

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 10, 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, Gerety, McGuigan, Smith, Tapp & Kern
Also Present: Mayor Glasser, Administrator Swain, Atty. Franklin & Clerk
Degrassi & Deputy Clerk Samuelsen

Absent: None

Open Public Meetings Act

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office

Communications

President Kern advised that the Atlantic County Historical Society has requested a waiver of the City's portion of the fees for site plan approval for their addition, as well as a reduction in the escrow amount. Dick Squires, on behalf of the Atlantic Historical Society, spoke explaining that this addition will be ADA compliant and will include an elevator and barrier free restrooms. Councilman Gerety made a motion to waive the City's portion of the fees and reduce the escrow to \$3,000. Councilman Dill seconded the motion which was approved by a unanimous vote of those present.

Mayor's Report

Mayor Glasser advised that the 9-11 ceremonies will be held at Patriot's Park at 8:30 am as well as the Richard Somers Day ceremony and mural unveiling on September 20th at 2:00 p.m. at the park next to the Library. He also gave the monthly Police Department report for the month of August. He also reported that Mainland Regional High School is presenting "Veteran's Night at the Corral" on September 25th at 7:00 p.m. and there will be free entry and concessions for all veterans and free entry for anyone bringing a donation.

Administrator's Report

Administrator Swain reported that we have participated with the Jacques Cousteau research reserve to put together a document – Getting to Resiliency Report. For participating, they will provide some free services such as additional mapping of evacuation routes. He added that our engineer, Greg Schneider, will be working with Jenna Gatto from the Jacques Cousteau Society.

Committee Reports

Councilman Smith reported that they had decided that the minutes of the various boards and commissions would be on file with the City Clerk, and asked if the Clerk has the Recreation Commission minutes. Clerk Degrassi advised that she would check her records.

Councilman Tapp advised that EDAC will be attending our October 22nd meeting to give an update to the governing body.

Minutes

M/S – McGuigan/D'Adamo
Executive Session Minutes of 12/20/12, 07/26/12 and 10/25/12 were all released by a unanimous vote of those present.

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ORDINANCES

Ordinance No. 24 – Final Reading

M/S – Gerety/D’Adamo

Meeting was opened to the public and duly closed. Ordinance No. 24 was then adopted on final reading by a unanimous vote of those present.

Ordinance No. 24 of 2015

An Ordinance Enacted Under Authority Granted by N.J.S.A. 39:4-197 Regulating the Parking of Vehicles on Certain Streets and Portions Thereof; Amending and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article V “Residential Parking Permits” Section 250-54 A and Section 250-56 Q; and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.

FIRST READING:	August 27, 2015
PUBLICATION:	September 1, 2015
FINAL PASSAGE:	September 10, 2015

RESOLUTIONS

Public Portion on Resolutions

M/S – Dill/Gerety

Meeting was opened to the public with regard to the resolutions on the agenda, and duly closed.

Consent Agenda

There were no items on the consent agenda.

Resolutions

Resolution No. 151

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

No. 151 of 2015

Subject: Chapter 159 Resolution
Introduced By: Council President Kern

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 \$1,000.00 and wishes to amend its 2015 budget to include this amount as a revenue.

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Resolution No. 151 (Continued)

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 2015 in the sum of \$1,000.00 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:

Atlantic County Local Arts Mural Project Grant \$1,000.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$1,000.00 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:

Atlantic County Local Arts Mural Project Grant \$1,000.00

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

Resolution No. 152

M/S – Gerety/Dill

Adopted by a unanimous vote of those present.

CITY OF SOMERS POINT

**RESOLUTION NO. 152 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 one (1) topic which requires 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 September 10, 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.

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Resolution No. 152 (Continued)**

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“(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;

WHEREAS, the length of the Executive Session is estimated to be approximately 25 – 30 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See #7 above Attorney Client conference	Upon Completion of the pending matter or determination by City Council at the appropriate time.	Final Court Order / Final Resolution, Settlement or other final disposition of such matter.

Resolution No. 153
M/S – Gerety/D’Adamo
Adopted by a unanimous vote of those present.

**CITY OF SOMERS POINT
RESOLUTION NO. 153 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.

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Resolution No. 153 (Continued)**

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 if required.

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)

Subject of Discussion	Estimated Date	Necessary Occurrence
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.

Old Business

Mayor Glasser reminded everyone that the Good Old Days Picnic is this weekend. Councilman McGuigan thanked the Mayor for bringing this up stating that it is going to be a great day and a lot of fun. He thanked the army of volunteers that help with this event as well as the Committee Members and Councilman Dill and Council President Kern.

Councilman Gerety stated that we are coming up on the anniversary of 9-11 and added that he would like to draw attention to the flags on display in the back of the room, that these were the flags that were flying on 9-11-2001 and that one of our Public Works employees had the foresight to save them.

New Business

Raffle License applications were approved unanimously for the VFW, as well as their request to waive the City fee, the Cystic Fibrosis Foundation and the Rotary Club of Somers Point.

Discussion of closing Harbor Lane for St. Joseph School event

After discussion, this request was approved unanimously contingent upon receipt of the proper certificate of insurance, indemnity and Police approval.

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New Business (Continued)

Discussion of Adopt a Highway Ordinance draft

Atty. Franklin advised that he has prepared a draft ordinance for Council's review. Councilman McGuigan advised that he will bring this draft ordinance back to the Parking and Traffic Committee and come back to Council with a recommendation and try to move forward with this.

Discussion of Bills

A bill list in the amount of \$69,786.01 was presented for discussion.

Public Portion

Kevin Cattie, Asbury Avenue, Ocean City, came forward and addressed the governing body with regard to his problems with the Platinum Car Wash. He also noted that the car wash didn't have a mercantile license for two years, had many signs that were not legal, etc. He was upset that the City had not fined him. Councilman Smith, having had experience as the City's Prosecutor, explained the process and that typically in court the Judge will give the person the opportunity to make it right prior to issuing a fine. Atty. Franklin advised that the car wash was at court a few days ago with regard to the signs and was given a certain amount of time to take care of it. Councilman Smith stated that the City is moving in the right direction to resolve some of the situations raised by Mr. Cattie.

Payment of Bills

M/S – Tapp/Dill

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

Council recessed at 7:50 p.m. prior to going into Executive Session.

Adjournment

Council reconvened in open session to adjourn at 8:26 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 09/24/15