor are authorized to take such action as may be necessary or desirable to extend the Term of the MOA; and

3) The Mayor is authorized to execute such documents as may be necessary to achieve that result.

\*\*\*\*\*

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**Resolution No. 137**

M/S – Tapp/Gerety

Adopted by a unanimous vote of those present.

**RESOLUTION No. 137 of 2015**

**A Resolution Authorizing the Temporary Closure of Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday, August 4, 2015 to Allow a National Night Out Block Party and Beach Concert**

**Sponsored by the Somers Point Recreation Commission, the Somers Point Police Department, and the Drug Free Action Alliance**

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 4th between the hours of 6:00 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, 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, and neighborhood camaraderie; and

WHEREAS, 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 event together with the Somers Point School Board of Recreation and local organizations and businesses 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



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**Resolution No. 137 (Continued)**

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 4th between the hours of 6:00 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 are encouraged to participate in National Night Out by attending this free event and by supporting the “lights on” campaign.

\*\*\*\*\*

**Resolution No. 138**

M/S – McGuigan/Tapp

Adopted by a unanimous vote of those present.

**No. 138 of 2015**

**Subject: ZONING BOARD APPOINTMENT**

**WHEREAS**, a vacancy exists in the Alternate No. 2 position on the Somers Point Zoning Board of Adjustment due to the resignation of Jay Phillips, said term expiring December 31, 2016; and

**WHEREAS**, Council wishes to appoint Shawn Rowan to fill the unexpired term of Jay Phillips, said term expiring December 31, 2016.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, New Jersey that the Somers Point Zoning Board of Adjustment is constituted as follows:

<b>MEMBER</b>	<b>EXPIRATION OF TERM</b>
Tracy Campbell	Dec. 31, 2015
Lynn Callahan	Dec. 31, 2015
Alan Cohen	Dec. 31, 2016
Joseph Craddock	Dec. 31, 2016
Michael Passmore	Dec. 31, 2017
Ron Meischker	Dec. 31, 2018
Charles “Skip” Broomall	Dec. 31, 2018
<b>Alternates:</b>	
John Sloneski	Dec. 31, 2015
Shawn Rowan	Dec. 31, 2016

\*\*\*\*\*

**Resolution No. 139**

M/S – D’Adamo/McGuigan

Adopted by a unanimous vote of those present.

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Resolution No. 139 (Continued)

No. 139 of 2015

**Subject: Authorizing the Submission of the FEMA FY 2015 Hazard Mitigation Grant Application**

**Introduced by: Council President Kern**

**WHEREAS**, the governing Body of the City of Somers Point has determined that it is the best interest of the City to apply for the FEMA FY 2015 Hazard Mitigation Grant; and

**WHEREAS**, these improvements consist of the installation of a new stormwater pump stations and check valves.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point formally approves the grant application for the above stated project and authorizes the City Engineer and City Administrator to complete any and all documents necessary in connection with the submission of this grant application.

\*\*\*\*\*

**Resolution No. 140**

M/S – D’Adamo/Tapp  
Adopted by a unanimous vote of those present.

No. 140 of 2015 (Corrected Copy)

**Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website.**

**Introduced By: Council President Kern**

**WHEREAS**, the City of Somers Point has determined that surplus items including but not limited to, one 1985 Case 580E Loader Backhoe

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

**WHEREAS**, the City of Somers Point has the property listed in schedule A, attached to this Resolution, and desires to sell this property online.

**NOW, THEREFORE, BE IT RESOLOVED** by the City of Somers Point’s Governing Body that the City of Somers Point is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: [www.govdeals.com](http://www.govdeals.com)

Length of Auction: 12 Days.

Start Date: Friday, July 31, 2015 (see schedule A)

End Date: Tuesday, August 11, 2015 (see schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: 1 West New Jersey Avenue, Somers Point, New Jersey, 08244.

Possession: Within 10 business days (excluding holidays) of winning bid and at pickup location.

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**Resolution No. 140 (Continued)**

Other Terms: All items are being sold "as is, where is".  
Payment by the bidder must be submitted to the City of Somers Point within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days (excluding holidays) of winning bid unless other arrangements have been made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned

**Schedule A**

1. **Auction 1:** 1985 Case 580E Loader Backhoe

**Bid Start: Friday July 31<sup>st</sup>, 2015: 9:00AM**  
**Bid Stop: Tuesday August 11<sup>th</sup>, 2015: 7:00 PM**

\*\*\*\*\*

**Resolution No. 141**

M/S – Smith/D'Adamo

Adopted by a unanimous vote of those present.

**Consent Agenda**

There were no items on the consent agenda.

\*\*\*\*\*

**New Business**

Councilman McGuigan reported that Dottie Arabia from the CER Office has recently retired and wanted to acknowledge here service. He stated that he would be happy to draft a resolution for the next meeting.

The following Raffle License applications were approved by a unanimous vote of those present:

Charity League of Atlantic County; Shore Memorial Hospital Auxiliary; Shore Memorial Hospital Auxiliary; and Somers Point Historical Society.

The Social Affairs Application for Bacharach Institute for Rehabilitation Foundation was approved by a unanimous vote of those present.

**Old Business**

There was no old business.

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**Discussion of Bills**

Administrator Swain advised that he is pulling Bill#15911300 in the amount of \$4500.00 and Bill#15911302 in the amount of \$8,596.00. The corrected bill list total would be \$1,383,229.93. He also presented records of payment in the amounts of \$2,146.72, \$169,188.40, \$50.00, and three payments totaling \$5,100. Councilman McGuigan advised that he will be recusing himself from voting on the bills for Falasco Mechanical as this is his primary employer. He stated that there are two bills on page 21 and one bill on page 26.

**Public Portion**

Ed Batten, 816 Bay Avenue, came forward and addressed the governing body with regard to the residential permits for the four sister houses on Bay Avenue. He explained that everyone is aware that the one home has been raised and now has on-site parking for two spaces and is still using their residential parking permit for street parking.

Bill Collins, 814 Bay Avenue, came forward and addressed the governing body with regard to the above issue as well. He distributed copies of the ordinances and photos.

Atty. Franklin stated that he can prepare an ordinance amendment for the next meeting changing the legal description and removing 812 Bay Avenue from the residential parking permits. Council agreed.

\*\*\*\*\*

**Payment of Bills**

M/S – Gerety/Tapp

The bills were approved by a 6-0 vote with Councilman McGuigan recusing himself from voting on the bills from Falasco Mechanical. A complete list of bills is on file in the Office of the City Clerk.

\*\*\*\*\*

**Recess**

Council recessed at 8:20 p.m., prior to going into the Executive Session.

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**Adjournment**

Council reconvened in open session to adjourn at 9:15 p.m. No decisions were made.

\*\*\*\*\*

Carol L. Degrassi, RMC/CMC/MMC  
Municipal Clerk

Approved: 08-27-15