

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
June 28, 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:** Toto, Dill, Gerety, Meischker, D’Adamo, Tapp, McGuigan

**Also Present:** Mayor Glasser, Deputy Administrator Frost, Clerk Samuelsen and City Solicitor Lafferty

**Absent:** None

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**Moment of Silence:** Mayor Glasser, Council President McGuigan, City Council and the public remained standing after the flag salute to observe the passing of Lee Crossman.

**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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Dr. Michelle Carney Rey Yoder introduced herself as the new Superintendent of the Somers Point School District. She is delighted to be here and looks forward to working with the Governing Body. Council President McGuigan welcomed her to Somers Point and encouraged her to contact them if she needs any assistance. The Governing Body wished her luck and thanked her for coming to the meeting to introduce herself.

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The Governing Body duly concurred to waive the 48- hour rule for consideration of **Resolution Numbers 122, 123, Ordinance Number 9** and Bay Avenue road closure request. Councilman Meischker opposed.

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The meeting was duly opened, and hearing nothing from the public duly closed.

**Resolution No. 120 of 2018**

M/S- Gerety/Dill

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

Councilman Gerety extended his congratulations to her. Councilman Toto thanked her for everything. Councilman Dill thanked her for her service on the Recreation Commission and the

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organization of the football league. He added that she is a credit to her family and community and extended his appreciation. Mayor Glasser complimented her work on the Recreation Commission and thanked her for bringing the powder puff football league to Somers Point. Councilman Tapp stated that her dedications keep us in good light and her involvement has made such a difference that volunteers should emulate you. Councilman D'Adamo extended his appreciation for all her years of service. Councilman Meischker mentioned the scholarship program of the football league and her dedication stating that no one is more deserving than her. Council President McGuigan thanked and congratulated on all her efforts that have benefited the community in many ways. Mayor Glasser and Councilman Meischker proudly presented Barbie with the resolution, which ended with a round of applause and a standing ovation.

**No. 120 of 2018  
Subject: Somers Point's Recreation Volunteer of the Year – 2017  
Ms. Barbie Carney**

**WHEREAS**, the City of Somers Point and the Somers Point Recreation Commission wish to recognize the efforts of Barbie Carney for her never- ending willingness to serve the Community of Somers Point; and

**WHEREAS**, Barbie Carney is a long-time citizen of the City of Somers Point; and

**WHEREAS**, Barbie founded The Jersey Shore Powder Puff League (JSPPL) an all-female flag football league; and

**WHEREAS**, the league has provided an opportunity for physical activity for many as well as creating many new friendships forged during the battles on the football field. It also has driven commerce to the city with many after game celebrations being held at local businesses as well as helping our youth football team, The Somers Point Sharks, raise funds by operating the concession stand during the games; and

**WHEREAS**, Barbie has put her heart and soul into every aspect of creating and administrating the league to ensure success; and

**WHEREAS**, Barbie has previously served on the Recreation Commission for many years; and

**WHEREAS**, Barbie has given unselfishly of her time and energy in a manner that reflects favorably on all Somers Point volunteers.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor, City Council and the Somers Point Recreation Commission name Barbie Carney as the recipient of the 2017 Recreation Volunteer of the Year Award.

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**BE IT FURTHER RESOLVED**, that The City Council conveys their gratitude to Barbie and their best wishes to her and continued success in the future.

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**Communications:**

None

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**Mayors Report:**

Mayor Glasser reported a huge crowd participated at the Assault of Patcong Creek with good music and a great time. He graciously thanked everyone involved with the event. Mayor Glasser extended his appreciation to Councilman Meischker along with the members of the foundation. He also thanked everyone involved with the Art in the Park program, which was a successful event.

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**City Administrators Report:**

None

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**Solicitors Comments:**

None

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**Committee Reports:**

None

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**Approval of Minutes:**

M/S – Gerety/Toto

The Regular City Council Meeting minutes of 6/14/2018 were approved by unanimous vote of those present.

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**Ordinances:**

**Ordinance 6 of 2018:**

*Second Reading/Public Hearing/Adoption*

The meeting was duly opened and hearing nothing from the public, this portion was duly closed.

M/S – Gerety/Toto

The ordinance was adopted by a majority roll call vote of those present with Council President McGuigan voting no.

Councilmen Meischker motioned to table this ordinance since there is legislation pending. Point of Order by Councilman D’Adamo questioning Randy Lafferty, Esq., if the City would need to re-advertise. If the City holds the Public Hearing, then it would not need to be re-advertised. Councilman D’Adamo withdrew his motion.

Carol Jones from Tuckahoe, who is a proponent of the ordinance, mentioned that many other towns have approved similar rules and regulations. She is a proponent of the ordinance.

Fred Acres of Egg Harbor River Council appreciates the Governing Body addressing the issue. To control a pollutant issue, it is best to control the source. He is a proponent of the proposed ordinance.

Council President McGuigan opined that the below noted ordinance does not address the issue completely and may be in favor of outlawing the bags altogether. He opines that it is a tax and not helping the cause.

Lisa Bender residing at 1304 Atkins Avenue and Chair of Green Team and member of the Patcong Creek Foundation realizes it may not be a perfect solution, but it is a start. The proposed ordinance will change the attitude of using reusable bags, and it will come with an education component.

Mr. Bill residing at 247 Marshall Road of Tuckahoe expressed his concern using plastic bags and is a proponent of the proposed ordinance.

Gina Lacoste of 110 West Ocean Avenue, suggested to put the responsibility on the business.

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Steve Gezecky of Margate is in favor of bag ordinances. He mentioned that he doesn't want to hurt any merchants but wants to change the behavior.

Randy Lafferty, Esq., reported that there is a curve out that if any municipality that passes the law, it will stand. However, if it includes a fee will be preempted.

Councilman Gerety realizes that there are flaws in the ordinance but believes it will raise the awareness and will help keep the bags out of the environment.

Councilman Toto would like to see a complete ban and opposes the fee.

Councilman Gerety called for a vote, seconded by Councilman Meischker.

Council President McGuigan requested any additional comments.

Councilman Tapp motioned to table the ordinance and Council President McGuigan seconded to table it due to the pending State legislation; however, it was defeated by roll call vote. Yes: Tapp, McGuigan and Toto. No: Gerety, Dill, D'Adamo and Meischker.

Councilman Dill is in favor of ordinance, but not in favor of the State legislation.

Councilman D'Adamo supports the ordinance.

Councilman Meischker opines that the data shows that 5 cents will make a difference and is a proponent of the proposed ordinance.

Mayor Glasser stated that we had some great discussion regarding the proposed ordinance. He commended City Council and the public for their passion for the environment.

**Ordinance No. 6 of 2018**

**An Ordinance Regulating Single-Use Bags and Establishing a Carryout Bag  
Fee for the City of Somers Point and Repealing all Ordinances Heretofore  
Adopted the Provisions of Which are Inconsistent Herewith**

**WHEREAS**, the City of Somers Point ("City") has the authority to enact laws which promote the public health, safety and general welfare of its residents; and

**WHEREAS**, the City is required under State and Federal law to implement policies and programs to protect unique coastal resources and environmentally sensitive habitat areas, reduce the amount of waste produced by the community and prevent storm water runoff, trash, and debris from polluting bay and ocean waters; and

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**WHEREAS**, the City of Somers Point is bordered by the Great Egg Harbor Bay to the south and east and the Patcong Creek on the west.

**WHEREAS**, the Somers Point community is attractive to residents, businesses, and visitors due to a local economy and quality of life that is centered on a clean and healthy environment, including but not limited to beaches, parks, public open spaces, bays, estuary, tidelands, and the ocean; and

**WHEREAS**, most single-use paper and plastic bags are not recycled and so they end up in the waste stream or as litter in the environment.

**WHEREAS**, data has been gathered by the Somers Point Environmental Commission and other environmental organizations, which documentation has been made available, demonstrate the prevalence of single-use bags in the local environment, including in the bay, ocean and on beaches, and that many single-use bags are disposed of in the trash and sent to landfills. These single use bags negatively impact the local environment, create clean-up costs for the City, are costly to dispose of and take up limited landfill space. Often the single-use bags end up on our beaches and dunes and in our fragile waterways. Clean Ocean Action’s annual beach sweep data reports are used to study debris trends over time and have found plastic shopping bags consistently rank in the “dirty dozen” for the top twelve (12) litter items picked up during the bi-annual beach sweeps. In 2014, 2,340 plastic shopping bags were collected along the shore and in waterways of New Jersey during Ocean Conservancy’s International Coastal Cleanup.

**WHEREAS**, reusable bags are an available alternative to single-use bags; and

**WHEREAS**, in order to protect public health and safety and maintain and improve the quality of life and the environment of Somers Point, it is in the City’s interest to establish programs and services that: minimize the amount of single-use plastic and paper material that is manufactured and transported for use in Somers Point and then are handled, processed and disposed of in the City of Somers Point; minimize trash pollution in riparian, estuarine, ocean and other sensitive habitat areas; minimize litter on public and private property: including but not limited to streets, beaches, parks, sidewalks, storm drains and recycling facilities; and reduce the amount of material in the Somers Point waste stream.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Somers Point County of Atlantic, and State of New Jersey as follows:

**SECTION 1.           Short title.**

The title of this section shall be “Single-Use Plastic Bag Regulations”.

**SECTION 2.           Purpose.**

The purpose of these provisions is to promote:

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A. The protection of unique coastal resources found in Somers Point and identified for protection in the policies of the New Jersey Department of Environmental Protection- Coastal Management Program and the Federal Solid Waste Disposal Act, 42 U.S.C. 6901, et seq..

B. Compliance with Federal and State mandates for clean water including the National Pollutant Discharge Elimination System Permit Program set forth in the Clean Water Act, 33 U.S.C. 1251, et seq., and the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq..

C. A reduction in the amount of plastic and paper material that is manufactured, transported, handled/processed, and discarded, and the impacts associated with such activities.

D. A reduction in the amount of waste/debris throughout the City of Somers Point and its bordering waterways, and the amount of material going to landfills.

**SECTION 3.            Definitions.**

The following definitions shall govern the construction of this chapter:

A. "Carryout plastic bag" means a single-use or reusable plastic bag that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store.

B. "Covered store" means a general vendor, retail, or wholesale establishment engaged in the sale of personal, consumer, or household items including, but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, packaged goods sellers, or liquor stores, that provide carryout plastic bags to consumers in which to place items purchased or obtained at such establishment. Such term shall not include restaurants as defined in this section.

C. "Exempt bag" means reusable bags or any carryout bags that are a maximum of 11 inches by 17 inches, without handles provided for the customer to: (1) transport produce, bulk food, meat, or seafood from a produce, bulk food, meat, or seafood department within a store to the point of sale; or (2) hold prescription medication dispensed from a pharmacy.

D. "Point of sale" means the location in the commercial establishment where the purchase is made.

E. "Restaurant" means an establishment in which food and drink may be procured, provided that such food and drink is primarily consumed while seated at a table, counter or booth within the building.

F. "Reusable bag" means any bag with handles that is specifically designed and manufactured for multiple, long-term reuse and that is: (i) made of cloth or other machine or hand washable fabric, or (ii) made of other durable material, including plastic that is at least 2.25 mils thick.

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G. "Single-use plastic bag" means any bag made of plastic that is provided to customers at point of sale for carryout purchases by a commercial establishment. Single-use bags do not include reusable bags or any carryout bags that are a maximum of 11 inches by 17 inches, without handles

provided for the customer to: (1) transport produce, bulk food, meat, or seafood from a produce, bulk food, meat, or seafood department within a store to the point of sale; or (2) hold prescription medication dispensed from a pharmacy.

H. "Street vendor" means any person or business peddling, vending, selling, or displaying for sale on a seasonal or one-time basis any merchandise or food that is presented from a mobile setting including a vehicle, cart, tent, table, or stand. This includes all businesses at farmers markets, street festivals, and other events requiring group or special event permits as described in the Code of the City of Somers Point including, but not limited to Chapter 202.

**SECTION 4.            Carryout Bag Fee.**

A. Commencing six months from date of adoption of this Ordinance, covered stores shall charge a fee of not less than five cents (\$.05) for each carryout plastic bag provided to any person. No covered store shall be permitted to charge such fee for an exempt bag. All monies collected by a covered store under this chapter shall be retained by the store.

B. No covered store shall charge a carryout bag fee for bags of any kind provided by the customer in lieu of a carryout plastic bag provided by any such covered store.

C. No covered store shall prevent a person from using a bag of any kind that they have brought to any such covered store for purposes of carrying goods from such store.

**SECTION 5.            Exemptions.**

A. Any bag defined as an "exempt bag" as set forth in Section 3, Subsection C.

B. All covered stores that provide carryout plastic bags to customers shall provide carryout plastic bags free of charge for items purchased at such covered store by any person using the New Jersey Supplemental Nutritional Assistance Program, EBT, or New Jersey State Special Supplemental Nutrition Program for women, infants and children as full or partial payment.

C. This chapter shall not apply to (1) any restaurant or (2) street vendor.

**SECTION 6.            Outreach and Education.**

A. There will be a six (6) month education period before any fee is required to be charged by covered stores or any violation imposed.



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B.

B. The Somers Point Environmental Commission, Somers Point Green Team and any additional environmental organizations so designated by the Somers Point Environmental Commission shall establish an outreach and education program aimed at educating residents and covered store owners on reducing the use of single-use carryout bags and increasing the use of reusable carryout bags.

C. To the extent that it is practical, the Somers Point Environmental Commission and Somers Point Green Team shall seek the assistance of private entities and local not-for-profit organizations to provide and distribute reusable carryout bags to residents.

D. All covered stores shall post signs, as approved by the Somers Point Environmental Commission, in accordance with this Ordinance at or near points of sale located in such covered stores to notify customers of the provisions of this chapter.

**SECTION 7. Penalties and Enforcement.**

A. Violations of this ordinance shall be enforced as follows:

1. For the first violation, upon a determination by a local official designated within subsection 5, below, that a violation of this chapter has occurred, the City shall issue a written warning notice to the commercial establishment which will specify the violation and the appropriate penalties in the event of future violations.

2. Thereafter, any person or covered store violating or failing to comply with any of the requirements of this chapter shall be subject to a civil penalty of one hundred dollars. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.

3. It shall be a violation of this chapter for a covered store to fail to provide a receipt to a customer with an itemized charge for a carryout plastic bag fee.

4. The City may seek legal, injunctive, or other equitable relief to enforce this chapter. In such event, the City will be entitled to be reimbursed for costs and counsel fees incurred from the responsible covered store.

5. The primary official of the City of Somers Point responsible for enforcing this chapter is the Code Enforcement Official who should be notified by those citizens who believe that a violation of the terms of this chapter may exist. Officials responsible for enforcement of the terms and conditions of this chapter are entitled to exercise their discretion in determining the existence of any violation or in determining whether to seek any combination of fines and penalties provided for a violation of this chapter should be imposed or to use other means of enforcement, including persuasion or issuance of warnings. Nothing shall prevent a citizen, homeowner or other interested person from

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acting as a complaining witness in the Municipal Court of Somers Point or such other court having jurisdiction to enforce this chapter. Other officials of the zoning office and police department of the City of Somers Point are also authorized to issue a summons or warning for a violation of this chapter.

B. The remedies and penalties provided in this chapter are cumulative and not exclusive of other remedies and penalties available under other provisions of applicable law.

**SECTION 8. Severability and Effectiveness Clause.**

A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

B. Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 9. Effective Date.**

A. This Ordinance shall take effect upon final passage and publication pursuant to law. Violations and penalties will go into effect six (6) months after date of adoption.

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**Ordinance 7 of 2018:**

*Second Reading/Public Hearing/Adoption*

The meeting was duly opened and hearing nothing from the public, this portion was duly closed.

M/S – Dill/Toto

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

**Ordinance No. 7**

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1715, LOT 5 ON THE TAX MAP OF THE CITY OF SOMERS POINT AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.**

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**WHEREAS**, the City of Somers Point, County of Atlantic and State of New Jersey, is the owner of certain land hereinafter described; and

**WHEREAS**, in the judgment of the City Council of the City of Somers Point, said land is of no further use for public purpose and is not needed for public use and should be disposed of in accordance with the statute in such case made and provided, N.J.S.A. 40A:12-13(b), by private sale to the contiguous property owners; and

**WHEREAS**, said land is without any capital improvement and less than the minimum size required for development and is being offered at a minimum price which is equal to its fair market value.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Somers Point, County of Atlantic and State of New Jersey, that:

**SECTION 1.** That authorization is hereby given to solicit bids from the contiguous property owners for the land and premises described as follows:

<u>BLOCK</u>	<u>LOTS</u>	<u>MINIMUM VALUE (BID)</u>	<u>LOCATION</u>	<u>ZONE</u>	<u>LOT SIZE</u>
1715	5	\$74,500	829 Centre Street	HC-1	7500 sf

and listed in the Notice of Sale hereinafter mentioned, at **PRIVATE SALE** to the highest bidder of the contiguous property owners which bids shall be submitted, in writing, to the City Clerk, as designee of this Governing Body, in writing and on forms prepared by the City for a period of twenty (20) days from the date of publication of the passage of this Ordinance pursuant to N.J.S.A. 40A:12-13. All bids shall be submitted in a sealed envelope. No offer less than the minimum value set forth above for said property shall be considered by the City Council.

**SECTION 2.** In the event that there are bids by more than one (1) contiguous property owner with respect to said property, the sale shall be made, if at all, to the highest bidder. All bids shall be submitted in the same manner and under the same conditions as set forth within Section 1.

**SECTION 3.** The City Council of the City of Somers Point reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

**SECTION 4.** The City of Somers Point reserves the right to add any conditions to the sale of this property prior to acceptance of bids. If the successful bidder defaults on any condition imposed, Title to the property shall immediately and without further action revert back to the City of Somers Point and all funds paid to the City of Somers Point shall be retained by the City of Somers Point.

**SECTION 5.** The following conditions of sale shall apply:

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(a) The successful bidder shall submit a Certified Check made payable to the “City of Somers Point” in the amount of twenty percent (20%) of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf

of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus **FOUR HUNDRED TWENTY FIVE DOLLARS AND NO CENTS (\$425.00)** to cover advertising, legal and recording fees shall be paid in cash or

Certified Check within ten (10) days after City Council accepts the bid and authorizes the sale to the high bidder.

(b) The Deed prepared of behalf of the City of Somers Point shall not be tendered until the full purchase price is paid.

(c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the City of Somers Point to the land, as described herein. No warranties and covenants are or shall be made by the City of Somers Point and in no event shall there be any liability on the part of the City by reason thereof. The City of Somers Point makes no warranties or representations regarding any condition of the property including, but not limited to, environmental or cosmetic conditions of the property. The successful bidder shall be solely responsible for any and all expenses related to the property including, but not limited to, environmental clean-up costs that may be necessary. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:

- (1) Easement of utility companies and of governmental agencies or bodies.
- (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
- (3) All existing Federal, State, County and Municipal laws, statutes, ordinances, rules and regulations including, by way of description and not by limitation, existing zoning, health and planning board rules and regulations.
- (4) No representation of any kind is made that the land, in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
- (5) No representation of any kind is made concerning gas or electric service to the land.

(d) In the event that the City cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the City will not be responsible or liable in any other manner and for any other amount.

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(e) In the event that the purchaser defaults in making payment to the City, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchaser will be retained by the City as and for its liquidated damages, and the land may be resold. This remedy shall be in addition to the City's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

(f) That the purchaser, for himself, his heirs, personal representative, successors and assigns, waives any possible exemption from taxes and assessments, and interest and other lawful charges thereon by reason of the ownership of the premises by the City of Somers Point prior to sale, and that the said premises shall be liable for and subject to the same manner and under and subject to all lawful charges thereon, as well as the tax liens and tax sale, as real estate not municipally owned.

(g) No bids shall be accepted from any owner of property in the City of Somers Point for which any real estate taxes or municipal charges are due and unpaid at the time of sale.

(h) The Deed shall contain the condition and agreement by Buyer and Seller that the purchase price of the property or any information involved in its determination shall not be used as evidence in any appeal of municipal taxes for this or any other property.

**SECTION 6.** Settlement shall be held within forty-five (45) days of acceptance of the successful bid in the Office of the City Clerk, or in the office of a local title insurance company, if at least two (2) days written notice is given by either party to the other. If the day fixed is on a Sunday or other holiday, settlement shall be made on the next business day. The City Solicitor may, for good cause shown and in their sole discretion, extend the time of the settlement for a reasonable period. At settlement, the balance of the purchase price shall be tendered in the form of cash, Certified Check or Cashier's Check. Time is of the essence.

**SECTION 7.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance.

**SECTION 8.** This Ordinance shall take effect upon its final passage and publication as provided by law.

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**Ordinance 8 of 2018:**

*First Reading/Introduction*

M/S – McGuigan/Tapp

The ordinance was adopted by a majority vote of those present with Councilman Dill voting no.

**No. 8 of 2018**

**An Ordinance of the City of Somers Point, County of Atlantic,  
New Jersey Amending Chapter 120 of the Code of the City of Somers Point  
by Adding Article IX Concerning the Feeding of Wildlife.**

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Be it ordained by the City Council of the City of Somers Point as follows:

**SECTION I. Purpose**

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the City of Somers Point, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II. Definitions**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

**SECTION III. Prohibited Conduct**

- a. No person shall feed, in any public park or on any other property owned or operated by City of Somers Point, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

**SECTION IV. Enforcement**

- a. This ordinance shall be enforced by the Police Department of the City of Somers Point.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

**SECTION V. Violations and Penalties**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00.

**SECTION VI. Severability**

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Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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**Ordinance 9 of 2018:**

*First Reading/Introduction*

M/S – Dill/Toto

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

Jason Frost, Assistant City Administrator, reported that the ordinance is derived from a collaboration of the City Sewer Engineer, the Sewer Department and neighboring municipalities.

Ted Gogel, Sewer Utility Operator, mentioned there has always been regulations. Steve Hornig explained some of the issues and impacts on his department and hopes that some of the restaurant owners will upgrade their equipment. Mr. Gogel indicated that the ordinance addresses illegal discharges from oils, fats and grease. The sewer system was made for water but when restaurant grease goes in pipes and starts to solidify, then the water can't move through the pipe. The Sewer Department has expended thousands of dollars addressing it. Councilman Dill expressed his concern about the hardship of restaurant owners and questioned if other towns instituted a tax incentive. Steve will research it and provide a report. Councilman Tapp questioned if cleaning out more often would help. Ted is not sure, but welcomes any improvement. Councilman Dill mentioned having a grease program notice to go out to restaurant owners. Some restaurant owners were in the audience and were looking for more information. Council President McGuigan thanked them for diligent efforts. Ted thanked Wes Swain, City Administrator, Jason Frost, Assistant City Administrator, and City Council for all their support throughout the year. Councilman Gerety thanked them for their diligence.

**No. 9 of 2018**

**An Ordinance of the City of Somers Point, County of Atlantic,  
New Jersey Amending the Rules and Regulations of the Somers Point Sewer Utility as  
adopted by Paragraph 212-18 of the Code of the City of Somers Point**

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**WHEREAS**, it is the City’s intention to eliminate or substantially minimize situations where there are blockages or spills from the sanitary sewer system due to devices that are not functioning properly; and

**WHEREAS**, the Somers Point Sewer Utility recognizes that changes to the policies and procedures that relate to Grease Traps, Interceptors and other Pretreatment Devices connected to the Somers Point Sewer System may substantially reduce fats, oils, and grease effluents in the system;

**NOW THEREFORE IT IS HEREBY ORDAINED** by the City Council of the City of Somers Point as follows:

**SECTION 1. Purpose**

Paragraph 212-18 is hereby amended to add subparagraph 218-18.B as follows:  
Chapter VIII of the Rules and Regulations of the Somers Point Sewerage Authority are amended to add Item (L) titled, “Policies and Procedures for Grease Traps, Interceptors and other Pretreatment Devices”

**SECTION 2. Severability**

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

**SECTION 3. Effective Date**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

\*\*\*\*\*

**Resolutions:**

**Public Portion on Resolutions:**

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

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A motioned was made, seconded and carried to waive the 48-hour rule to add Resolution No. 122 to the agenda for consideration.

**Resolution No. 119 of 2018**



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M/S-Gerety/Toto

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

**No. 119 of 2018**

**Subject:                   Liquor License Renewals**

**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:

0121-33-014-009	Josie Kelly's LLC
0121-33-018-001	Ginger's on the Bay LLC
0121-33-009-003	Alice Pearl, Inc

\*\*\*\*\*

**Resolution No. 121 of 2018**

M/S- Dill/Toto

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

**No. 121 of 2018**

**A Resolution Authorizing the Temporary Closure of Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday, August 7, 2018 to Allow a National Night Out Block Party and Beach Concert**

**Sponsored by the Somers Point Recreation Commission, the Somers Point Police Department, and the Drug Free Action Alliance**

**Sponsored by: Mayor and Council**

WHEREAS, a request has been made by the Somers Point Recreation Commission to authorize the temporary closure to traffic on Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday August 7<sup>th</sup> between the hours of 5:00 PM to 8:00 PM to facilitate National Night Out Activities including a Beach Concert which will be free of charge and open to the public; and

WHEREAS, National Night Out was established in 1984 by the National Association of Town

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Watch (NATW), a non-profit organization dedicated to the development and promotion of various crime prevention programs including neighborhood watch groups, law enforcement agencies, state and regional crime prevention associations, businesses, civic groups, and individuals, devoted to safer communities and is the nation's premiere crime prevention network which works with law enforcement officials and civilian leaders to keep crime watch volunteers informed, interested, involved and motivated; and

WHEREAS, the introduction of National Night Out, "America's Night Out Against Crime" began 31 years ago as an effort to promote involvement in crime prevention activities, police-community partnerships, neighborhood camaraderie and send a message to criminals letting them know that neighborhoods are organized and fighting back; and

WHEREAS, the first National Night Out took place on Tuesday, August 7th 1984 in which 2.5 million Americans took part across 400 communities in 23 states; and

WHEREAS, National Night Out now involves over 37.8 million people and 16,124 communities from all fifty states, U.S. Territories, Canadian cities, and military bases worldwide; and

WHEREAS, the traditional "lights on" campaign and symbolic front porch vigils has turned into an annual celebration across America and elsewhere with various events and activities including, but not limited to, block parties, cookouts, parades, visits from emergency personnel, rallies and marches, exhibits, youth events, safety demonstrations and seminars, in effort to heighten awareness and enhance community relations; and

WHEREAS, there will be a variety of entertainments as well as complimentary hot dogs, snacks and soft serve ice cream will be available for all;

WHEREAS, the Mayor and Council of the City of Somers Point believe National Night Out provides a wonderful opportunity for our community and communities nationwide to promote police-community partnerships, crime prevention, neighborhood camaraderie, and an opportunity to meet with members of the Somers Point Police Department, the Somers Point Volunteer Fire Companies Number 1 and 2, members of the Somers Point Office of Emergency Management, the United States Coast Guard, members of the Philadelphia Flyers Promotional Team, local politicians and business people; and

WHEREAS, although one night is certainly not an answer to crime, drugs and violence, National Night Out represents the kind of spirit, energy and determination to help make neighborhoods a safer place year round by celebrating safety and crime prevention successes and efforts to expand and strengthen programs for the next 364 days; and

WHEREAS, the Somers Point Police Department will participate in this free community event together with the Somers Point School Board of Recreation, the Somers Point Drug Alliance, and local organizations and businesses including Shore Medical Center and Atlanticare which will be on hand to offer free information about programs which promote police-community partnerships, crime prevention, after school education and recreational activities, health and wellness, and other programs; and

WHEREAS, the Traffic Control Officer has approved this request

Now, therefore, it is hereby RESOLVED, that the temporary closure to traffic on Bay Avenue from New Jersey Avenue to Higbee Avenue on Tuesday August 7<sup>th</sup> between the hours of 5:00 PM to 8:00 PM to facilitate National Night Out Activities is hereby approved and authorized; and

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It is further, RESOLVED, that all of the residents of Somers Point and the public are encouraged to participate in National Night Out by attending this free event and by supporting the “lights on” campaign.

\*\*\*\*\*

**Resolution No. 122 of 2018**

M/S-D’Adamo/Dill

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

**No. 122 of 2018**

**Subject: Authorization to Sign a Grant Agreement and any Other Necessary Documents for the Boating Infrastructure Grant Program**

**Introduced by: Council President McGuigan, Councilmen Dill and Gerety**

**WHEREAS**, in accordance with Resolution 142 of 2014 the governing Body of the City of Somers Point determined that it was in the best interest of the City to apply for a National Boating Infrastructure Grant for the construction of a transient marina at Higbee Avenue; and

**WHEREAS**, the award of an agreement for this grant is conditioned upon receipt of a permit from the U. S. Army Corps of Engineers for the proposed project; and

**WHEREAS**, the City has received and accepted a proffered permit from the U. S. Army Corps of Engineers for the proposed project; and

**WHEREAS**, it is now expected that the receipt of the fully executed permit is imminent and, therefore, the receipt of the Boating Infrastructure Grant Program Agreement with the New Jersey Department of Transportation/Office of Maritime Resources is likewise imminent; and

**WHEREAS**, it is necessary to authorize the appropriate City Officials to sign the Agreement for this project.

**NOW, THEREFORE, BE IT RESOLVED** that, upon appropriate review of the agreement document by the City Solicitor, the City Council of the City of Somers Point hereby authorizes the Mayor and/or the City Administrator and the City Clerk to sign the Boating Infrastructure Grant Program Agreement for this project on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the agreement and approves the execution of the agreement.

**BE IT FURTHER RESOLVED** that the Mayor and/or the City Administrator are also hereby authorized to sign any other documents that may be necessary in connection with this grant program on behalf of the City.

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**Resolution No. 123 of 2018**

M/S-Dill/Gerety

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

**No. 123 of 2018**

**Subject:                   Liquor License Renewals**

**Introduced by:        Council President McGuigan**

**WHEREAS**, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were recommended by the Chief of Police of the City of Somers Point to be renewed, subject to conditions reflected within his report of June 26, 2018;

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

**0121-33-017-008**

**RA Ranalli Enterprises, LLC:**

provided that there are no future sales beyond the licensed premises

**0121-33-019-017**

**939 Bay Avenue, LLC:**

provided that they comply with requirement that at least 24 hours before opening they contact Captain Sweeney and allow the premises to be inspected to insure proper security to protect against underage persons

\*\*\*\*\*

**Old Business:**

**Bus Stop**

Michele Hunt of Carriage House expressed her concern about the bus stop in the area. Bus drivers don't wait to stop and ask the riders to walk to Kmart and Linwood. She was told by the Supervisor of NJ Transit that a signs needs to be installed identifying the bus stop. Council

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President McGuigan is in the works of addressing the situation. Ms. Hunt thanked the Governing Body for their help.

**Planning Board Recommendation**

Council President McGuigan questioned City Council if they had any comments regarding the proposed Planning Board matrix, building and lot coverage changes. City Councilman Tapp recommended that Drag Island portion be omitted; otherwise he is satisfied. Councilman Meischker expressed his concern regarding impacts to properties and is opposed to the Planning Board matrix. Councilman Meischker opines that the public should have the opportunity to voice their concerns. After the Governing Body discussion, Council President McGuigan determined there was not enough interest to entertain the recommendation.

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**New Business:**

None

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**Discussion of Bills:**

Assistant City Administrator Frost reported a report of payment dated 6/22/18 in the amount of \$2,400 and bill list dated 6/26/18 in the amount of \$ 130,580.01.

\*\*\*\*\*

**Public Portion**

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

Fred Acres of Greater Egg Harbor River Council passed out the newsletter and handed out cloth bags. He updated the Governing Body regarding education provided to the Somers Point students. City Council thanked Mr. Acres for his efforts.

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**Payment of Bills**

M/S – Tapp/Toto

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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**Adjournment**

There being no further business to come before Council, the meeting was adjourned at 9:00 p.m.

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Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 12-13-18