

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
October 22, 2015**

**Meeting called to order at 7:00 p.m. by Council President Kern with a salute to the flag.**  
There was a moment of silence for the passing of Jeannie Carlson who was a previous member of City Council and served on many committees for Somers Point.

**Roll call was recorded as follows:**

**Present: D'Adamo, Dill, McGuigan, Smith, Gerety, Tapp & Kern**  
**Also Present: Mayor Glasser, Administrator Swain, Atty. Franklin & Deputy Clerk Samuelsen, City Engineer Schneider and members of Economic Development Advisory Council**

**Absent: None**

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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**

Ron Meischker, Somers Point Harbor Master, stated that he was appointed to the Great Egg Harbor River Council. Mr. Meischker introduced the Great Egg Harbor River Council Chairman, Gregory Gregory, and Administrator Fred Acres. Mr. Acres explained that Stockton University applied for a grant to continue a clean-up project of the river to remove crab pods and fishing gear. The plan includes an organizational meeting in approximately two weeks followed by a survey to obtain GPS points to locate the pods. Finally, in February and March of 2016, there will be the removal and storage process. Mr. Acres expressed his appreciation to Somers Point for being involved in the management of the pods and gear. Some gear will be salvaged for commercial crabbers, and unusable gear will be recycled. Mr. Acres shared how the River Council was created, and indicated that currently they are doing projects and programs to protect the river. In addition, the vision of the River Council is educating the next generation of people about the values of the river and the environment. Mr. Gregory mentioned that the Duke of Fluke is involved with a program including area schools taking students out on the river to educate them. Council President Kern stated that this project is being done in-house at no cost to the taxpayers. She also expressed her gratitude for their presentation, and stated that Somers Point greatly appreciates everything that the Great Harbor River Council does for our City.

Michael Bray and David Hughes representing the Economic Development Advisory Commission (EDAC) offered the quarterly update. EDAC continues to market the City with tee-shirts that are being designed, and they also ordered smaller magnets that will be available shortly. EDAC is obtaining quotes for a digital sign to be located at Exit 30 that that will be available in 2016. Mr. Bray reported that the stakeholder meetings are ongoing. He indicated that the event application should be completed this year and have electronic capability in 2016. Mr. Hughes reported on the Second Home Campaign that 88 homes have sold since August; 16 homes sold in August. The next phase to focus on is the program: Jobs, Jobs, Jobs. EDAC is encouraging hiring from Somers Point and if not, Atlantic County. EDAC proudly reported raising \$30,000.00 for St. Joseph's School. Council President Kern thanked them for all their diligent work in promoting the City. Mayor Glasser thanked EDAC for their enthusiasm and commitment to the City.

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**Mayor's Report**

Mayor Glasser announced that Trick or Treat will be held on October 31<sup>st</sup> from 6:00 p.m. to 8:00 p.m. The Veteran's Day service will be November 11<sup>th</sup> at Patriot's Park at 11:00 a.m. There is a vendors appreciation breakfast at Mainland Regional High School on November 11<sup>th</sup> between 8:00 a.m. and 10:00 a.m. Mayor Glasser mentioned that County Executive Denny Levinson, Senator Jim Whelan, Assemblyman Vince Mazzeo, and Michael Bray are supporting the City's efforts in obtaining several grants. The Mayor forwarded the report of the Environmental Commission and a notice that Somers Point is storm ready to the City Clerk's Office. The Mayor was presented with three prototype bricks (one for City Council, one for the Building Department and one for the Mayor) that will be placed at the Submarine Memorial. Mayor Glasser shared a letter dated October 5, 2015, from Judge Belasco complimenting Somers Point Court regarding their budget.

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**Administrator's Report**

Administrator Swain reported that next month's meeting, he will report on the Stormwater management program. Additionally, he reported that the dredging project has generated many meetings and progress is slow. Solicitor Franklin mentioned that he attended a dredging conference.

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**Committee Reports**

City Councilman Dill mentioned reconstruction of streets throughout the City. City Engineers, Greg Schneider, reported that Sunny Avenue will be paved next week. Delaware Avenue will be milled today, base paved tomorrow and paved with one week. All construction should be done within two weeks. Mr. Schneider proudly stated that all the projects were completed under budget and with State grants. City Councilman McGuigan received a favorable report relative to the contractor and engineer for reconstruction of Delaware Avenue regarding gray slate being reused for the curbs.

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**Minutes**

The meeting of October 8, 2015, was approved by a unanimous vote of those present.

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**ORDINANCES**

**Ordinance No. 28 – Final Reading**

M/S – Gerety/Dill

After public hearing, Ordinance No. 28 was then adopted on final reading by a unanimous vote of those present.

**ORDINANCE NO. 28 OF 2015**

AN ORDINANCE OF THE CITY OF SOMERS POINT AUTHORIZING THE ACQUISITION OF A PORTION OF BLOCK 1815, LOT 1.02 LOCATED WITHIN THE CITY OF SOMERS POINT FROM HIMMELSTEIN ASSOCIATES, L.L.C. FOR THE MUNICIPAL PUBLIC PURPOSE OF EXTENDING THE SOMERS POINT BIKE PATH

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Ordinance No. 28 (Continued)

FIRST READING:       October 8, 2015  
PUBLICATION:        October 13, 2015  
FINAL PASSAGE:      October 22, 2015

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**Resolutions**

Meeting was opened to the public and duly closed.

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**Resolution No. 166**

M/S - Dill/Gerety

Adopted by a unanimous vote of those present.

**No. 166 of 2015**

**Subject:       Appointing an Engineering Firm for Dredging Sediment Sampling and Analysis**

**WHEREAS**, the City of Somers Point has identified a need for an environmental engineering and consulting firm to perform dredging sediment sampling and laboratory analysis in the bayfront area of Higbee Pier and Morrow Beach; and

**WHEREAS**, as a result of a posting of Requests for Proposals for these services, a proposal was received on October 13, 2015 from one respondent; and

**WHEREAS**, this contract is awarded through a fair and open process pursuant to N.J.S.19:44A-20.4 et. Seq.

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

1. Calmar Associates LLC of Dorothy, New Jersey is hereby appointed as the environmental engineering and consulting firm to perform dredging sediment sampling and laboratory analysis in the bayfront area of Higbee Pier and Morrow Beach.
2. This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public contracts Law because public bidding is not required for said service.
3. This appointment is not exclusive during the term of this contract, and the City Council reserves the right to award work of the exact or similar nature as the work described herein to any other qualified professional, at its sole discretion.
4. The Mayor is hereby authorized to execute an agreement with Calmar Associates LLC for a cost not to exceed \$45,140.00 to undertake and perform such services as herein described and as described in the City's Request for Proposals. The Request for Proposals and the agreement will be attached to this resolution and become a part hereof.
5. As indicated in the division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5(6) is not required.

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Resolutions (Continued)

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**Resolution No. 167**

M/S – Gerety/Tapp

Adopted by a unanimous vote of those present. City Councilman D’Adamo mentioned that this resolution is really needed.

**RESOLUTION No. 167 of 2015**

**A Resolution Requesting the Legislature and the Administration to Adopt a New, More Sensible Approach to Affordable Housing in New Jersey to Provide Guidance and Certainty for the Orderly and Realistic Development of Affordable Housing in New Jersey and Remove the Complexity of Having Determinations of Statewide, Regional and Local Need Made by Fifteen Separate Judges Within the Six COAH Regions**

**Proposed By: Mayor and City Council**

**WHEREAS**, on September 26, 2013, the New Jersey Supreme Court decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) invalidated the round three regulations adopted by the Council on Affordable Housing (COAH) in 2008 and charged COAH with the responsibility of adopting a third iteration of round three regulations; and

**WHEREAS**, the Supreme Court invited the Legislature and the Governor to devise a new legislative-based approach to affordable housing in our State and promised to show enormous deference to any new legislative pronouncement; and

**WHEREAS**, the Supreme Court extended the five month deadline it established in In re Adoption Of N.J.A.C. 5:96 and 5:97 and set May 1, 2014 as the deadline for COAH to propose new round three regulations, and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

**WHEREAS**, on April 30, 2014, COAH approved revised Third Round regulations and authorized those proposed regulations to be published in the New Jersey Register; and

**WHEREAS**, the proposed third round regulations were published in the June 2, 2014 New Jersey Register with written comments on the rule proposal accepted through August 1, 2014; and

**WHEREAS**, adoption of round three regulations was proposed on October 20, 2014 at the COAH Board meeting, but the Commissioners were unable to adopt new regulations due to a 3-3 vote, creating more uncertainty and turmoil for municipalities; and

**WHEREAS**, on January 6, 2015 the New Jersey Supreme Court heard argument in a motion to enforce litigant’s rights brought by the Fair Share Housing Center asking the Court to strip COAH of its authority and return implementation of the Fair Housing Act to the Courts, thereby potentially exposing municipalities to further costly and unproductive litigation; and

**WHEREAS**, the New Jersey Supreme Court on March 10, 2015 entered its Decision and Order In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) removing jurisdiction over affordable housing and the Affordable Housing Act from the Department of Community Affairs and the Council on Affordable Housing and placed jurisdiction in the control of fifteen (15) Mt. Laurel Judges throughout the State to calculate a municipality’s affordable housing obligation pursuant to its Decision; and

**WHEREAS**, there are six (6) COAH Regions within the State and the COAH regions do not

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Resolution No. 167 (Continued)

coincide with either the Superior Court Vicinages (for example, Atlantic County is situated within COAH Region 6, the South – Southwest Region, which is comprised of Atlantic, Cape May, Cumberland and Salem Counties which are in four (4) separate Vicinages) or the Counties in which the fifteen (15) designated Judges will hear COAH matters; and

**WHEREAS**, in order to determine the affordable housing needs for a municipality's Third Round Obligation it is necessary to determine a statewide need, then a regional need and finally a municipal need; and

**WHEREAS**, having a statewide need separately determined by fifteen (15) separate Judges rather than by legislative action and a single Administrative Agency applying the legislation creates unwarranted confusion, expense, and uncertainty; and

**WHEREAS**, the confusion and uncertainty that has resulted from costly court actions, prolonged litigation and the lack of reasonable guidance will only be perpetuated as a result of the process imposed by the Order of the New Jersey Supreme Court and further demonstrates the need for a new State housing policy based on good planning, incentivizing participation, and the provision of additional affordable housing; and

**WHEREAS**, the New Jersey Supreme Court in its March 10, 2015 Decision once again called upon COAH or the Legislature to take action; and

**WHEREAS**, the demographics of New Jersey have substantially changed since the inception of Mt. Laurel and the regions to which the rules are applied are imbalanced which in many instances is distorting the numbers and apportionment of housing; and

**WHEREAS**, current attempts at determining municipal fair share requirements through a judicial process erroneously refer to an affordable housing "obligation" accruing during the period 2000-2015, despite the lack of any valid COAH rules to guide municipalities during this period; and

**WHEREAS**, these rules and calculation methodology for housing plans are flawed and are forcing the creation of municipal housing plans which violate sound sustainable planning principles without achieving ideal affordable housing opportunities which include necessary support services; and

**WHEREAS**, municipalities are now under a court mandate to provide housing plans despite the fact that the courts have not yet established the methodology to be applied, the procedures to be followed, or, most significantly, how many affordable units must be included in the plan; and

**WHEREAS**, that mandate and any court imposed artificial deadline if not changed or extended is jeopardizing municipal efforts to create a transparent process in which plans can be reasonably and realistically created and adopted in order to provide a realistic opportunity for affordable housing to be provided or continue to be provided within municipalities; and

**WHEREAS**, the Legislature and Governor should seize this opportunity to reform the State's housing laws and implement a statewide housing plan predicated on good planning, providing incentives, directing funding to assist municipalities, protect the interests of taxpayers, and fulfill the mandate to provide affordable housing within this state.

**NOW THEREFORE BE IT RESOLVED**, that the Governing Body of the City of Somers Point, in Atlantic County, New Jersey implores the Governor and the State Legislature to partner with municipalities and other interested parties to stop the incessant, expensive, and unproductive history of litigation by enacting legislation implementing a reasonable and rational state affordable housing policy which promotes rational planning, seeks to achieve results with available housing funding and incentives, encourages partnerships, and protects the interests of both taxpayers and those in need of affordable, special needs and veterans' housing; and

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Resolution No. 167 (Continued)

**BE IT FURTHER RESOLVED** that the Governor use all of his executive privileges and powers to work with State Legislators to expedite the adoption of meaningful and sustainable revisions to the New Jersey Fair Housing Act of 1985; and

**BE IT FURTHER RESOLVED** that we once again implore our New Jersey State Legislators to adopt meaningful and sustainable revisions to the New Jersey Fair Housing Act of 1985 based upon the result of municipal planners and affordable housing advocates working together to develop sustainable planning guidelines recognizing present day conditions rather than conditions of 30 years ago; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the Department of Community Affairs, the Acting Executive Director of COAH, Keith Henderson, Council on Affordable Housing Policy and Planning, Senator Jim Whelan, Senator Jeff Van Drew, Senator Raymond Lesniak, Assemblyman Chris A. Brown, Assemblyman Vincent Mazzeo, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, Michael J. Darcy, Executive Director New Jersey League of Municipalities and Michael Cerra, New Jersey State League of Municipalities, Frank Formica, Chairman of the Atlantic County Board of Chosen Freeholders, Sonya Harris, Secretary of the Atlantic County Board of Chosen Freeholders, Dennis Levinson, Atlantic County Executive, the Atlantic County Mayors' Association., and the Atlantic County League of Municipalities.

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**Resolution No. 168**

M/S - Dill/Gerety

Adopted by a unanimous vote of those present

**RESOLUTION No. 168 of 2015**

A RESOLUTION REQUESTING GOVERNOR CHRISTIE TO VETO A 3981 "THE CASINO PROPERTY STABILIZATION ACT" AS ADOPTED AND REQUESTING THE SPONSORS OF THE ACT TO REVISE THE LANGUAGE TO CLARIFY CERTAIN ISSUES AND CORRECT CERTAIN FLAWS WHICH MAY OTHERWISE RESULT IN UNINTENDED ADVERSE ECONOMIC CONSEQUENCES TO ATLANTIC CITY TAXPAYERS AND ALL OTHER ATLANTIC COUNTY TAXPAYERS WITHIN THE ATLANTIC COUNTY MUNICIPALITIES SITUATED OUTSIDE OF ATLANTIC CITY

Sponsored by: Council President Kern

**Whereas**, the legislature approved A3981 "The Casino Property Tax Stabilization Act"(hereinafter the "Act") in response to declining casino revenues and successful real estate tax appeals which have resulted in a significant reduction in the fair market value of casino properties within Atlantic City; and

**Whereas**, according to the Fiscal Analysis of the Act prepared by the Office of Legislative Services, the assessed value of all casino property was approximately \$6.275 Billion in 2014 which generated real estate taxes in the approximate amount of \$210 Million (prior to application of the impacts from successful real estate tax appeals): and

**Whereas**, the Fiscal Analysis further determined that of the \$210 Million in tax revenue for 2014, approximately \$112 Million was required by the City of Atlantic City for general municipal purposes, approximately \$75 Million was due to the Atlantic City School District and the remaining amount of approximately \$22 Million was due to Atlantic County; and further determined that "the combined [casino] property tax levies for county and school district purposes comprised 47% of the total tax levy for the City of Atlantic City in 2014"; and

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Resolution 168 (Continued)

**Whereas**, the Act exempts from ad valorem taxation all casino gaming property and adjacent property utilized in connection with such property, upon which there is located a facility licensed to be used for casino gaming in 2014 or thereafter, whether or not in actual operation, which has more than 500 guest hotel rooms and is not subject to recorded covenants preventing casino gaming; and

**Whereas**, in lieu of ad valorem taxation there is an alternate form of taxation through Payment in Lieu of Taxes ("PILOT"); and

**Whereas**, commencing in 2015 the PILOT is \$120 Million and at least through 2028 (and thereafter unless the Act is otherwise repealed, amended, or terminated by subsequent legislative action) the PILOT is set at \$120 Million with an annual adjustment for inflation (not to exceed a 2% increase or decrease), so long as the total Gross Gaming Revenue ("GGR") remains between \$2.2 Billion and \$2.6 Billion per year; and

**Whereas**, during that same period there is a sliding scale to determine the amount of the annual PILOT which ranges from \$75 Billion if GGR declines to between \$1.4 Billion and \$1.8 Billion and up to \$165 Million if GGR increases from the current level of \$2.2 to \$2.4 Billion to between \$3.4 Billion and \$3.8 Billion; and

**Whereas**, the greater the revenue impact is to Atlantic City from present and future competitive casinos whether in North Jersey, New York, or elsewhere, the lower the PILOT payment; and

**Whereas**, under the Act, GGR does not include casino revenues generated from other than casino gaming; and

**Whereas**, as Atlantic City attempts to turn around by offering more than casino gaming, those adjacent properties owned by a casino which may generate alternative sources of revenue will continue to be exempt from taxation so long as there is still a casino on the property (whether the casino is in operation or not); and

**Whereas**, instead of containing a percentage, a formula, or other method of computing the amount of the PILOT to be paid from the City of Atlantic City to the Atlantic City School District and to Atlantic County, the Act states only that "*a portion of the payment in lieu of property tax moneys* collected [through the PILOT] shall be remitted to the county and the school district for their own purposes." (*emphasis added*); and

**Whereas**, since the "portion" of the PILOT payment to be remitted to the county and the school district is unspecified that decision will have to be made annually in the discretion of the Atlantic City City Council as that governing body weighs its own needs and requirements (including the obligation to fund the Atlantic City Free Library which the Office of Legislative Services noted was \$5.0 Million in 2015 of which casino tax liabilities accounted for \$2.8 Million); and

**Whereas**, in years 1 and 2 the Act provides for a \$30 Million "adder" as a payment directly to Atlantic City and not as part of the PILOT payment which is not, therefore, subject to any "portion" being paid to Atlantic County or to the Atlantic City School District; and

**Whereas**, the Office of Legislative Services specifically stated that "*any projection regarding how the enactment of Assembly Bill No. 3981 may effect school and county finances would be speculative*" (*emphasis added*); and

**Whereas**, the Act further provides that all defined casino properties "whether or not in actual operation" are to be included as members of the "Casino Operator's PILOT Council" which is responsible to calculate the respective share to be paid by each casino using a formula based upon acreage owned, number of guest rooms and GGR generated from the casino property in the prior year; and

**Whereas**, the Act does provide that any PILOT assessment which is not paid by the casino having the obligation to do so will become a lien on the property; and

**Whereas**, a lien on a property such as, for example a casino such as Revel or any of the other casinos, does provide the City an opportunity to foreclose on the property or to sell the tax lien, it does not necessarily provide cash in a timely manner to make up for the deficiency in the PILOT payment and could result in the City of Atlantic City owning a property for which there is no potential buyer, but which will require expenditures for ongoing maintenance or demolition; and

**Whereas**, if the Act becomes law, absent new legislation to repeal or modify the Act, there is no opportunity to review or revisit the legislation and its impacts upon the City and the County until

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Resolution 168 (Continued)

January 1, 2028 at which time a 7 member committee will submit its findings and recommendations to the Governor, the Senate President and the Assembly Speaker not later than July 1, 2028; But the legislation does not necessarily sunset, and there is no mandate to take legislative action at that time; and

**Whereas**, the legislative findings set forth within the Act explain why it is that the legislature is authorized by the state constitution to take action granting property tax exemptions because Atlantic City is in a "special class until itself for economic purposes related to casino gaming" being the "only municipality wherein casino gaming is authorized", which may or may not continue to be an accurate statement and may open the door to special legislation for other casino properties within the State should there be a successful referendum

Now, therefore, it is hereby **Resolved** by the Mayor and Council of the City of Somers Point within the County of Atlantic that:

1) We call upon the Governor of the State of New Jersey to veto the Act in its present form;

2) We acknowledge the need to bring economic stability and certainty to the taxpayers of Atlantic City and Atlantic County due to the adverse budgetary impacts caused as a result of ongoing casino tax appeals and declining casino revenues;

3) We call upon the Sponsors and Co-Sponsors of the Act that had been the companion bill in the Senate (S2572) to revise and reintroduce the Act addressing the concerns which have been expressed in our resolution to eliminate or at least reduce the fiscal and financial uncertainty which is the unintended result of the Act in its current form.

It is further **Resolved** that the City Clerk is requested to send a copy of this Resolution to:

The Governor of the State of New Jersey,  
The Lieutenant Governor of the State of New Jersey,  
Assemblyman Vincent Mazzeo as Primary Sponsor,  
Assemblyman John J. Burzichelli as Primary Sponsor,  
Assemblyman Bob Andrzejczak as Primary Sponsor,  
Senate President Steven M. Sweeney as Primary Sponsor,  
Senator Jim Whelan as Primary Sponsor,  
The Atlantic County Legislative Delegation,  
The Secretary of the Atlantic County Board of Chosen Freeholders,  
Dennis Levinson, Atlantic County Executive,  
John Lamey, Atlantic County Improvement Authority Executive Director,  
Max Slusher, Atlantic County Improvement Authority Director of Development,  
John E. Palmieri, Executive Director of the Casino Reinvestment Development Authority,  
The Atlantic County Mayor's Association,  
The Greater Atlantic City Chamber of Commerce,  
Michael Bray, Chairman of the Somers Point Economic Development Advisory Committee,  
Michael Cerra, Assistant Executive Director, The New Jersey State League of Municipalities,  
and  
The Atlantic County League of Municipalities.

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**Consent Agenda**

There were no items on the Consent Agenda.



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**Old Business**

City Councilman Dill expressed his appreciation to Mr. Meischker regarding his response to shopping carts and requested City Council to review the shopping cart ordinance for updating and discussion other alternatives.

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**New Business**

Councilman McGuigan moved, seconded by Councilman Gerety approving the Raffle License Applications for the Am Vets Post 911, and two for the Jordan Road Parents Group with Councilman Dill recusing his vote regarding the Am Vets Post 911.

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**Discussion of Bills**

City Administrator Swain reported records of payments with a total of \$2,117,719.13, which were presented for discussion.

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**Public Portion**

Hearing nothing from the public, all concurred to close the public portion.

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**Payment of Bills**

M/S - Dill/D'Adamo

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, Council adjourned at 7:35 p.m.

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Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 12-17-15