

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
October 13, 2016**

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

Roll call was recorded as follows:

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

**Absent:** Smith

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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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**Guest Speaker:** Assemblyman Chris A. Brown

Assemblyman Brown thanked the Governing Body for the opportunity to address them regarding legislative updates. Currently, he is co-sponsoring Assembly Bill A-4512 regarding dredging that includes dredging within 250' of a bulkhead, which is very important to Somers Point. Additionally, he is diligently working to defeat the approval of north jersey casinos. Assemblyman Brown requested City Council to consider the adoption of a resolution opposing north jersey casinos. Councilman Gerety mentioned that he is in favor of the opposition; however, if the State is adamant in allowing casinos in north jersey, then place the casino in an area in New Jersey that will get the most money and stabilize south jersey. City Council President Tapp thanked Assemblyman Brown exceedingly for his commitment and diligence in protecting Somers Point and Atlantic County. City Councilman D'Adamo indicated that he was very appreciative of his letter.

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**Public Portion on Resolutions:**

Meeting was opened and duly closed to the public.

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**Resolutions**

**No. 185 of 2016**

M/S – Gerety/Toto

The resolution was adopted by unanimous vote of those present. Councilman McGuigan stated that initially when the casino idea was considered, it was proposed statewide, and was defeated by the voters of New Jersey. The next election presented to the voters for casinos in Atlantic City only, which the voters approved. He added that this question is extremely important for the financial stability of residents and businesses in New Jersey. City Council President Tapp personally opined that the question on the ballot deserves a “no” vote. Mayor Glasser stated that if the vote passes, it will be very difficult for this area to recover. Mayor Glasser thanked Assemblyman Brown for his commitment to Somers Point and this region. Assemblyman Brown thanked the Governing Body for their support.

**No. 185 of 2016**

**Subject:** Opposition to Public Question No. 1 on November 8, 2016, Regarding a State Constitutional Amendment to Permit Casino Gambling in Two Additional Counties in New Jersey

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**Introduced By: Mayor Glasser, Council President Tapp & City Council**

**WHEREAS**, Public Question No. 1 proposes a State Constitutional amendment to permit casino gambling in two additional counties in this State; and

**WHEREAS**, the voters will consider Public questions No. 1 on the November 8, 2016; and

**WHEREAS**, a history of studies conclude expanding gaming outside of Atlantic City would not increase revenues for the State and, in fact, lead to a net loss of jobs, small businesses, and revenue to the State. Those studies include:

- The American Gaming Association found the rate of those who gambled in casinos at least once per year has remained relatively constant for decades.
- The Pennsylvania Legislative Budget and Finance committee confirms that as each new casino opens; it only serves locals as a greater share of its patronage.
- Stockton University concluded one casino alone in North Jersey would draw from 41.8% of Atlantic City's existing customer base. This was confirmed by a Deutsche Bank study which said a North Jersey casino will draw from a 40 miles radius, cutting deep into Monmouth County which is critical to Atlantic City's market.
- While Deutsche Bank estimates two North Jersey casinos will generate \$500 million in gaming revenue, Stockton University estimates Atlantic City casinos will lose \$500 million in gaming revenue.
- The Greater Atlantic City Chamber estimates there would be 14,500 job losses, and the closure of two to four Atlantic City casinos if casino expansion were approved.
- The Morowitz Study concludes there will be a loss of up to 30,000 jobs, a loss of up to \$1.4 billion in gaming revenue, and the closure of three to five additional casinos, creating a significant increase in regional unemployment and housing foreclosures.

**WHEREAS**, the legislative sponsor of Public Question No. 1 testified before the Assembly Judiciary Committee that there were no independent studies supporting North Jersey casinos, and;

**WHEREAS**, there is no specific tax rate set on the possible North Jersey casinos making it impossible to determine how much if any tax revenue will be generated and, therefore, no guarantee that seniors, the disabled, the horse racing industry, or Atlantic City will receive any funding from North Jersey casinos, and;

**WHEREAS**, any North Jersey casino will require substantial infrastructure improvements at their location, and there is no additional State funding for those improvements, and;

**WHEREAS**, unemployment in Atlantic County remains above the state average and Atlantic County's foreclosure rate is still the highest in the nation, and;

**WHEREAS**, the net loss of casino jobs will hurt the hard working middle class men and women of Atlantic County, who are the very people the casino industry was intended to help; and

**WHEREAS**, any further decline in casino property values in Atlantic City will increase property taxes throughout Atlantic County; and

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**WHEREAS**, the legalization of casino gaming in surrounding states has already oversaturated the gaming market; opening casinos in other locations in New Jersey municipalities will only serve to cannibalize our own gaming market.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Somers Point Governing Body opposes Public Question No. 1 and strongly urges all voters to consider the adverse economic impacts when casting their ballot so as not to inflict irreparable harm on our City, our County, and our region.

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**Proclamations:**

There were none

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**Communications:**

There were none to report.

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**Mayor's Report:**

Mayor Glasser stated that Mr. Meischker provided a report to him. Mayor Glasser reported that Ron Meischker, Harbor Master, takes his appointment seriously and works persistently to make Somers Point a beautiful town. Throughout the year, he was involved in the cleaning of the Patcong Creek, organized volunteers to dismantle and remove debris docks, monitored beach closings, was involved in removing the phantom crab pods through a Stockton University grant, sponsored his own very successful crabbing tournament and is involved in Great Egg Harbor River Council. Mayor Glasser thanked Mr. Meischker for being proactive and working diligently for the City of Somers Point. Additionally, Mayor Glasser mentioned a foreclosure information event on 10/18/16 in Atlantic City. This past Monday, there was a ribbon cutting at Bayview Court that was attended by Council President Tapp, Councilmen McGuigan and Toto and Jim Franklin, Esq. Mayor Glasser mentioned there were many people in attendance, and the project is progressing nicely. Trick or Treat is scheduled for Monday, 10/31/16 between 6:00 p.m. and 8:00 p.m. Lastly, there is a prescription mailbox outside the Police Department for unwanted prescriptions that will be there permanently.

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**City Administrator's Report:**

There was no report.

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**Committee Reports:**

There were no reports.

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**Approval of Minutes:**

There were no minutes.

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**Ordinances:**

**Ordinance No. 18 – Second Reading/Public Hearing/Adoption**

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M/S- Dill/Toto

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

**Ordinance No. 18 of 2016**

**An Ordinance Enacted Under Authority of N.J.S.A. 39: 4-197.6. and N.J.S.A. 39: 4-197.7,  
granting the Authority to establish a Restricted Parking Zone in Front of a Residence  
Occupied by a Handicapped Person Under Certain Conditions; Amending and  
Supplementing Section 250-50 of the Somers Point City Code; Repealing All Ordinances**

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

**FIRST READING: September 22, 2016**

**PUBLICATION: September 29, 2016**

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on September 22, 2016 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 13, 2016.

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**Resolutions:**

**Resolutions Numbers 179, 180, 181,182 and 183**

M/S- Gerety/Toto

The above-mentioned resolutions listed on the Consent Agenda were adopted by a unanimous vote of those present. City Councilman Dill questioned if non-union employees receive longevity that is capped. Wes Swain, City Administrator, explained that the resolution is being considered for Best Practices, and added that if an employee does not have a contract then they do not receive longevity.

**No. 179 of 2016**

**Subject: Supplementing and Amending Personnel Policies and Procedures Manual**

**Introduced By: Council President Tapp, Councilmen McGuigan and D'Adamo**

**WHEREAS**, outside employment by municipal officials and employees may sometimes be acceptable when it does not interfere with, take precedence over, or present a clear or perceived conflict of interest, or is in violation of the Local Government Ethics Law N.J.S. 40A:9-22.1 et seq. and more specifically N.J.S. 40A:9-22.5; and

**WHEREAS**, the City Council has determined that there is a need to supplement and amend the personnel policies and procedures of the City to ensure that there is an established documented procedure in place to require employees to obtain written permission from their Department Head and the City Administrator prior to accepting any outside employment and requiring Department Heads to obtain prior approval from the City Administrator; and

**WHEREAS**, the City Council has further determined that the procedure shall include an opportunity to appeal the determination of the Department Head / Supervisor or City Administrator to City Council, and to include a provision for imposition of disciplinary action for failure to follow the required procedure and the right to revoke approval if the outside employment negatively impacts upon the employee's work.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the Personnel Policies and Procedures Manual is hereby amended to include the policies, procedures and forms attached hereto and made a part hereof and to replace the existing policies

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and procedures that may have previously been adopted as the referenced page number, if applicable, as follows:

<u>Item</u>	<u>PPPM Page Number</u>
Outside Employment Department Heads/Supervisors Policy/Procedure	VIII-24

Personnel Policies and Procedures Manual

City of Somers Point

VIII. GENERAL RULES AND REGULATIONS POLICY/PROCEDURE

Outside Employment  
Employees, Department Heads/Supervisors

Employees, Department Heads/Supervisors are permitted to seek jobs outside City employment if such employment does not impede the performance of their duties or conflict with their position with the City.

Any Employee who is seeking employment outside the City, or who has or has been offered employment outside the City shall notify the Department Head/Supervisor and the City Administrator in writing prior to accepting such employment.

Any Department Head/Supervisor who is seeking employment outside the City, or who has or has been offered employment outside the City shall notify the City Administrator in writing prior to accepting such employment.

The City Administrator shall review the nature of the outside employment to determine if there are any perceived conflicts with the City position. If necessary, the City Administrator may solicit the opinion of the City Attorney, the City Labor Attorney, or other sources that might be helpful in evaluating the situation, including professional organizations.

If there are no perceived conflicts, the City Administrator shall advise the Employee, Department Head/Supervisor in writing within a reasonable amount of time.

If there are perceived conflicts, the City Administrator shall advise the Employee, Department Head/Supervisor in writing within a reasonable amount of time.

The Employee, Department Head/Supervisor may request a meeting with the City Administrator in order to discuss the findings. Should the findings remain unchanged, the City Administrator shall advise the Employee, Department Head/Supervisor in writing not to pursue the outside employment.

In such case, the Employee, Department Head/Supervisor may appeal the findings of the City Administrator to the City Council by submitting a request in writing within ten (10) calendar days following the date of the notice from the City Administrator.

Should the Employee, Department Head/Supervisor ignore the findings of the City Administrator or the City Council upon appeal, the City Administrator shall advise City Council of the matter, for Council's action which may include disciplinary action.

If outside employment negatively impacts on the employee's work, approval for such outside work may be withdrawn.

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Adopted: 12/19/91  
Last revision: 10/13/16

VIII – 24

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**No. 180 of 2016**

**Subject: Approve and Ratify Prompt Payment Procedures**

**Introduced By: Councilmen McGuigan, Gerety, and D’Adamo**

**WHEREAS**, the New Jersey Prompt Payment Law (the “Act”) establishes standards for the payment of obligations under a wide range of construction contracts; and

**WHEREAS**, the City Administrator includes in such construction contracts terms and conditions of payment processing which comply with the requirements of the Act; and

**WHEREAS**, there is an invoice review and approval process which complies with the Act to ensure compliance.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point approves and ratifies the prompt procedures implemented by the City Administrator.

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**No. 181 of 2016**

**Subject: Establishing a Written Policy for Elimination of Longevity Awards**

**Introduced By: Councilmen McGuigan, Gerety, and D’Adamo**

**WHEREAS**, the State of New Jersey Division of Local Government Services has developed a Best Practices Inventory to be completed by each municipality; and

**WHEREAS**, the 2016 Best Practices Inventory indicates that municipalities should have a written policy concerning the elimination of longevity awards, bonuses or payments for non-union employees; and

**WHEREAS**, the City no longer provides longevity awards, bonuses or payments for non-union employees who have been hired into their positions after 2010, and longevity has been capped or eliminated for any non-union employees who have employment contracts.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that it is the written policy of the City that longevity awards, bonuses or payments for non-union employees who have been hired into their positions after 2010 are and will remain eliminated.

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**No. 182 of 2016**

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**Subject:                   Establishing a Policy to Monitor PILOTs**

**Introduced By:       Councilmen McGuigan, Gerety, and D'Adamo**

**WHEREAS**, the City of Somers Point recognizes that Payments in Lieu of Taxes (PILOTs) are often used as a tool for economic development; and

**WHEREAS**, it is imperative that the City monitor any PILOT agreements to ensure the recipients are complying with all agreement terms including timely payments and reporting.

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

1. The City Administrator is hereby designated to monitor exemptions granted pursuant to N.J.S.A. 40A:20-1 et seq. and N.J.S.A. 40A:21-1 et seq.
2. In connection with each PILOT agreement the City Administrator shall establish and maintain a file that shall include a checklist that indicates, among other possible items, critical completion dates, payment dates, and reporting dates and shall show both the anticipated completion date and the actual date completed.
3. In order to perform this monitoring it is recognized that the City Administrator shall receive the cooperation of any employee or professional deemed necessary by the City Administrator to efficiently complete each task.

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**No. 183 of 2016**

**Subject:                   Establishing a Written Policy for Notification of Tax Appeals**

**Introduced By:       Councilmen McGuigan, Gerety, and D'Adamo**

**WHEREAS**, the State of New Jersey Division of Local Government Services has developed a Best Practices Inventory to be completed by each municipality; and

**WHEREAS**, the 2016 Best Practices Inventory indicates that municipalities should have a written policy concerning the notification of tax appeals; and

**WHEREAS**, the City recognizes that active management of a municipality's ratable base is fundamental to its fiscal stability; and

**WHEREAS**, the City has followed a policy of notification for many years and now wishes to reduce it to writing in order to comply with the Best Practices Inventory.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that it is the written policy of the City that the City Tax Assessor is hereby required to notify the City Council, the City Administrator and the Chief Financial Officer of all tax appeals upon filing, but no later than June 1<sup>st</sup> of each year.

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**No. 177 of 2016**  
M/S – Gerety/Toto

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The resolution was adopted by unanimous vote of those present.

**No. 177 of 2016**

**Subject: Chapter 159 Resolution**

**Introduced By: Councilmen McGuigan, Gerety, and D'Adamo**

**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 \$2,905.96 from the New Jersey Division of Criminal Justice and wishes to amend its 2016 budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,905.96 which item is now available as a revenue from:

**Miscellaneous Revenue**

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:  
Public and Private Revenue Offset with Appropriations:  
2016 Body Armor Grant \$2,905.96

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$2,905.96 be and the same is hereby appropriated under the caption of:

General Appropriations  
( A ) Operations - Excluded from "CAPS"  
Public and Private Programs Offset by Revenues:  
2016 body Armor Grant \$2,905.96

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

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M/S – Gerety/Toto

The resolution was adopted by unanimous vote of those present. Councilman Dill questioned if there would be additional compensation for this title. City Administrator Swain replied, no.

**No. 178 of 2016**

**Subject: Appointing a Public Officer as provided in Ordinance 15 of 2016**

**Sponsored by: Council President Tapp, Councilmen Gerety and McGuigan**



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**Whereas**, Ordinance 15 of 2016 provides for the designation, by Resolution of this City Council, of a Public Officer qualified to carry out the responsibilities set forth in N.J.S.A. 55:19-78 et seq.; and

**Whereas**, the City Council has determined that the Code Enforcement Officer / Construction Code Official of the City of Somers Point has the required qualifications under N.J.S.A. 40:48-2 and N.J.S.A. 55:19-78 et seq. to serve as the Public Officer for the purpose of implementing and enforcing Ordinance 15 of 2016.

Now, therefore, it is hereby **Resolved** that the Code Enforcement Officer / Construction Code Official is hereby designated as the Public Officer to implement and enforce Ordinance 15 of 2016, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 40:48-2; and

It is further **Resolved** that the Code Enforcement Officer / Construction Code Official may utilize a designee under his / her direction.

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**No. 184 of 2016**

M/S – Toto/D’Adamo

The resolution was adopted by unanimous vote of those present.

City Administrator Swain reported that the Best Practices survey has a 97% affirmative response to the questions, which dictates the amount of State Aid the City will receive. Additionally, the State provided more time and eliminated the quirks enabling more affirmative answers to be reported.

**No. 184 of 2016**

**Subject:                    Authorizing the City Clerk to file the 2016  
Best Practices Public Meeting Certification Form**

**Introduced By:        Councilmen McGuigan, Gerety, and D’Adamo**

**WHEREAS**, the State of New Jersey Division of Local Government Services has developed a Best Practices Inventory to be completed by each municipality; and

**WHEREAS**, the completed form must be an agenda item for discussion at a municipal governing body meeting in order to ensure that local officials have been apprised of the response; and

**WHEREAS**, the City Clerk must certify that the governing body has reviewed the completed Best Practices Inventory at a public meeting; and

**WHEREAS**, the completed Best Practices Inventory and required certification are attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the City Clerk is hereby authorized to file the Best Practices Public Meeting Certification Form, as required, on behalf of the City.

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**Old Business:**

There was none reported.

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**New Business:**

The Governing Body approved the Bingo Applications for the Ocean City Education Foundation, Inc. on 11/18/16 and the Somers Point Volunteer Fire Co. No. 2 on 11/15/16.

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**Discussion of Bills**

Administrator Swain reported a record of payment on 9/29/16 in the amount of \$ 6,542.34 and on 10/7/16 in the amount of \$ 280.00. The bill list dated 10/11/16 is in the amount of \$ 124,179.07

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**Public Portion**

Public portion was duly opened and hearing nothing from the public, accordingly it was closed.

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**Payment of Bills**

M/S – Dill/Toto

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

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**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 7:30 p.m.

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Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk

Approved: 12-8-2016