

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 24, 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

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

Proclamation No. 10

The following proclamation was read in full by the City Clerk:

No. 10 of 2015

October 10, 2015, has been Declared Put the Brakes on Fatalities
Day by the City of Somers Point

WHEREAS, Across the nation, traffic crashes caused nearly 32,675 (est.) fatalities in 2014, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 556 individuals lost their lives in traffic crashes in 2015; and

WHEREAS, Alcohol-related crashes accounted for 27 percent of the State's traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 60 motorcyclists, 11 bicyclists and 170 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I, John L. Glasser, Jr., Mayor of the City of Somers Point, do hereby proclaim October 10, 2015

PUT THE BRAKES ON FATALITIES DAY

and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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Mayor's Report

Mayor Glasser stated that last weekend was Richard Somers Day and we had a great day for remembering Richard Somers and the crew of the Intrepid. He noted that we also had the mural dedication and thanked everyone involved in this event for the work that they do. He also noted that Good Old Days was successful again this year and thanked the Committee and all of the volunteers involved in this event each year. He also reported that he will be attending the Atlantic County Mayor's Association Meeting tomorrow and will be seeing the new City Hall in Port Republic. He also reported that he has correspondence from the County Health Department who will be giving flu shots for \$15.00, and the City Clerk will have this posted in her office.

Administrator's Report

Administrator Swain advised that he attended a meeting with the Atlantic County Improvement Authority who used to have a program allowing municipalities to borrow money, and they would issue the debt. He reported that the County Improvement Authority is revising that program and soliciting information from the municipalities to see whether they can combine various bond anticipation notes and go out to bond on a yearly basis. He stated that this would reduce our costs of getting permanent financing.

Councilman D'Adamo advised that he just received information that the New Jersey run for the fallen will begin tomorrow, and they will be at Patriot's Park at 7:00 am to honor Anthony Salsto. Everyone is welcome to attend.

Councilman McGuigan advised that the Board of Education will be undertaking a strategic plan and will be looking for help from the City to participate, and they will be back in touch with us in a few weeks.

Councilman McGuigan also announced an event for an organization he is involved in – CASA. This event will be held on October 22 at the Great Bay Country Club, and everyone is invited to be his guest.

Committee Reports

There were no Committee Reports.

Minutes

Minutes of the Regular meetings of August 27, 2015, and September 10, 2015, were approved by a unanimous vote of those present.

ORDINANCES

Ordinance No. 25 – Final Reading

M/S – Gerety/Tapp

Ordinance No. 25 was amended to correct the sixth and eighth “Whereas paragraphs” to read “Somers Point Historic Preservation Commission” rather than “Somers Point Historical Society”. Ordinance No. 25 was then adopted, as amended, on final reading by a unanimous vote of those present.

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Ordinance No. 25 (Continued)

**CITY OF SOMERS POINT
ORDINANCE NO. 25 OF 2015 (AS AMENDED)
AN ORDINANCE AMENDING
SECTIONS 114-99 D (4), 114-100 D (3) AND 114-101 D. (4) OF CHAPTER 114
“DEVELOPMENT REGULATIONS”**

FIRST READING:	August 27, 2015
PUBLICATION:	September 1, 2015
FINAL PASSAGE:	September 24, 2015

Ordinance No. 26 – First Reading

M/S – Gerety/Tapp

Mayor Glasser explained that the person who lived there has passed and his wife has moved away, therefore, there is no longer a need for this handicapped space. Ordinance No. 26 was then approved on first reading by a unanimous vote of those present.

**CITY OF SOMERS POINT
Ordinance No. 26 of 2015**

**An Ordinance Rescinding Section 2 of Ordinance 26 of 2014 to Remove a
Designated Handicapped Parking Space and Signage from a Residence at 43
E. New Jersey Avenue,
Repealing All Ordinances Heretofore Adopted, the Provisions of Which Are Inconsistent
Herewith**

WHEREAS, the governing body of the City of Somers Point enacted Ordinance 12 of 2014 authorizing the placement of a handicapped parking sign in front of the Payne residence at 43 E. New Jersey Avenue for the benefit of Joseph Payne; and

WHEREAS, it was brought to the attention of the Mayor and City Council that the space was frequently occupied by third persons who had been issued valid handicapped parking permits which deprived Mr. Payne from using the space for his benefit as had been intended by the Ordinance; and

WHEREAS, City Council adopted Ordinance 26 of 2014 rescinding Ordinance 12 of 2014 and, in Section II of Ordinance 26 of 2014 specified the following:

Name of Street	Location
East New Jersey Avenue	Directly in front of 43 East New Jersey Avenue (Sign to be placed 325 feet west of westerly curb-line of Bay Avenue)

shall be removed from Article III Section 250-50 as a designated handicapped parking space and within fifteen days thereafter the existing handicapped parking sign is to be removed and replaced with the sign as specified in Section 250-57 f) 2 is to be installed; and

WHEREAS, the individual on whose behalf the designated handicapped parking space was approved is no longer residing at 43 E. New Jersey Avenue

Now, therefore, it is hereby **ORDAINED** by the governing body of the City of Somers Point as follows:

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Ordinance No. 26 (Continued)

SECTION 1.

A) Section 2 of Ordinance 26 of 2014 is hereby rescinded in its entirety.

B) The Handicapped Parking Permit issued to the owner of 43 E. New Jersey Avenue is hereby revoked.

C) The existing handicapped parking sign is to be removed and replaced as specified in Code Section 250-57 f) 2 is to be removed.

SECTION 2. Section 1 of Ordinance 26 of 2014 remains in full force and effect and is not modified or amended by the enactment of this Ordinance.

SECTION 3. All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING:	September 24, 2015
PUBLICATION:	September 28, 2015
FINAL PASSAGE:	October 8, 2015

Ordinance No. 27 – First Reading

M/S – Dill/D’Adamo

Atty. Franklin explained that there are only two participants this time, and they are both in agreement. Ordinance No. 27 was then approved on first reading by a unanimous vote of those present.

CITY OF SOMERS POINT

ORDINANCE NO. 27 of 2015

**AN ORDINANCE REPEALING ORDINANCE 12 OF 2015
AND AUTHORIZING THE CITY OF SOMERS POINT TO
CREATE A DRAINAGE EASEMENT LOCATED ON A
PORTION OF LOTS 4 AND 5 IN BLOCK 510 IN THE CITY
OF SOMERS POINT**

Whereas, a Community Block Development Grant has been obtained by the City of Somers Point to correct a drainage problem existing on certain properties located within Block 510 as designated on the Tax Map of the City of Somers Point; and

Whereas, the City obtained a Community Development Block Grant to fund the project; and

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Ordinance No. 27 (Continued)

Whereas, the City Engineer had prepared plans and specifications and had provided a legal description of the area of the properties to be subject to the drainage easement which included Lots 4, 5 and 7 situated within Block 510 in order to construct and maintain the drainage area; and

Whereas, the City enacted Ordinance Number 12 of 2015 authorizing the acceptance of drainage easements from the owners of those properties; and

Whereas, subsequent to the adoption of the Ordinance, one property owner refused to grant the necessary easement; and

Whereas, it was necessary for the City Engineer to revise the plans and specifications and to remove Lot 7 situated within Block 510 as part of the required drainage easement; and

Whereas, the City Engineer has prepared plans and specifications and has prepared a Site Plan legal description of the area of the properties to be subject to the drainage easement; and

Whereas, the property owners of Lots 4 and 5 have consented to grant such drainage easements; and

Whereas, the County Engineer has reviewed the proposed plan; and

Whereas, the purpose of said permanent drainage easement shall be for the maintaining the Storm Drainage System, together with all surface and subsurface appurtenances deemed desirable or necessary to construct, reconstruct, operate, use, maintain, protect, inspect and repair the same.

Now, therefore, it is hereby ORDAINED, by the Mayor and Common Council of the City of Somers Point, County of Atlantic and State of New Jersey, as follows:

SECTION 1: Ordinance 15 of 2015 is hereby repealed in its entirety.

SECTION 2: Whereas there exists the need to create a certain drainage easement situate in the City of Somers Point and crossing portions of properties designated as Lots 4 and 5 in Block 510 as designated on the Tax Map of the City of Somers Point, which are more specifically described on the two Drainage Easement Legal Descriptions and Drainage Easement Site Plan dated 9.22.2015, prepared by Gregory K. Schneider, P.E., PLS NJ License #42577, copies of which are attached hereto and made a part hereof and which are on file in the office of the City Clerk available for review during normal business hours; and

The easements as described on the aforesaid attachments are hereby created and the Drainage Easements to be executed by each of the three property owners substantially in the form attached hereto are hereby accepted and authorized to be recorded.

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

SECTION 4: If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance which shall remain in full force and effect.

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Ordinance No. 27 (Continued)

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

**FIRST READING: September 24, 2015
PUBLICATION: September 28, 2015
PASSAGE: October 8, 2015**

RESOLUTIONS

Public Portion on Resolutions

M/S – Tapp/Dill

Meeting was opened to the public and duly closed.

Consent Agenda

There were no items on the Consent Agenda.

Resolution No. 154 (Revised Copy)

M/S – Dill/D'Adamo

Resolution No. 154 was adopted by a unanimous vote of those present.

**CITY OF SOMERS POINT
RESOLUTION
No. 154 of 2015 (Revised 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 the items in attached Schedule A; and

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 RESOLVED 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

Length of Auction: 10 Days.

Start Date: Friday, October 2, 2015 (see schedule A)

End Date: Monday, October 12, 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. 154 (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:** 2008 Ford Expedition VIN#: 1FMFU16548CA86703
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 3:00 PM

2. **Auction 2:** 2010 Ford Crown Victoria VIN#: 2FABP7BV1AX113759
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 3:10 PM

3. **Auction 3:** 2010 Ford Crown Victoria VIN#: 2FABP7BV3AV128974
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 3:20 PM

4. **Auction 4:** 2005 Volkswagen Jetta VIN#: 3VWOG71K15M637468
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 3:30 PM

5. **Auction 5:** 2004 Nissan Maxima VIN#: IW4BA41E04C808186
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 3:40 PM

6. **Auction 6:** 2002 Chevy Impala VIN#: 2GIW55K129227872
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 3:50 PM

7. **Auction 7:** 1991 Ford E-350 Ambulance VIN#: IFDKE30M8MHB16533
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 4:00 PM

8. **Auction 8:** 1988 Ford F-250 VIN#: IFTHF25Y1JNA69859
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 4:10 PM

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9. **Auction 9:** 1994 Dodge Caravan VIN#: 2B4GH2536RR650490
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 4:20 PM
10. **Auction 10:** 2004 Ford Crown Victoria VIN#: 2FAHP7IW54X141251
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 4:30 PM
11. **Auction 11:** 1999 Ford Crown Victoria VIN#: 2FAFP71W7XXI83691
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 4:40 PM
12. **Auction 12:** Lot #1 Admin - Misc Non Operational Electronics
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 4:50 PM
13. **Auction 13:** Deutz BGKB Trailer Mounted Generator
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 4:50 PM
14. **Auction 14:** Toshiba Laptop Computer
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 5:00 PM
15. **Auction 15:** Aries Sewer Line Inspection System
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 5:10 PM
16. **Auction 16:** Toro Workmaster
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 5:20 PM
17. **Auction 17:** 1985 Billygoat Model 11.0
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 5:30 PM
18. **Auction 18:** (3) Trek Bikes
Bid Start: Friday October 2nd, 2015: 9:00AM
Bid Stop: Monday October 12th, 2015: 5:40 PM

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Resolution No. 154 (Continued)

19. **Auction 19:** 1990 Chevrolet Pick-Up VIN#:2GCFK24K9L1137622

Bid Start: Friday October 2nd, 2015: 9:00AM

Bid Stop: Monday October 12th, 2015: 5:50 PM

Resolution No. 155

M/S – D’Adamo/Dill

Adopted by a unanimous vote of those present.

RESOLUTION NO. 155 of 2015

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A SHARED SERVICES DEFENSE AGREEMENT FOR THE RETENTION ECONSULT SOLUTIONS, INC. TO CONDUCT A FAIR SHARE ANALYSIS AND REPORT NECESSITATED BY THE INABILITY OF RUTGERS UNIVERSITY TO COMPLETE THE REPORT FOR WHICH IT HAD BEEN RETAINED DUE TO REASONS BEYOND THE CONTROL OF ANY PARTY

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”) with Rutgers University for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA provided for an Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator and a distinguished professor at Rutgers University, as the expert to be retained to prepare the report; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the City Council of the City of Somers Point recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the City Council of the City of Somers Point has determined that it is in the best interests of the citizens of the City to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA; and

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Resolution No. 155 (Continued)

WHEREAS, Econsult Solutions, Inc. has represented that it has the required expertise and personnel to undertake the preparation and delivery of a report to establish a rational and reasonable methodology for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, the retention of Econsult Solutions, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4(or 20.5 as appropriate) is necessary in order to have a report produced in a timely manner as a result of the termination of the Agreement by Rutgers due to circumstances beyond the control of Rutgers or of any party to the MSSDA, and the inability of Rutgers to provide an alternate qualified individual to complete Burchell Report

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and City Clerk, be and are hereby authorized to execute and attest the aforesaid Amendment.
3. Jeffrey R. Surenian, Esq., is hereby authorized Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the City with Econsult Solutions, Inc.
4. Jeffrey R. Surenian, Esq., is authorized to execute on behalf of the City and with the approval of the City's designated COAH counsel such other agreement(s) as are necessary or advisable to effectuate the purposes of the MSSDA as amended.
5. The City's designated COAH counsel is 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.
6. In the event such changes and actions require the City to appropriate and commit any additional funding for the MSSDA, the City of Somers Point shall be responsible for such funding only if it authorizes the expenditure of funds by adoption of a subsequent resolution.
7. 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.
8. Without further action by this governing body the maximum expenditure of funds shall be limited to the Two Thousand Dollars (\$2,000.00) certified in Resolution 110 of 2015 as funds available for this purpose in the 2015 budget in the account: Mayor and Council OE, 5-01-20-110-200.
9. A certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services of the State of New Jersey and a copy of this Resolution shall be published in the Press of Atlantic City within ten (10) days of its passage.

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Resolution No. 155 (Continued)

10. All other terms and conditions of the MSSDA and of Resolution 110 of 2015 shall remain in full force and effect including, without limitation, the right of the City of Somers Point to take such action as deemed necessary to protect its own interests, or to present its own analysis of its Housing Obligation and rely upon credits, vacant land analysis adjustments, and such other factors and/or crediting mechanisms that may be necessary and appropriate to properly adjust its Housing Obligation.

New Business

There was no New Business.

Old Business

There was no Old Business.

Discussion of Bills

Bills were presented for discussion in the amount of \$1,693,215.09 as well as two Records of Payment in the amounts of \$3,750.00 and \$6.15. Councilman McGuigan advised that he will be abstaining from voting on any and all bills for Falasco Mechanical as this is his primary employer.

Public Portion

Mr. Bolen, 6 Parr Drive, came forward and addressed the governing body with regard to the hospital now paying taxes and asked if the City is in negotiations with the hospital. Atty. Franklin explained that there is a Council Committee reviewing this matter and if appropriate, it will be put on the books.

Payment of Bills

M/S – Tapp/Gerety

The bills were approved by a unanimous vote of those present, with Councilman McGuigan abstaining from voting on any and all bills from Falasco Mechanical as this is his primary employer. A complete list of bills is on file in the Office of the Municipal Clerk.

Adjournment

There being no further business, meeting adjourned at 7:22 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: