

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 26, 2016**

Meeting called to order at 7:00 p.m. by President Tapp with a salute to the flag. A moment of silence was held in memory of former Councilman Michael Barnes who recently passed away.

Roll call was recorded as follows:

**Present:** D'Adamo, Dill, Gerety, McGuigan, Smith, Toto & Tapp

**Also Present:** Mayor Glasser, Asst. City Administrator Frost, Atty. Franklin, Clerk Degrassi & Deputy Clerk Samuelson

**Absent:**

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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**

There were no communications.

**Mayor's Report**

Mayor Glasser reminded everyone that the County Veteran's Memorial Day program is scheduled for tomorrow at the Atlantic County Veterans memorial and cemetery at 2 p.m., as well as advising that our parade is scheduled for Monday, May 30<sup>th</sup> starting at Dawes Avenue at 11:00 am. He invited the governing body to walk in the parade with him. He also congratulated the organizers of the dog parade, stating that it was a nice event.

**Administrator's Report**

No report.

**Committee Reports**

Councilman McGuigan gave the Arts Commission report in full, stating that there is an event coming up – Art in the Park on June 18<sup>th</sup> from 10am – 3pm. He also reported that the Arts Reaching Out Program is going very well and the kids are enjoying it. He also added that our Poet Laureate will be reading at the Memorial Day Ceremony, the Business Association Meeting on July 20<sup>th</sup> as well as continuing to do pop up poetry.

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**Minutes**

M/S – Dill/Toto

Minutes of the Regular Meeting of May 12, 2016 were approved by a unanimous vote of those present.

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Council President Tapp stated that he would like to bring forward Resolution No. 112 on the agenda and have the public portion on all of the resolutions.

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**Public Portion on Resolutions**

Meeting was opened to the public and duly closed.

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**Resolution No. 112**

M/S – Dill/Toto

Adopted by a unanimous roll call vote of those present.

A complete copy of Resolution No. 112 is on file in the Office of the Municipal Clerk.

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**Ordinance No. 6 – Final Reading**

Meeting was opened to the public and duly closed. Councilman Toto made a motion to adopt on final reading, seconded by Councilman Smith. Ordinance No. 6 was then adopted on final reading by a unanimous vote of those present.

**ORDINANCE NO 6 OF 2016**

**An Ordinance Supplementing and Amending Certain Sections of Article VI Mortgage  
Registration Requirement of Chapter 169 of the Municipal Code of the City of Somers  
Point**

|                       |                     |
|-----------------------|---------------------|
| <b>FIRST READING:</b> | <b>May 12, 2016</b> |
| <b>PUBLICATION:</b>   | <b>May 16, 2016</b> |
| <b>PASSAGE:</b>       | <b>May 26, 2016</b> |

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**Ordinance No. 7 – First Reading**

M/S – Smith/Dill

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

**ORDINANCE NO. 7 of 2016**

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS  
AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN  
THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING  
\$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE  
\$950,000 OF BONDS OR NOTES OF THE CITY TO FINANCE PART  
OF THE COST THEREOF.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS  
POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all  
members thereof affirmatively concurring) AS FOLLOWS:**

**SECTION 1. Appropriation for Project-Down Payment**

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Ordinance No. 7 (Continued)**

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"), as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,000,000 including the sum of \$50,000 as the down payment required by the Local Bond Law. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this bond ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this bond ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

**SECTION 2. Authorization of Bonds and Notes**

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3. Description of Projects**

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| Purpose  | Appropriation<br>and Estimated<br>Cost | Estimated Maximum<br>Amount of<br>Bonds or Notes | Period<br>of<br>Usefulness |
|--|--|--|----------------------------|
| a.) Acquisition by purchase of Police Department public safety equipment including body cameras, required information technology hardware and software, and all attachments and appurtenances applicable thereto | \$35,000                               | \$33,250   | 5 years                    |
| b.) Acquisition by purchase of a compact utility tractor, miscellaneous equipment and including all attachments and appurtenances applicable thereto.  | \$30,100                               | \$28,595   | 5 years                    |
| c.) Acquisition by purchase of a cascade system, air cylinders, fire hose and other Fire Department public safety equipment, including all attachments and appurtenances applicable thereto.                     | \$56,000                               | \$53,200   | 15 years                   |

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**Ordinance No. 7 (Continued)**

|  |           |           |          |
|--|-----------|-----------|----------|
| <p>d.) Acquisition by purchase of archival sleeves and books for vital records for the City Clerk offices and including all attachments and appurtenances applicable thereto.</p>  | \$11,500  | \$10,925  | 15 years |
| <p>e.) Acquisition by purchase of furniture and equipment for the City Clerk's Department including all attachments and appurtenances applicable thereto.</p>  | \$5,000   | \$4,750   | 5 years  |
| <p>f.) Improvements to municipal facilities including roofing for the Public Works Building and Library and renovations for the Gateway Theatre, together with all materials and work necessary therefore, and incidental thereto. including without limitation all building construction costs, demolition costs, fixtures, project design, consulting services, contract management, surveying, planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.</p>  | \$281,800 | \$267,710 | 15 years |
| <p>g.) Various Municipal Roadway Improvements in the City including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering,</p> |           |           |          |

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Ordinance No. 7 (Continued)

|   |                           |                         |                           |
|---|---------------------------|-------------------------|---------------------------|
| preparation of plans and specifications, permits, bid documents and construction inspection and administration. | \$580,600                 | \$551,570               | 10 years                  |
| <b>TOTAL</b>  | <u><b>\$1,000,000</b></u> | <u><b>\$950,000</b></u> | <u><b>11.42 Years</b></u> |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

**SECTION 4. Issuance of Notes**

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

**SECTION 5. Capital Budget**

The applicable capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**SECTION 6. Additional Matters**

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 11.42 years.

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Ordinance No. 7 (Continued)

- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically executed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$950,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$142,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

**SECTION 7. Application of Grants**

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**SECTION 8. Full Faith and Credit**

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

**SECTION 9. Official Intent to Reimburse Expenditures**

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

**SECTION 10. Tax Covenants**

The City hereby covenants as follows:

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**Ordinance No. 7 (Continued)**

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**SECTION 11. Ratification of Prior Acts**

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

**SECTION 12. Inconsistencies**

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**SECTION 13. Effective Date**

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

**First Reading: May 26, 2016  
Publication: May 31, 2016  
Second Reading: June 9, 2016**

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**Ordinance No. 8 – First Reading**

M/S – Gerety/Toto

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

**CITY OF SOMERS POINT  
ATLANTIC COUNTY  
NEW JERSEY**

**ORDINANCE NO. 8 OF 2016**

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Ordinance No. 8 (Continued)

**BOND ORDINANCE PROVIDING FOR  
VARIOUS SEWER UTILITY CAPITAL  
IMPROVEMENTS IN AND BY THE CITY OF  
SOMERS POINT, IN THE COUNTY OF  
ATLANTIC, NEW JERSEY,  
APPROPRIATING \$500,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$500,000  
BONDS OR NOTES OF THE CITY FOR  
FINANCING THE COST THEREOF.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1. Appropriation for Project-Down Payment**

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, Atlantic County, New Jersey (the "City"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$500,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

**SECTION 2. Authorization of Bonds and Notes**

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3. Description of Project**

The several acquisitions or improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each acquisition or improvement, and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each acquisition or improvement and the period of usefulness of each are as follows:

| Purpose   | Appropriation<br>and<br>Estimated Cost | Estimated<br>Maximum Amount<br>of<br>Bonds or Notes | Period<br>of<br>Usefulness |
|---|--|---|----------------------------|
| a.) Acquisition by purchase of manhole inserts including all attachments and appurtenances applicable thereto.  | \$10,000                               | \$10,000  | 15 years                   |
| b.) Replacements, improvements and renovations to various pump stations, mains, and other system components and all other necessary or desirable structures appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in |  |   |                            |

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**Ordinance No. 8 (Continued)**

|   |                  |                  |                 |
|---|------------------|------------------|-----------------|
| the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration. | <u>\$490,000</u> | <u>\$490,000</u> | <u>40 years</u> |
|---|------------------|------------------|-----------------|

|       |                  |                  |                    |
|-------|------------------|------------------|--------------------|
| TOTAL | <u>\$500,000</u> | <u>\$500,000</u> | <u>39.50 Years</u> |
|-------|------------------|------------------|--------------------|

**SECTION 4. Issuance of Notes**

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any capacities described in this section.

**SECTION 5. Capital Budget**

The applicable capital budget of the City is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

**SECTION 6. Additional Matters**

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 39.50 years.

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**Ordinance No. 8 (Continued)**

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an executed copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$500,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

**SECTION 7. Ratification of Prior Actions**

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this ordinance and shall be deemed to have been taken pursuant to this ordinance.

**SECTION 8. Application of Grants**

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**SECTION 9. Full Faith and Credit**

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

**SECTION 10. Official Intent to Reimburse Expenditures**

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or

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Ordinance No. 8 (Continued)**

notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

**SECTION 11. Inconsistencies**

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**SECTION 12. Effective Date**

This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**FIRST READING: May 26, 2016**

**PUBLICATION: May 31, 2016**

**FINAL READING: June 9, 2016**

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**Resolution No. 103**

M/S – Dill/McGuigan

Adopted by a unanimous vote of those present.

**No. 103 of 2016**

**Subject: Hiring Telecommunicator**  
**Introduced By: Council President Tapp, Councilmen McGuigan and D’Adamo**

**WHEREAS**, there exists a need to hire a full time Public Safety Telecommunicator; and,

**WHEREAS**, Mayor John L. Glasser, Jr. and Police Chief Michael Boyd have recommended that part time Public Safety Telecommunicator Suzanne Redding be appointed to said full time position; and,

**WHEREAS**, Suzanne Redding has worked for the City of Somers Point in that position on a part time basis for over two years; and

**WHEREAS**, Suzanne Redding is a certified Telecommunicator; and,

**WHEREAS**, the Chief of Police has recommended that Suzanne Redding start her full time employment and be paid in accordance with the level in Salary Schedule-D, For Dispatchers Hired On or After July 1, 2012, After completion of 1<sup>st</sup> year (\$32,175.00) in the contract between the City of Somers Point and PBA Local#77.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that Suzanne Redding be and is hereby appointed to the position of full time Public Safety Telecommunicator, effective June 1, 2016.

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**Resolution No. 103 (Continued)**

**BE IT FURTHER RESOLVED** that the City Council of the City of Somers Point hereby concurs with the salary recommendation of the Police Chief and approves the salary of Suzanne Redding as indicated herein.

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**Resolution No. 104**

M/S – Toto/Dill

Adopted by a unanimous vote of those present.

No. 104 of 2016

**Subject: Full time hiring of Amanda Forshaw**  
**Introduced By: Council President Tapp, Councilmen McGuigan and D'Adamo**

**WHEREAS**, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Policies and Procedures; and

**WHEREAS**, Amanda Forshaw has performed the duties of Clerk 1 in the Police Department on a part time basis beginning in January, 2015; and

**WHEREAS**, the Police Chief has recommended that Amanda Forshaw be hired on a full time basis; and

**WHEREAS**, funds for this full time hiring are available within the Police Department operations budget.

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

- 1.) The hiring of Amanda Forshaw to the full time position of Clerk 1, New Jersey Civil Service Local Government Job Specification 01245, within the Police Department is hereby approved effective June 1, 2016.
- 2.) Effective June 1, 2016 the salary of Amanda Forshaw will be in accordance with the designation of Clerk/Typist Year 1, White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

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**Resolution No. 105**

M/S – Dill/Toto

Adopted by a unanimous vote of those present.

No. 105 of 2016

**Subject: Appointing an Engineering Firm for Engineering and Permitting Services in Connection with the Beneficial Reuse of Dredged Materials for a Berm Construction Project**  
**Introduced By: Councilman Dill**

**WHEREAS**, the City of Somers Point has identified a need for an engineering and consulting firm to provide professional engineering and permitting services in connection with the Beneficial Reuse of Dredged Materials for a Berm Construction project; and

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**Resolution No. 105 (Continued)**

**WHEREAS**, as a result of a posting of Requests for Proposals for these services, one proposal was received on May 26, 2016; and

**WHEREAS**, the Steering Committee has recommended that the contract for this work be awarded to Michael Baker International, Inc.; 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. Pending the determination of the feasibility of this project, Michael Baker International, Inc. of Hamilton, New Jersey is hereby appointed to provide the engineering and permitting services in connection with the Beneficial Reuse of Dredged Materials for a Berm Construction project.
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 Michael Baker International, Inc. for a cost not to exceed \$100,000.00 to undertake and perform such services as herein described and as described in the City's Request for Proposals. The Request for Proposals, response, 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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**Resolution No. 106**

M/S – Toto/Dill

Adopted by a unanimous vote of those present.

**No. 106 of 2016**

**Subject: Chapter 159 Resolution**  
**Introduced By: Council President Tapp**

**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 \$5,000.00 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 \$5,000.00 which item is now available as a revenue from:

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**Resolution No. 106 (Continued)**

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:

NJ Division of Highway Traffic Safety

Click It or Ticket 2016 Mobilization \$5,000.00

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$5,000.00 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:

NJ DHTS Click It or Ticket 2016 Mobilization \$5,000.00

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

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**Resolution No. 107**

M/S – D’Adamo/Toto

Adopted by a unanimous vote of those present.

**No. 107 of 2016**

**Subject: Chapter 159 Resolution**  
**Introduced By: Council President Tapp**

**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 \$10,000.00 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 \$10,000.00 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:

NJ Division of Highway Traffic Safety

FY 2016 Safe Roads Grant \$10,000.00

pursuant to the provision of Statute; and

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Resolution No. 107 (Continued)

**BE IT FURTHER RESOLVED** that a like sum of \$10,000.00 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:  
            FY 2016 Safe Roads Grant \$10,000.00

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

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**Resolution No. 108**

M/S – Toto/Dill

Adopted by a unanimous vote of those present.

**No. 108 of 2016**

**Subject: Chapter 159 Resolution**  
**Introduced By: Council President Tapp**

**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 \$15,000.00 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 \$15,000.00 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 BWC Assistance Program  
        OAG Body Worn Camera Grant \$15,000.00

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$15,000.00 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:  
            OAG Body Worn Camera Grant \$15,000.00

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**Resolution No. 108 (Continued)**

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

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**Resolution No. 109**

M/S – Dill/Toto

Adopted by a unanimous vote of those present.

**No. 109 of 2016**

**Subject: Chapter 159 Resolution**  
**Introduced By: Council President Tapp**

**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 \$196,000 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 \$196,000 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:

NJDOT Fiscal Year 2016 Municipal Aid Program

for the Reconstruction of Dawes Avenue

\$196,000.00

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$196,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

( C ) Capital Improvements - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

NJDOT Fiscal Year 2016 Municipal Aid Program

for the Reconstruction of Dawes Avenue

\$196,000.00

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

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**Resolution No. 110**

M/S – Toto/Dill

Adopted by a unanimous vote of those present.

**No. 110 of 2016**

**Subject: Chapter 159 Resolution**  
**Introduced By: Council President Tapp**

**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 \$32,500.17 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 \$32,500.17 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:  
FY2016 Clean Communities Grant \$32,500.17

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$32,500.17 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:  
Clean Communities \$32,500.17

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

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**Resolution No. 111**

M/S – Dill/D'Adamo

Adopted by a unanimous vote of those present.

**CITY OF SOMERS POINT  
RESOLUTION NO. 111 of 2016  
AUTHORIZING EXECUTIVE SESSION**

**Introduced by: Council President Tapp**

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Resolution No. 111 (Continued)**

**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, and 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 there is one (1) topic which requires the advice and counsel of the City Solicitor / Special COAH Counsel and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on May 26, 2016 during a public meeting to be held commencing at 7:00 P.M, and

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

|          |  |
|----------|--|
| <b>1</b> | <b>“(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.”</b> |
|----------|--|

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

**Advice of Counsel and attorney client communication In the Matter of the Application of the City of Somers Point, Docket No. L-1538-15, negotiations, and the status of the declaratory judgment proceedings as affecting Somers Point.**

**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)

| <b>Subject of Discussion</b> | <b>Estimated Date</b>       | <b>Necessary Occurrence</b>  |
|------------------------------|-----------------------------|--|
| <b>See Exception 7</b>       | <b>Unknown at this time</b> | <b>Approval by City Council Action / Hearing / Court Order / Ordinance(s).</b> |

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**Resolution No. 113**  
M/S – D’Adamo/Smith  
Adopted by a unanimous vote of those present.

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Resolution No. 113 (Continued)**

**No. 113 of 2016**

**A Resolution Supporting Passage of Senate Bill S-2254 sponsored by Senators Linda R. Greenstein and Christopher Bateman, as Primary Sponsors and Senators Thomas H. Kean, Jr. and Steven V. Oroho, as Co-Sponsors and Assembly Bill A-3821 Sponsored by Assemblymen Wayne P. DeAngelo and Daniel R. Benson, as Primary Sponsors which Clarifies the Legislative Intent of the Fair Housing Act.**

**Sponsored by: Mayor and Council**

**WHEREAS**, the Fair Housing Act clearly states that the State Constitution's affordable housing obligation is comprised of the present and prospective need for affordable housing and is not intended to include retrospective need that may have arisen during any "gap period" between cycles; and

**WHEREAS**, in order to clarify that legislative intent, bipartisan legislation has been introduced in the Senate (S-2254) and in the Assembly (A-3821) to eliminate any possible misconception or misunderstanding

Now, therefore, it is hereby **RESOLVED** that the Mayor and Council of the City of Somers Point in the County of Atlantic, State of New Jersey do wholeheartedly support S-2254 and A-3821; and

It is further **RESOLVED** that a copy of this Resolution of Support be sent to Governor Chris Christie, State Senators Linda R. Greenstein, Christopher Bateman, Thomas H. Kean, Jr., Steven V. Oroho, and James Whelan, State Assemblymen Wayne P. DeAngelo, Daniel R. Benson, Chris Brown, and Vincent Mazzeo, the Offices of the Senate President and the Speaker of the Assembly, and the New Jersey League of Municipalities.

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**Consent Agenda**

There were no items on the consent agenda.

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**New Business**

Application for membership in the NJ State Firemen's Association for Nicholas Maggio was approved unanimously.

**Old Business**

There was no old business.

**Discussion of Bills**

A bill list in the amount of \$1,461,153.83 was presented for discussion.

**Public Portion**

Patricia Pierson, 587 Marks Road, came forward and addressed the governing body with regard to beautifying the intersection (formerly the circle) at Rt. 52 and Shore Road. Council advised that they are aware and have been working on ideas, noting that one area has already been improved by the Green Thumb Garden Club.

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Public portion was then closed.

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**Payment of Bills**

M/S – McGuigan/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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**Recess**

Council recessed for a short break at 7:35 p.m. prior to their Executive session.

**Adjournment**

Council reconvened in open session at 7:49 p.m.

Attorney Franklin referred to the request which had been made by the owner of the Somers Point Apartments for consideration of a twenty year payment in lieu of real property taxes (PILOT) for that property, the analysis which had been prepared by City Administrator Swain which showed the payments of the Annual Service Charge, annual administrative fees and other amounts proposed to be paid to the City under the requested PILOT, and the tax burden which would have to be undertaken by the remaining taxpayers of the City in order to satisfy the shortfall to pay the County, Regional, and Local School District tax levies.

Based upon that analysis it was unanimously agreed that given the extent of the short fall and the inability of the owner to increase the annual payments to significantly reduce or eliminate that shortfall, all discussions and negotiations should be terminated and the attorney for the owner be so informed.

There being no further business to come before Council the meeting was adjourned at 7:50 p.m.

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Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 7/28/2016