

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 14, 2016**

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

Roll call was recorded as follows:

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

Also Present: Mayor Glasser, Administrator Swain, Atty. Franklin, Deputy Clerk Samuelsen & Asst. Administrator Frost

Absent: None

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

Council President Tapp welcomed Councilman Tom Smith back, who missed the Reorganization Meeting of January 4, 2016. Councilman Smith was sworn in by Carol L. Degrassi, RMC/MMC, City Clerk, on January 11, 2016, witnessed by Deputy Clerk Samuelsen, Councilman Howard Dill and Ron Meischker. Mayor Glasser welcomed him back also.

Communications

Deputy Clerk Samuelsen read a letter addressed to Clerk Degrassi and Council President Tapp dated 1/5/16 naming three individuals for consideration to fill the vacancy of Maureen Kern; namely James Toto, John Turner and Michael Owen. The letter was from Ron Meischker, 2nd Vice President, Somers Point Regular Republican League. Councilman McGuigan thanked the other two individuals for their willingness to serve. Councilman Dill nominated James Toto, seconded by Councilman Gerety and duly appointed by unanimous roll call vote. Council President Tapp congratulated Councilman James Toto.

Oath of Office

Newly appointed James Toto was then called forward to be sworn in by the Deputy City Clerk. Councilman Toto was surrounded by his family and received a round of applause from the audience. Councilman Toto thanked Maureen Kern for her exceptional service to the City and look forward to her leadership as a Freeholder. He continued to thank Councilman Smith for his guidance, Councilman D'Adamo for his fairness, Councilman McGuigan for his honesty, Council President Tapp for his good judgment, Councilman Dill for his wisdom, Councilman Gerety for his experience and Mayor Glasser integrity. Additionally, he thanked his family and the City Council for their faith in his judgment.

Mayor's Report

Mayor Glasser reported that Lt. Disciascio contacted him regarding implementation of a Safe Corridor Program on Route 9, which would provide grant money to make the roads safer. The program is sponsored by Rutgers University requiring support from Assemblyman Chris Brown.

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Mayor's Report Continued

The goal is to implement the program along Route 9 from Ocean Heights Avenue to Mays Landing Somers Point Road. Additionally, the Mayor reported that Chief Boyd, Captain Somers, Lt. Disciascio and Sydney Somers attended a Municipal Alliance meeting last evening.

Committee Reports

Council President Tapp mentioned that he will forward Committee assignments in the near future; however, the Budget, COAH and EDAC Committees will remain the same.

Councilman McGuigan reported that he attended a COAH meeting, which will be discussed in Executive Session this evening. Also, he indicated that the Budget Committee met to begin the budget process.

Councilman Gerety attended the EDAC meeting where a jitney association expressed interest in a jitney loop between Ocean City and Somers Point and a possible jitney route within Somers Point. EDAC directed the jitney association to forward a letter of request to the Governing Body.

Administrator's Report

No report.

Approval of Minutes

The Reorganization Meeting minutes of the January 4, 2016, were approved by a unanimous vote of those present with an abstention from Councilman Toto.

Ordinances

None

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Consent Agenda - There were no items on the consent agenda.

Resolution No. 35

M/S – Dill/Gerety

Resolution was adopted by a unanimous vote of those present.

No. 35 of 2016

Subject: Appointment to fill Vacancy on Council
Introduced By: Council President Tapp

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Resolution No. 35 Continued

WHEREAS, Councilwoman Maureen Kern (Second Ward) resigned effective January 5, 2016 creating a vacancy; and

WHEREAS, pursuant to N.J.S.A. 40A:16-5(a), a vacancy in that position may be filled by the procedure set forth in N.J.S.A. 40A:16-11; and

WHEREAS, the Municipal Committee of the political party of which Councilwoman (Second Ward) Maureen Kern resigned has by letter dated January 5, 2016, presented to the governing body the names of three nominees for the selection of a successor to fill the vacancy until December 2016 each of whom, in compliance with N.J.S.A. 40A:16-10, have the qualifications required by statute to permit the appointee to qualify for election to office;

NOW, THEREFORE, BE IT RESOLVED this 14th day of January, 2016, that James J. Toto shall be and hereby is appointed the successor to fill the vacancy of City Councilmember (Second Ward) until December 31, 2016 created by the resignation of Councilwoman (Second Ward) Maureen Kern.

BE IT FURTHER RESOLVED that James J. Toto shall take his seat on Council immediately with all voting rights and privileges of that office.

Resolution No. 36

M/S – Dill/McGuigan

Resolution was adopted by a unanimous vote of those present. Councilman McGuigan introduced Lisa Bender, who is the leader of Green Team. He continued to thank City Council for their past support and efforts for the Green Team. Councilman McGuigan proudly stated that Ms. Bender is a shining example of a great volunteer. The Mayor and Council President Tapp presented the resolution and a plaque to Ms. Bender. She graciously accepted and thanked Administrator Swain for his assistance.

No. 36 of 2016

Congratulating the Green Team Advisory Committee for Obtaining Bronze Certification

Sponsored by: Councilman McGuigan

WHEREAS, The City Council of Somers Point adopted resolution No. 32 of 2015 “Green Team Advisory Committee” at its reorganization meeting for 2015; and

WHEREAS, The City of Somers Point strives to save tax dollars, assure clean land, air and water, and improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, The City of Somers Point hereby acknowledges that the residents of Somers Point desire a stable, sustainable future for themselves and future generations; and

WHEREAS, by endorsing a sustainable path The City of Somers Point pledged to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices, doing so through the Sustainable Jersey Municipal Certification process; and

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Resolution No. 36 Continued

WHEREAS, The Green Team, through various activities and programs, was able to obtain the Bronze Level of Certification from Sustainable Jersey which increases the City's eligibility for grants; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby commends the efforts of the members of the Green Team Advisory Committee who worked hard to obtain this acknowledgement from Sustainable Jersey which reflects well on the City of Somers Point.

Resolution No. 37

M/S – Gerety/Dill

Resolution was adopted by a unanimous vote of those present.

No. 37 of 2016

AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that there are **FOUR** (4) topics which require the advice and counsel of the City Solicitor and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on January 14, 2016 during a public meeting to be held commencing at 7:00 P.M, and

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

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

1) Advice of Counsel and attorney client communication In the Matter of the Application of the City of Somers Somers Point, Docket No. L-1538-15;

2) Advice of counsel and attorney client communication and discussion with City Administrator regarding negotiation of the terms and conditions of a Redeveloper's Agreement and Financial Agreements consistent with and authorized under the provisions of N.J.S.A. 40A:12A inclusive of but not limited to N.J.S.A. 40A:12A-8, 12A-9, 12A-41, 12A-59 and 12A-60 as referenced in the Redevelopment Plan as approved by Ordinance 5 of 2015.

3) Advice of Counsel and attorney client communication regarding a threatened lawsuit and pending legislation.

4) Advice of Counsel and attorney client communication regarding the legal implications of pending legislation.

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Resolution No. 37 Continued

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 reasons;

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)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7 Above	Unknown at this time	City Council and / or Court Approval by Ordinance and / or Court Order.

I, Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 14th day of January, 2016.

Resolution No. 38

M/S – Gerety/Dill

Resolution was adopted by a unanimous vote of those present.

City Council President Tapp explained that Verizon wants to stop maintaining the copper lines, which many municipalities in south Jersey rely upon. City Council discussed how this could affect the public.

No. 38 of 2016

OPPOSING THE PETITION BEFORE THE NEW JERSEY BOARD OF PUBLIC UTILITIES REGARDING THE INTENDED DISCONTINUANCE OF MAINTENANCE OF COPPER LANDLINE TELECOMMUNICATIONS WIRING BY VERIZON NEW JERSEY, INC. (VERIZON NJ)

SPONSOR: Council President Tapp

WHEREAS, most of the Northeastern United States being served with super-fast fiber optic communication systems, certain towns in Southern New Jersey may be left far behind or even off the grid at times as a result of decisions being made by Verizon Communications, Inc. and Comcast Corporation; and

WHEREAS, telecommunication service in most of those Southern New Jersey areas is provided and serviced by Verizon New Jersey, Inc. (Verizon NJ) with respect to landline telephone service; and

WHEREAS, landline telephone service and the copper wiring utilized in connection therewith also transmits DSL internet service; and

WHEREAS, existing landline services are necessary and instrumental to existing

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Resolution No. 38 Continued

telecommunications facilities; and

WHEREAS, if properly maintained, landline telephone service can be more reliable than either wireless service or landline phones that run over the Internet; and

WHEREAS, decades-old copper lines which hang from telephone poles or snake through underground conduit, hum, crackle, and can go dead during rainstorms or fog if not properly maintained; and

WHEREAS, Verizon NJ has declared its intention to meet its Opportunity New Jersey (ONJ) obligation in certain Southern New Jersey areas through DSL rather than fiber optic technology; and

WHEREAS, DSL service is transmitted over the same copper wiring transmission lines which is utilized for landline telephone service; and

WHEREAS, Verizon NJ has declared that it no longer intends to maintain its copper landline telecommunication wires and facilities in certain areas within the State of New Jersey, including certain Southern New Jersey communities, and has petitioned the New Jersey Board of Public Utilities (BPU) to allow Verizon NJ to discontinue maintaining its copper landline transmission facilities; and

WHEREAS, without the availability of fiber optic Fios technology which had been promised, the discontinuance of such maintenance would directly and significantly adversely affect the users of landline service, including, but not limited to public entities, private companies and private enterprise, private individuals and residents in those communities; and

WHEREAS, the right to depend on reliable telephone service in times of emergencies must not be abandoned along with these copper networks; and

WHEREAS, the transition from copper networks requires that regulations be modified, not abandoned, so as not to leave any Americans without this vital service, especially for critical service needs like hospitals, fire, and police departments; and

WHEREAS, the discontinuance of maintenance of copper landline transmission facilities would inevitably result in the deterioration of communication facilities within certain areas of Southern New Jersey, resulting in loss or diminution of telephone services and internet services; and

WHEREAS, such action will adversely affect the value of homes and discourage businesses from locating or expanding within those communities because not only will there not be access to high speed 21st-century technology, there will not be access to a reliable 20th-century technology; and

WHEREAS, the governing body of the City of Somers Point deems it to be essential to the public interest to oppose and prevent Verizon NJ from discontinuing landline transmission maintenance which would have such significant economic and social consequences to a region which is struggling to recover from the economic recession and the impacts of super storm Sandy; and

WHEREAS, the governing body of the City of Somers Point declares that Verizon NJ has the legal obligation to invest funds for proper maintenance of the copper lines when it doesn't build out fiber-optic lines to extend FiOS services to those municipalities; and

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Resolution No. 38 Continued

WHEREAS, Hopewell Township, Estell Manor, Weymouth Township, Alloway, Lower Alloways Creek, Mannington, Pilesgrove, Upper Pittsgrove, South Harrison, Commercial, Downe, Lawrence, Maurice River, Millville, Upper Deerfield, and Fairfield have filed a complaint with the BPU; and

WHEREAS, the governing body of the City of Somers Point is desirous of preventing discontinuance of landline transmission maintenance by Verizon NJ and agrees to work with a consortium of municipalities and other entities to petition the BPU in an effort to prevent Verizon New Jersey from abandoning landline maintenance within those communities in Southern New Jersey which will not be upgraded to high speed Fios Technology, or to compel Verizon NJ to provide such service

NOW, THEREFORE, it is hereby **RESOLVED** that the governing body of the City of Somers Point vehemently opposes the decision of Verizon NJ to cease proper maintenance of its copper land line telecommunication system in those municipalities which will not receive Fios technology or, in the alternative, to compel Verizon NJ to provide Fios service to customers within those municipalities; and

It is **FURTHER RESOLVED**, that the governing body of the City of Somers Point urges the Staff of the New Jersey Board of Public Utilities and the New Jersey Division of Rate Counsel to oppose any petition by Verizon NJ to discontinue such maintenance; and

It is **FURTHER RESOLVED**, the City Clerk is hereby requested to distribute a copy of this resolution to each Atlantic County Municipality, the Atlantic County Executive, the Secretary of the Atlantic County Board of Chosen Freeholders, the Secretary of the South Jersey Business Association, Lawanda Gilbert, Director of BPU Office of Cable Television and TeleCommunications, Paul Flanagan, Executive Director of the BPU, Stefanie Brand, Director of the New Jersey Division of the Rate Counsel, Lieutenant Governor Kim Guadagno, State Senator James Whelan, Senator Jeff Van Drew, State Assemblyman Chris Brown, State Assemblyman Vincent Mazzeo, the New Jersey State League of Municipalities, and the Atlantic County League of Municipalities.

Resolution No. 39

M/S – Gerety/Dill

Resolution was adopted by a unanimous vote of those present. City Council President Tapp indicated that initially the resolution was tabled due to scheduling of meetings. Administrator Swain, Tax Assessor Hesley, Code Enforcement Officer McBrien and Attorney Franklin attended a County meeting regarding the shared service. Administrator Swain explained that a nation-wide company is under contract with the ACUA to monitor properties that are in foreclosure, which will relieve the Construction Office of the burdensome process.

No. 39 of 2016

AUTHORIZING THE EXECUTION AND DELIVERY OF A SHARED SERVICES AGREEMENT BETWEEN THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY AND THE CITY OF SOMERS POINT TO PROVIDE A COUNTY-WIDE REGISTRATION PROGRAM FOR ABANDONED PROPERTIES

WHEREAS, The Uniform Shared Services and Consolidation Act, N.J.S. 40A:65-1 et seq., (the “Act”) authorizes local units such as the City of Somers Point (the “City”) to enter into shared service agreements with other local units; and

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Resolution No. 39 Continued

WHEREAS, The Atlantic County Improvement Authority (the “ACIA”) is a local unit as defined in the Act; and

WHEREAS, ACIA has utilized the Local Public contracts Law to solicit responses to Requests for a Proposal to provide professional services to administer a County-Wide Mortgagee Registration Program available to those municipalities within Atlantic County which have or will adopt Mortgagee Registration Ordinances as authorized by N.J.S. 46:101-51 and N.J.S. 55:19-100; and

WHEREAS, in November of 2015 the ACIA Board of Commissioners approved the proposal submitted by Community Champions Corporation (“Community Champions”) to provide the professional services requested; and

WHEREAS, the ACIA has presented a form of Shared Service Agreement together with the form of Agreement proposed to be entered into between ACIA and Community Champions; and

WHEREAS, in July, 2014, this governing body did enact the Mortgagee Registration Ordinance, as supplemented and amended, which is codified as Article VII in Chapter 169 of the Somers Point City Code (the Registration Ordinance”); and

WHEREAS, Community Champions will, among other things, work with the City to catalog each abandoned property which falls within the scope of the City’s Registration Ordinance and provide all the required services necessary to implement and enforce the City’s real property registry and fee collection program; and

WHEREAS, the governing body of the City of Somers Point has reviewed the services to be provided by Community Champions through the Shared Services Agreement and has evaluated the benefits associated with participation in the Shared Services Agreement in consideration of the fee to be paid to ACIA and Community Champions - which shall be entirely funded through the collection of Registration Fees; and

WHEREAS, the cost to the City of Somers Point to hire additional personnel necessary to track the registration of properties and to chase the mortgagees and other responsible parties would far outweigh the cost to the City through participation; and

WHEREAS, participation in the Shared Services Agreement will also provide access to a much needed proprietary data base used to track ownership and mortgagees

Now, therefore, it is hereby Resolved that City Council of the City of Somers Point authorizes the Mayor to execute and deliver a Shared Services Agreement, generally in the form submitted, between the City of Somers Point and the Atlantic County Improvement Authority and to take any such other action as may be deemed by the City Administrator, the City’s Code enforcement Officer, and the City Solicitor to be necessary or desirable in order to effectuate the intent of this Resolution.

Resolution No. 40

M/S – Sean/Dill

Resolution was adopted by a unanimous vote of those present.

Councilman D’Adamo questioned the approval process, and Administrator Swain explained that DOT has already reviewed the document and made minor changes. Once the resolution is adopted and forwarded to the State, it should be approved.

No. 40 of 2016

Subject: Adopting Policies and Procedures for the Management of Federal Aid Projects

Introduced by: Council President Tapp

WHEREAS, the Federal Highway Administration provides federal funding for construction projects within the City of Somers Point; and

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Resolution No. 40 Continued

WHEREAS, the City of Somers Point is generally the recipient of such federal funding for specific projects through the New Jersey Department of Transportation; and

WHEREAS, the Federal Highway Administration requires that recipients of such federal funding establish appropriate procedures for the project administration and management of such Federal Aid Projects; and

WHEREAS, management of such projects must comply with Title 23CFR635 et. seq.; and

WHEREAS, the New Jersey Department of Transportation has requested that the City of Somers Point adopt Policies and Procedures for Locally Administered Federal Aid Projects.

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

- 1.) The Policies and Procedures for Locally Administered Federal Aid Projects dated January, 2016 attached hereto and made a part hereof is hereby adopted.
- 2.) Upon adoption a copy of the Policies and Procedures for Locally Administered Federal Aid Projects dated January, 2016 together with a certified copy of this Resolution shall be submitted to the New Jersey Department of Transportation for final approval.

Old Business

None

New Business

Applications for Social Affair Permits for 1) Sons of the American Legion Post 352 and 2) Marine Mammal Stranding Center. The permits were approved by unanimous vote of those present with Councilman D'Adamo recusing himself.

Discussion of Bills

The following bills were presented for discussion: Record of payments made in the amount of \$5,596.00 and \$20,177.91 and a list of Bills in the amount of \$2,385,303.30.

Public Portion

Public portion was duly open and closed.

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Payment of Bills

M/S - Gerety/Dill

The bills were approved by a unanimous vote of those present with Councilman McGuigan recusing himself from the Falasco and Concord Atlantic payments. A complete list of the bills is on file in the Office of the Municipal Clerk.

Recess

Council recessed at 8:35 p.m. prior to going into Executive Session.

Adjournment

Council reconvened in open session at 9:30 p.m. to adjourn.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 04/14/16