

REGULAR MEETING MAYOR AND CITY COUNCIL May 24, 2018

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag. Roll call was recorded as follows:

Present: Dill, Gerety, Toto, Meischker, D'Adamo, Tapp, McGuigan

Also Present: Mayor Glasser, Assistant Administrator Frost, Deputy Clerk Heath, and City Solicitor, Lafferty

Absent: Toto

Open Public Meetings Act:

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

Communications:

None

Mayors Report:

Mayor Glasser commended everyone regarding the clean-up at Patcong Creek especially the Patcong Creek Foundation. Tomorrow Atlantic County will hold a Memorial Day service at the Estell Manor Cemetery at 2:00 p.m. Mayor Glasser encourage everyone to participate in the Memorial Day parade on Monday, May 28th at 11:00 a.m. beginning at Dawes Avenue School and ending at the Veterans Memorial Park where a service will be held. Mayor Glasser was notified that the Somers Point 8th Grade graduation is scheduled for Monday, June, 1st at 6:00 p.m.

City Administrators Report:

None

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Solicitors Comments:

None

Committee Reports:

None

Approval of Minutes:

M/S – Gerety/Dill

The Regular Minutes of 5/10/2018, Executive Session of 5/10/2018 as to content only.

Ordinances:

Ordinance 4 of 2018: *Second Reading/Public Hearing/ Adoption*

M/S –Meischker/Dill

The meeting was duly opened. After hearing from the public, it was closed.

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

Public Comments:

John Griffith of 919 Bay Avenue expressed his concerns regarding what items are planned to be purchased. Council President McGuigan stated the items that plan to be purchased and explained to Mr. Griffith how the handicap curbs are reconstructed during reconstruction of the road. City Councilman Dill stated that he would inspect the area in question.

Gary Gray of 28 Somers Avenue expressed his concern regarding the reconstruction of the Historical Society parking lot and handicap access. Councilman Gerety indicated that there will be a handicap parking space. Mr. Gray expressed his concern regarding large cracks in the recently paved roads. Councilman Dill stated that he would inspect the roads and take action to address the issue. Council President McGuigan mentioned that the bond will address the demolition of a dilapidated house located at 927 Bay Avenue.

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Patty Cianci residing on Higbee Avenue expressed her concern regarding the process of demolishing a home. City Solicitor Lafferty and City Council discussed the process of the tax lien.

Michael Bailey residing on Bay Avenue expressed his concern regarding the schedule of the demolition of the home at 927 Bay Avenue. The Governing Body explained the budget and legal process to him. Additionally, Mr. Bailey expressed his concern regarding another dilapidated house in the area.

John Griffith of 919 Bay Avenue is concerned that the demolition of 927 Bay Avenue will damage historical homes. Council President McGuigan stated that the contractor will have specific specifications and the contractor will be required to provide insurance bonds. Additionally, he is concerned about traffic and erosion during the demolition. Council President McGuigan mentioned that the Governing Body realizes the area is sensitive and those concerns will be addressed.

NO. 4 of 2018

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$2,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$2,137,500 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

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 \$2,250,000 including the sum of \$112,500 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

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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 \$2,137,500 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 and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Fire Department public safety equipment including turnout gear, fire hose and nozzles, and all attachments and appurtenances applicable thereto.	\$26,000	\$24,700	5 years
b.) Acquisition by purchase of a trash truck and including all attachments and appurtenances applicable thereto.	\$202,000	\$191,900	5 years
c.) Acquisition by purchase of (2) sport utility vehicles for Police Department public safety use together with all appurtenances and attachments necessary therefore and incidental thereto.	\$60,000	\$57,000	5 years
d.) Acquisition by purchase of a sport utility vehicle for Fire Department public safety use together with all appurtenances			

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and attachments necessary	\$44,000	\$41,800	5 years
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therefore and incidental thereto.

e.) Improvements to municipal facilities including paving of the Historical Museum parking lot, 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.

\$20,000

\$19,000

15 years

f.) Construction of Marina on the bay at Higbee Avenue, 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.

\$650,000

\$617,500

40 years

g.) Construction of an embankment on Mays Landing Road, including all required dredging of back bay area, 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,

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planning, architectural, engineering, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.	\$220,000	\$209,000	15 years
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h.) Acquisition by purchase of computer tablets for the City Clerk offices and including all attachments and appurtenances applicable thereto.	\$6,000	\$5,700	5 years
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i.) Improvements to various recreational facilities in the City including: Fehrle Field infield resurfacing and wells; Kern Field snack stand renovations; Playground shade structures; Senior Center workout stations; together with all materials and work necessary therefore and incidental thereto.	\$56,500	\$53,675	15 years
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j.) Acquisition by purchase of Police Department public safety equipment including license plate readers and cameras, and all attachments and appurtenances applicable thereto.	\$25,000	\$23,750	7 years
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k.) Acquisition by purchase of Construction Department code violation computer system, and all attachments and appurtenances applicable thereto.	\$15,000	\$14,250	7 years
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l.) 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

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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, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$925,500

\$879,225

10 years

TOTAL

\$2,250,000

\$2,137,500

18.52 Years

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.

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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 18.52 years.
- (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 \$2,137,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$337,500 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.

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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:

- (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.

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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.

Ordinance 5 of 2018: *Second Reading/Public Hearing/Adoption*

M/S – Dill/D’Adamo

The meeting was duly opened. Hearing nothing from the public, it was closed.

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

ORDINANCE NO. 5 OF 2018

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 \$810,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$810,000
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 \$810,000. 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 \$810,000 pursuant to the Local Bond Law. In

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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 and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
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 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>\$810,000</u>	<u>\$810,000</u>	<u>40 years</u>
TOTAL	<u>\$810,000</u>	<u>\$810,000</u>	<u>40 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

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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 40 years.

(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 \$810,000, 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 \$121,500 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.

(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

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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 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.

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Resolutions:

Public Portion on Resolutions:

The Public Portion was duly opened. Hearing nothing from the public, it was duly closed.

Resolution No. 107 of 2018

M/S-Gerety/Dill

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

No. 107 of 2018

Subject: Chapter 159 Resolution – FY 2018 Safe Streets to Transit Program

Introduced By: Councilmen President McGuigan, Councilmen Gerety, and Dill

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 in the amount of \$200,000.00 and wishes to amend its 2018 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 2018 in the sum of \$200,000.00 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:

NJDOT FY 2018 Safe Streets to Transit Program -

Route 9 Pedestrian Improvements	\$200,000.00
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pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$200,000.00 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:

NJDOT FY 2018 Safe Streets to Transit Program –

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Route 9 Pedestrian Improvements

\$200,000.00

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

Resolution No. 108 of 2018

M/S-D'Adamo/Tapp

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

No. 108 of 2018

Subject: Liquor License Renewal

Introduced by: Council President McGuigan

WHEREAS, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed through June 30, 2019:

0121-33-015-007	GMH Restaurant Enterprises, LLC
0121-31-022-001	Roberts Johnson Post 2189 VFW
0121-33-013-003	Joes Circle Café INC
0121-33-007-004	Crab Trap LTD

Resolution No. 109 of 2018

Council President Pro Tempore Tapp presided over this resolution.

M/S-D'Adamo/Gerety with Council President McGuigan and Councilman Dill recusing themselves.

The resolution was adopted by a unanimous roll call vote of those present.

No. 109 of 2018

Subject: Authorizing Agreement with Anthony Disciascio

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Introduced By: Councilmen Tapp, Toto and Meischker

WHEREAS, after long and dedicated service to the City of Somers Point, Lieutenant Anthony Disciascio intends to retire from the Somers Point Police Department effective June 30, 2018; and

WHEREAS, upon retirement Anthony Disciascio is entitled to certain payments and benefits in accordance with the agreement effective January 1, 2012 between the City of Somers Point and Mainland PBA Local 77 Somers Point Police Superior Officers and which may be modified by an agreement currently being negotiated which will have an effective date of January 1, 2017; and

WHEREAS, the City of Somers Point has determined that Anthony Disciascio will have an approximate accumulated, reimbursable total of 95.5 days of unused sick leave, .4 days of unused holidays and 8.5 days of unused vacation days as of June 30, 2018; and

WHEREAS, Lieutenant Disciascio's last regular day of work will be June 29, 2018 and he shall receive his last regular pay on June 22, 2018; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Mainland PBA Local #77 the City agrees to provide health benefits to Anthony Disciascio for one year following his retirement.

NOW, THEREFORE, the City of Somers Point hereby authorizes the City Administrator to enter into an agreement with Anthony Disciascio which memorializes all rights and entitlements of the employment agreement, in a form which will be substantially similar to the agreement attached hereto, and which will be approved by the City Solicitor and made a part of this Resolution upon execution by all parties.

Resolution No. 110 of 2018

M/S-D'Adamo/Tapp

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

No. 110 of 2017

Subject: A Resolution Implementing the Tax Exempt Status of Block 1114, Lots 3, 4.01, 4.02, 4.03 and 4.04 More Commonly Identified as 555 Shore Road, Somers Point, New Jersey

Introduced by: Council President McGuigan

WHEREAS, the City of Somers Point ("City") entered into an Agreement with Bayview

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Court Urban Renewal LLC (“Redeveloper”) entitled Long Term Tax Exemption & Capital Contribution Agreement on May 3, 2016, regarding Block 1114, Lots 3, 4.01, 4.02, 4.03 and 4.04 more commonly identified as 555 Shore Road, Somers Point, New Jersey (“Property”); and

WHEREAS, the City and Redeveloper subsequently entered into an Amendment #1 to said Agreement on December 20, 2017 (hereinafter collectively referred to as “Agreement”); and

WHEREAS, the Agreement provided that, when thirty-five (35) residential units had been renovated the Annual Service Charge was to commence from the first day of the month following completion of same; and

WHEREAS, the Redeveloper did, in fact, complete the required renovations prior to December 1, 2017, however, there was an unforeseen delay in the execution of Amendment #1; and

WHEREAS, the intent of the City and Redeveloper was that the Property be deemed tax exempt, and subject to the provisions of the Agreement, as of December 1, 2017; and

WHEREAS, it was only as a result of an oversight that the property was not so designated as of that date; and

WHEREAS, the City and Redeveloper jointly desire to correct that oversight and the Redeveloper has further agreed to waive any claim for repayment or credit of any taxes that may have been paid in 2017 to the City.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that the property know as Block 1114, Lots 3, 4.01, 4.02, 4.03 and 4.04, more commonly identified as 555 Shore Road, Somers Point, New Jersey, shall be and is hereby declared to be tax exempt as of December 1, 2017, and subject to the terms and conditions of the Long Term Tax Exemption & Capital Contribution Agreement, and amendments thereto, entered into between the City and the Redeveloper; and

BE IT FURTHER RESOLVED that the Tax Assessor of the City of Somers Point is to so note the records of that office; and

BE IT FURTHER RESOLVED that any and all tax revenues collected by the City related to the subject property in 2017 shall remain the property of the City with there being no future credit related thereto.

Resolution No. 111 of 2018

M/S- Meischker/Tapp

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

No. 111 of 2018

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving
Potential Contract Negotiations Related to Potential Hiring of Class 3 Police Officer to
be Stationed at Charter Tech School

Introduced by: Council President McGuigan

REGULAR MEETING MAYOR AND CITY COUNCIL May 24, 2018

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 one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on May 24, 2018, 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.

1

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”

The specific topic to be discussed is the potential hiring of a Class 3 Police Officer to be assigned to the Charter-Tech School in Somers Point.

WHEREAS, the length of the Executive Session is estimated to be approximately 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).

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Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Cannot be determined at this time.	City Council Approval by Resolution

Resolution No. 112 of 2018

M/S-Gerety/D'Adamo

The resolution was adopted by a unanimous vote of those present.
Councilman Tapp welcomed Brian Fitzherbert to the Commission.

No. 112 of 2018

**Resolution Appointing Member to the Economic Development
Advisory Commission**

Introduced by: Councilman Dennis Tapp and Councilman Ron Meischker

WHEREAS, Ordinance No. 1 of 2006 authorized the establishment of an Economic Development Advisory Commission; and

WHEREAS, Ordinances No. 31 of 2007 and Ordinance 5 of 2014 amended said Ordinance; and

WHEREAS, Somers Point City Council ratified in Chapter 20-3 of the City Code that the Economic Development Advisory Commission shall consist of not less than nine nor more than 12 regular members, all appointed by City Council, and all members shall have a term of office of three calendar years, or such lesser period of time as may be caused by the date of appointment, with terms expiring at 11:59 p.m., December 31 of each calendar year. Appointments shall be staggered such that not less than three appointments expire each year, and each year at least three members are to be appointed to full three-year terms.

WHEREAS, City Council wishes to appoint Brian Fitzherbert with a term expiring December 31, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Advisory Commission consists of the following members:

<u>Regular Members</u>	<u>Expiration of Term</u>
Mary Jane Bolden	December 31, 2018
Glenn Monroe	December 31, 2020
Greg Sykora	December 31, 2020
Mario Suarez	December 31, 2020
Brenda Klock	December 31, 2019
Sue Seckinger	December 31, 2019
Ron Ralston	December 31, 2019
Levi Fox	December 31, 2019
Anthony Guldin	December 31, 2018

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Brian Fitzherbert

December 31, 2020

Advisory ExOfficio Member(s)

Expiration of Term

Jann E. Mevoli

December 31, 2018

Vacant

December 31, 2018

Resolution No. 113 of 2018

M/S-Dill/Gerety

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

Councilman D'Adamo questioned how the dollar amount get billed in relation to Exhibit A.

Attorney Lafferty explained Lisa King, CTC, Tax Collector, calculated the figures.

No. 113 of 2018

Subject: A Resolution Authorizing Tax Counsel to Settle the Pending Tax Appeals of Alexander Kazmarck Regarding Block 2018, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.08 and 2.02 Also Known as 90 Broadway in the City of Somers Point

Introduced by: Council President McGuigan

WHEREAS, Alexander Kazmarck is the owner of certain lands known as Block 2018 Lot 1.01 (and more commonly known as 90 Broadway) in the City of Somers Point; and

WHEREAS, Alexander Kazmarck has previously filed appeals with the Tax Court of New Jersey for the years 2015, 2016 and 2017 under Docket Nos. 010984-2015, 012531-2016 and 012247-2017; and

WHEREAS, the City and Alexander Kazmarck have reached a settlement regarding each of these matters; and

WHEREAS, Tax Counsel for the City, Thomas G. Smith, Esquire, has advised that it is in the best interests of the City to approve and ratify said settlement; and

WHEREAS, City Council has reviewed the terms of the proposed settlement with Tax Counsel and has considered same as well as knowing the uncertainty which accompanies any litigation; and

WHEREAS, City Council has concluded that the proposed settlement is in the best interests of the City and its citizens.

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that the proposed settlement providing for a refund to the taxpayer of NINETY THOUSAND (\$90,000) DOLLARS, as intended to be set forth within the proposed Stipulation of Settlement annexed hereto as “Exhibit A”, regarding Block 2018, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.08 and 2.02 shall be and is hereby approved; and

BE IT FURTHER RESOLVED that Tax Counsel for the City of Somers Point is hereby expressly authorized to enter into said settlement, to so execute the Stipulation of Settlement and have the same filed with the Tax Court of New Jersey; and

BE IT FURTHER RESOLVED that the City of Somers Point does hereby agree to an extension of the time limit restricting the reverter rights of the City of Somers Point regarding

said property for an additional period of FIVE (5) years from the date of its most recent effective date of May 21, 2016 to May 21, 2021; and

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized to execute and deliver a modified Quit Claim Deed on behalf of the City to Alexander W. Kazmarck extending the effective date of the reverter clause to May 21, 2021; and

BE IT FURTHER RESOLVED that all costs related to the preparation of the modified Quit Claim Deed and all other related costs are to be borne by Alexander Kazmarck; and

BE IT FURTHER RESOLVED that all other terms and conditions of the Quit Claim Deed dated May 22, 2006 shall remain the same.

Consent Agenda:

None

Old Business:

None

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New Business:

The Governing Body duly approved the Trunk or Treat to be held 10/12/18 from 6-8 p.m. in the City Hall parking lot. Councilman Gerety opined it was the most successful start up event ever seen in City.

The Governing Body duly approved the application for bike race for National Multiple Sclerosis Society on September 29 – 30, 2018. Councilman Meischker questioned the route. They will not stop in Somers Point.

Discussion of Bills:

Assistant City Administrator Frost reported a bill list dated 5/22/18 in the amount of \$ 199,963.10 along with a record of payment of \$ \$ 1,668,691.25 dated 5/22/18.

Public Portion

The Public Portion was duly opened. After hearing from the public, it was closed.

Patty Cianci residing on Higbee Avenue requested an explanation of the matrix chart regarding proposed lot coverage and building coverage changes. Councilman Gerety explained lot coverage (pervious) is your building; impervious coverage is the driveways, sidewalks (anything that rain will not go through). Council President McGuigan will invite the Planning Board Engineer at the next meeting to explain the proposal to the public.

John Griffith of 919 Bay Avenue expressed his concern regarding permit parking in front of his home. Council President McGuigan referred his request to the Parking and Traffic Subcommittee. Councilman Gerety suggested that Mr. Griffith seek the consensus of his neighbors.

Mary Fondi residing at 28 Delaware Avenue expressed her concern regarding over development that may impede the beautiful view of the water.

Gary Gray residing on Somers Avenue is concerned about the fragile bay front and doesn't think it should be taken away from boards. He also added that he is not fan of shell parking lots.

Payment of Bills

M/S – Tapp/Gerety

The bill list was 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:

City Council recessed at 8:05 p.m. prior to going into Executive Session.

Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:37 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lucy R. Samuelson", written in a cursive style.

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 6/14/18