

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 17, 2011**

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag. Council President McGuigan called for a moment of silence in memory of former Councilman George Hyatt who recently passed away on Veterans Day.

Roll call was recorded as follows:

Present: D'Adamo, Dill, Kern, Smith, Tapp, Triboletti & McGuigan

Also Present: Mayor Glasser, Administrator Swain & City Clerk Degrassi

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.

Communications

Mayor Glasser announced that the Holiday Parade is set for Friday, December 2nd at 6:30 p.m. beginning at the Dawes Avenue School and ending at City Hall for the Tree Lighting Ceremony and the arrival of Santa.

President McGuigan read a letter from Kids Zone thanking the City for their support of their community event and street closing.

Administrator Swain advised that he will be giving a storm water presentation to the City Council. Council scheduled this for the next meeting. He also reported that they are moving along with the changing of the banks and our new finance package will be installed shortly.

Atty. Franklin advised that the work with regard to the drainage problem at Sunny and Connecticut will begin on Saturday and hopefully will be done before Thanksgiving and alleviate the problem.

Committee Reports

Councilman Dill reported that he and the Engineer have been working on the flood report and alternatives and will continue to do so to come up with recommendations at a future date. Regarding paving, the City has been doing a considerable amount with the last project being completed now. He thanked Mott Engineering and Greg Schneider for their efforts in getting this done. He also reported regarding the Sewer cleaning that they have found a way to avoid the noise problems in residential areas. He also added that on the agenda tonight is the award of a bid for sewer camera and vehicle, stating that this is long overdue stating that the one we have now has more down time than up time.

Council President McGuigan asked if the flood report would warrant a presentation at a Council Meeting. Councilman Dill stated yes, possibly a meeting similar to the one we had regarding the parking problems.

Councilman Smith reported regarding the revaluation stating that the bid specifications will be prepared by the end of the year to be put out to bid early next year.

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Minutes

The minutes of the regular meetings of September 22, 2011, October 5, 2011 and October 27, 2011 were approved unanimously.

ORDINANCES

Ordinance No. 18 – First Reading

M/S – Dill/Kern

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

ORDINANCE NO. 18 OF 2011

**AN ORDINANCE SUPPLEMENTING AND AMENDING
THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT
AND MORE SPECIFICALLY ARTICLE III “DEFINITIONS” AND ARTICLE XXIII
“SUBDIVISION OF LAND” WITHIN CHAPTER 114
“DEVELOPMENT REGULATIONS”**

WHEREAS, on October 27, 2011 the Mayor and Council of the City of Somers Point adopted Ordinance 16 of 2011 amending Chapter 114 of the Development Regulations of the City of Somers Point to add a new Article XIII A: Recreational Planned Unit Development Option (RPUD); and

WHEREAS, it is necessary to further amend Chapter 114 to include within the Definitions set forth in Article III to include the definition of General Development Plan and Article XXIII to adopt General Development Plan Procedures; and

WHEREAS, Ordinance 16 of 2011 received review and approval of the Somers Point Planning Board as being consistent with the overall intent of the Somers Point Master Plan; and

WHEREAS, this Ordinance amending Articles III and XXIII of Chapter 114 is adopted pursuant to the terms of an Order of Final Judgment dated June 30, 2011 issued by Judge James E. Isman, JTC in the exclusionary zoning litigation captioned “Plantation Bay, LLC. Plaintiff vs City of Somers Point; City of Somers Point City Council; and City of Somers Point Planning Board” (Superior Court of New Jersey Docket No.: ATL - L - 007302-06 P.W.) and as contemplated by the Settlement Agreement of Litigation dated July 29, 2008; and

WHEREAS, the provisions of this amendment to Chapter 114 of the Development Regulations have been reviewed by the Somers Point Planning Board and have been found to be consistent with the overall intent of the Somers Point Master Plan and further consistent with the intent of Ordinance 16 of 2011; and

WHEREAS, the Governing Body of the City of Somers Point has reviewed and considered this amendment to Chapter 114 of the Development Regulations of the City of Somers Point and finds that the adoption of this Ordinance is in the best interest of the residents of the City of Somers Point

IT IS HEREBY ORDAINED by the Mayor and Council of the City of Somers Point that Chapter 114 of the Development Regulations of the City of Somers Point, entitled “Development Regulations,” is the same and is hereby amended, as follows:

SECTION 1: Chapter 114 Article III DEVELOPMENT REGULATIONS, section 114-9 shall be amended to add the definition that follows:

GENERAL DEVELOPMENT PLAN - A plan showing general land use, circulation, open space, utilities, storm water management, environmental factors, community facilities, type and density of housing, floor area for nonresidential development, and phasing for parcels in excess of 100 acres, which is proposed to be constructed as a planned development. The term of the effect of a General Development Plan approval shall be determined by the Planning Board, and shall not exceed 20 years.

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Ordinance No. 18 (Continued)

SECTION 2: Chapter 114 Article XXIII SUBDIVISION OF LAND shall be amended to add Section 114-171.1 General Development Plan as follows:

ARTICLE XXIII, Section 114-171.1

General Development Plan Submission Procedures

A. Purpose and Applicability.

1. The purpose of this section is to permit and encourage the submission of conceptual general development plans that present a comprehensive plan for a proposed Recreational Planned Unit Developments (RPUD) in the Recreational Golf Course (RGC) District. The general development plan is intended to prompt an integrated approach to site planning that relates to the existing development patterns in the City within the RGC District. Nothing contained within this Section 114-171.1 of Chapter XXIII shall be allowed or permitted to the extent it is inconsistent with the Requirements and Development Standards set forth within Chapter XXIII A Regional Planned Unit Development Option (RPUD).

2. A developer of a parcel or parcels of land totaling more than 100 acres in size in the RGC District for which the developer is seeking approval of a RPUD must submit a general development plan to the planning board prior to the submission of preliminary subdivision or site plans to the planning board.

3. The general development plan shall set forth the proposed and permitted number of dwelling units and the residential density, and the amount of nonresidential floor space for the proposed development in its entirety according to a schedule which sets forth the timing of the various sections of the development, and the area to be permanently deed-restricted for golf course and recreational use.

4. The general development plan shall be designed to promote and encourage the conservation of natural features and the efficient use of resources in subdivision and site design while remaining responsive to market demands for residential and nonresidential development. To the extent possible, a general development plan should be designed to reduce infrastructure and service costs over the long term and to provide a pedestrian friendly environment.

B. Required submission items.

The general development plan submission shall include the following:

1. A general land use plan indicating the tract area and general location of land uses to be included in the planned development at a scale not smaller than one inch equals one hundred feet. The total number of proposed dwelling units and the amount of non-residential floor area to be provided and the proposed land area to be devoted to residential and nonresidential uses shall be set forth in addition to the land that shall be permanently dedicated and deed-restricted to golf and/or recreational use.

2. The proposed types of golf and related nonresidential uses to be included in the RPUD shall be set forth and the land area to be occupied by each use shall be estimated, including the area to be devoted to parking and storm water management for the proposed uses.

3. A circulation plan showing the general location and types of transportation facilities, including the relationship to public transportation and facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development.

4. An open space plan showing the proposed land area and general location of the golf course and any other land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of the course and recreational lands. The open space plan should include a calculation of the total area that will be available for public or semi-public use.

5. A utility plan indicating the need for and showing the proposed location of sewer and water lines, and information regarding the available capacity for utility facilities. Additionally, storm drainage facilities, proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities shall be included.

6. A general storm water management plan setting forth the proposed method of controlling and managing storm water on the site, storm water calculations may be deferred to preliminary subdivision or site plan application.

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7. An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site.

8. A community facility plan indicating the scope and type of supporting community facilities which may include but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.

9. A housing plan outlining the number and type of housing units to be provided and the manner in which any affordable housing obligation will be fulfilled by the development.

10. A local service plan indicating those public services which the applicant proposes to provide and which may include but not be limited to, water, sewer, gas/electric and solid waste disposal.

11. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality or the school districts as a result of the completion of the planned development. The fiscal impact report shall also include a projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided.

12. A proposed timing schedule for the phasing of the project if it is anticipated that the development will be completed over a number of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.

13. A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the development and specifically with respect to affordable housing production and the permanent preservation of a full-size eighteen-hole golf course.

C. Required Findings by the Planning Board.

Prior to approval of a general development plan the Planning Board shall make the following facts and conclusions:

1. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards that may be specific to a planned development.

2. That proposals for maintenance and conservation of the common open space are reliable, and that the amount, location and purpose of the common open space are adequate.

3. That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.

4. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

5. In the case of a proposed development which contemplates construction over a period of years, the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

6. That the proposal is responsive to the natural features of the site and is designed in a manner that preserves valuable site characteristics identified in the environmental inventory.

7. That the proposal advances the principles of smart growth by providing opportunities for vehicular and pedestrian interconnectivity where feasible, by encouraging the efficient use of land, and by safeguarding the character of existing stable neighborhoods.

D. Approval Process and Duration.

1. The planning board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer.

2. The term of the effect of the general development plan approval shall be determined by the planning board using the guidelines set forth below, except that the term of the approval shall not exceed twenty (20) years from the day upon which the developer receives final approval of the first section of the planned development. In making its determination regarding the duration of the approval of the development plan, the planning board shall consider the following:

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- a. the number of dwelling units or amount of nonresidential floor area to be constructed
 - b. prevailing economic conditions
 - c. the timing schedule to be followed and likelihood of its fulfillment
 - d. the developer's capability of completing the development
 - e. the contents of the general development plan and any conditions which the planning board attaches thereto
3. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the planning board. The planning board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing market and economic conditions, anticipated actual needs for residential units and non-residential space within the City and the region, and the availability and capacity of public facilities to accommodate the proposed development.
4. Except as provided hereunder, once a general development plan has been approved by the planning board, it may be amended or revised only upon application by the developer and approval of the planning board. The exceptions are listed below.
- a. If a variation in land uses or increase in density or floor area ratio is proposed in response to a negative decision of, or a condition of development approval imposed by the N.J. Department of Environmental Protection, and there is a valid environmental reason for such decision, the variation shall be approved by the planning board if the developer can demonstrate to the satisfaction of the planning board that the variation being proposed is a direct result of a determination by the Department of Environmental Protection.
 - b. Planning Board approval is not required if the developer seeks to reduce the number of residential dwellings or reduce the amount of nonresidential floor space by no more than fifteen percent (15%) without otherwise violating the terms and conditions of the general development plan approval.
5. Completion, Failure to Apply and Termination of Approval.
- a. In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the planning board, the municipality shall have cause to terminate the approval.
 - b. If a developer does not complete any section of the development within one year of the date provided for in the approved plan, or if at any time the municipality has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the City shall notify the developer by certified mail, and the developer shall have ten days within which to give evidence that he is fulfilling his obligation pursuant to the plan. The City thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If after such hearing, the City finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.
 - c. In the event that a development which is the subject of a general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development.

SECTION 3: All other provisions of Articles III and XXIII of Chapter 114 not inconsistent herewith shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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Ordinance No. 18 (Continued)

SECTION 5: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared or held invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word shall be deemed a separate, distinct, and independent provision, and such declaration or holding shall not affect the validity or constitutionality of any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance, and this ordinance is declared severable.

SECTION 6: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING:	November 17, 2011
PUBLICATION:	November 23, 2011
FINAL READING:	December 8, 2011

Ordinance No. 19 – First Reading

M/S – Smith/Dill

Traffic Safety Officer, Sgt. Disciascio, spoke to the Council advising that the Police Department is making these recommendations for safety reasons. After discussion, Ordinance No. 19 was approved on first reading by a unanimous vote of those present.

Ordinance No. 19 of 2011

An Ordinance Enacted Under Authority Granted by N.J.S.A. 39:4-8, N.J.S.A. 39:4-197 and N.J.S.A. 39:4-140 Regulating traffic on Certain Streets and Portions Thereof; Amending and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-11, Section 250-32, Schedule VIII: Stop Intersections Designating Four Way Stop Intersections at Bala Drive and Jordan Road and at Groveland Avenue and the Somers Point Bike Path; and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.

WHEREAS, N.J.S.A. 39:4-8, N.J.S.A. 39:4-197 and N.J.S.A. 39:4-140 authorize a Municipality, by Ordinance, to regulate traffic and vehicles on municipal streets and portions thereof; and

WHEREAS, a recommendation has been made by the Somers Point City Engineer and by the Traffic Safety Supervisor of the Somers Point Police Department to regulate the flow of traffic by creating four way intersections at Bala Drive and Jordan Road and at Groveland Avenue and the Somers Point Bike Path in the interest of public safety, and

WHEREAS, the Governing Body of the City of Somers Point finds it to be in the interest of public safety to establish traffic along the roadways indicated below, pursuant to N.J.S.A. 39:4-8(b); and,

WHEREAS, the Governing Body of the City of Somers Point is permitted to adopt said ordinance without the approval of the Commissioner of Transportation pursuant to NJSA 39:4-8, NJSA 39:4-197, and NJSA 39:4-140; and

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Ordinance No. 19 (Continued)

WHEREAS, as required by the aforementioned statutes the City Engineer will, under his seal as a licensed professional engineer, certify to the governing body of this municipality that any designation or erection of signs or placement of pavement markings has been approved by the engineer after investigation of the circumstances, and it appears to the engineer to be in the interest of safety and the movement of traffic and pedestrians on the designated public streets and bike path, and conforms to the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, as adopted by the Commissioner and that the provisions of this ordinance, is consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, is consistent with accepted engineering standards, is based on the results of an accurate traffic and engineering survey, and does not place an undue traffic burden or impact on streets in an adjoining municipality or negatively affect the flow of traffic on the State highway system; and

WHEREAS, the City Engineer has submitted and certified all of the legislative requirements, pursuant to N.J.S.A. 39:4-8(b) and that the criteria as set forth by the New Jersey Department of Transportation, Bureau of Traffic Engineering and Investigations has been met; and

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recommended change in traffic regulations upon certain streets under the control of the Municipality

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. Chapter 250-32. Schedule VIII: Stop Intersections is hereby supplemented and amended in accordance with the provisions of § 250-11, to designate the following described intersections as four way stop intersections:

Intersection:	Stop Sign On:
Bala Drive and Jordan Road (4 Way)	Bala Drive (both sides at Intersection with Jordan Road) Jordan Road (both sides at Intersection with Bala Drive)
Groveland Avenue and Bike Path (4 Way)	Groveland Avenue (both sides at Intersection with Bike Path) Bike Path (both sides at Intersection with Groveland Avenue)

SECTION 2. Appropriate signage, including warning signs shall be installed and placed on both sides of Bala Drive, on both sides of Jordan Road, on both sides of Groveland Avenue at the intersection with the Somers Point Bike Path and Groveland Avenue according to New Jersey Department of Transportation standards, with standard spacing as required by Regulation.

SECTION 3. All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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Ordinance No. 18 (Continued)**

SECTION 5. Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance

SECTION 6. This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

**FIRST READING: November 17, 2011
PUBLICATION: November 23, 2011
FINAL PASSAGE: December 8, 2011**

RESOLUTIONS

Waiver of 48-Hour Rule

The 48-Hour Rule was waived unanimously in order to consider Resolution No. 180.

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 165

M/S – Kern/Dill

Adopted by a unanimous vote of those present.

No. 165 of 2011

**Subject: Promoting Lisa King
Proposed by: Councilman Dill and Councilman Smith**

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

WHEREAS, Lisa King is a Certified Municipal Tax Collector, and has performed the duties of Deputy Tax Search Officer since 2006 and Assistant Municipal Tax Collector since 2008; and

WHEREAS, the Tax Collector has recommended that Lisa King be promoted, and the City Administrator concurs with that recommendation; and

WHEREAS, adequate funds are available within the Tax Collection Department operations in the 2011 budget for this promotion.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that, effective December 1, 2011 the salary of Lisa King will be in conformance with the salary schedule in the contract between the City of Somers Point and Teamsters Local 115 for the current position of Deputy Tax Collector Level 1.

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Resolutions (Continued)**

Resolution No. 166

M/S – Dill/D’Adamo

Administrator Swain advised that our Engineer is in total agreement with this. Councilman Dill advised that the Sewer Engineer has a foreman out there all the time during this project and he feels this is necessary. Resolution No. 166 was then approved by a unanimous vote of those present.

No. 166 of 2011

Subject: Change Order – Sanitary Sewer Rehabilitation & Replacement Project

Introduced By: Councilman Dill

WHEREAS, in accordance with Resolution 43 of 2011, Pipevision Products, Inc. of LaSalle, Illinois was awarded the contract for the Sanitary Sewer Rehabilitation and Replacement Project for the sum of \$1,332,000.00; and

WHEREAS, due to the large amount of grit that has settled in the 24’ pipes along Route 9 and the 30” pipes along DeFeo Lane, additional work was necessary for heavy cleaning of these pipes in lieu of the light cleaning required by the bid specifications; and

WHEREAS, the Sewer Utility Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$1,332,000.00	
Change order 1	\$ 18,093.00	
Revised Contract Amount	\$1,350,093.00	
Total Deduction: \$0	Total Additional: \$18,093.00	Net Change: 1.36%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the Sanitary Sewer Rehabilitation and Replacement Project is hereby approved and that the City Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 167

M/S – Tapp/Dill

Administrator Swain explained that an amendment was necessary to change “Employee Group Insurance” to “Sanitation S&W 1-01-26-305-100. Motion was made and seconded to amend (Dill/D’Adamo) and approved unanimously. Resolution No. 167 was then adopted, as amended, by a unanimous vote.

No. 167 of 2011 (As Amended)

Subject: Appropriation Transfer
Introduced by: Council President McGuigan

WHEREAS, N.J.S. 40A:4-1 et.seq. allows budget appropriation transfers after November 1st of the budget year.

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Resolution No. 167 (Amended)**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the Chief Financial Officer to make the following budget transfer as specified in this resolution.

Current Fund

From:

Finance S&W	1-01-20-130-100	\$10,000
General Liability Insurance	1-01-23-210-234	5,000
Sanitation S & W	1-01-26-305-100	18,255
Emergency Management S&W	1-01-25-252-100	2,000
Vehicle Maintenance	1-01-26-315-271	5,000
Electric	1-01-31-430-275	10,000
Landfill Disposal	1-01-32-465-200	<u>15,000</u>

Total \$65,255

To:

Mayor and Council OE	1-01-20-110-200	\$ 2,000
City Clerk OE	1-01-20-120-200	6,000
Finance OE	1-01-20-130-200	6,000
Engineering Services OE	1-01-20-165-200	12,000
Health Waiver, Employee Opt-out	1-01-23-221-285	18,255
Public Defender OE	1-01-43-495-200	3,000
Diesel Fuel	1-01-31-447-274	9,000
Gasoline	1-01-31-460-273	<u>9,000</u>

Total \$65,255

Resolution No. 168

M/S – D’Adamo/Kern

Administrator Swain advised that this is required by the new law that took effect in June regarding health benefits for NJ State Employees. Resolution No. 168 was then adopted by a unanimous vote of those present.

No. 168 of 2011

Subject: Flexible Benefits Plan
Introduced By: Council President McGuigan

WHEREAS, as it applies to employee health care coverage, New Jersey P.L. 2011 c. 78 requires the City of Somers Point to establish a Premium Only Plan and a Flexible Spending Account for eligible employees pursuant to Section 125 of the Internal Revenue Code; and

WHEREAS, the City shall withhold from the participant’s compensation an amount equal to the contributions required from the participant for the coverage of the participant, as the source of premium payments; and

WHEREAS, the City Administrator has reviewed the requirements and recommends AFLAC to be the Section 125 provider; and

WHEREAS, AFLAC, as the provider, has agreed to administer the plan at no cost to the City of Somers Point; and

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Resolution No. 168 (continued)

WHEREAS, participation by the eligible employees in the plan is voluntary.

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

1. The City Administrator is hereby authorized, without further resolution, to execute the required Adoption Agreement and any related documents which may be necessary or appropriate to to adopt the plan or maintain its compliance with applicable Federal, State and Local law.
2. The Flexible Benefits Plan will have an effective date of January 1, 2012.
3. The Flexible Benefits Plan shall include a Dependent Care Flexible Spending Account, as permitted by the law.
4. The maximum annual employee deduction for the medical expenses Flexible Spending Account shall be \$2,500.
5. The adoption of this plan does not alter any existing Flexible Benefits Plan that the City currently maintains.

Resolution No. 169

M/S – Kern/Triboletti

Approved by a unanimous vote of those present.

No. 169 of 2011

Subject: Change Order – JFK Park Repairs

WHEREAS, in accordance with Resolution 150 of 2011, M.L. Ruberton, Inc., of Hammonton, NJ was awarded the contract for the JFK Park Repairs for the sum of \$104,700.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$104,700.00
Change order 1	\$-3,292.20
Revised Contract Amount	\$101,407.80

Total Deduction: \$-3,292.20 Total Additional: \$0 Net Change: -3.14%

WHEREAS, the Somers Point Recreation Commission has considered the recommendation of the City Engineer’s office and requests that the Governing Body approve the change order.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the JFK Park Repairs is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolution No. 170

M/S – Dill/Kern

Approved by a unanimous vote of those present.

No. 170 of 2011

Subject: Community Development Block Grant Program

WHEREAS, the City of Somers Point has opted to participate in the Atlantic County community Development Block Grant (CDBG) Program for FY 2011; and

WHEREAS, as a participant, the City of Somers Point expects to be allocated \$57,388.00 for Fiscal Year(s) 2011 for the project known as Road Reconstruction – Sunny Avenue; and

WHEREAS, in order to be allocated CDBG funds, the City of Somers Point must enter into an interlocal service agreement with the Atlantic County Improvement Authority, the administrator of the Atlantic County CDBG Entitlement Program.

NOW, THEREFORE, BE IT RESOLVED, that the Agreement by and between the Atlantic County Improvement Authority and City of Somers Point which is attached hereto, is approved and the Mayor and Municipal Clerk are authorized to sign said agreement on behalf of the City.

Resolution No. 171

M/S – Dill/Kern

Approved by a unanimous vote of those present.

No. 171 of 2011

**Subject: Awarding the Bid for the Sewer Camera and Vehicle
Introduced By: Councilman Dill**

WHEREAS, on November 15, 2011 the City of Somers Point received bids for a Sewer Camera and Vehicle; and

WHEREAS, bid packages were obtained by four vendors and bids were received from two vendors; and

WHEREAS, the Base Bid included a new vehicle and the Alternate Bid included a low-mileage demonstrator vehicle 2010 or newer, with camera, either unused or with less than 25,000 miles; and

WHEREAS, Envirosight, LLC of Randolph, New Jersey was the lowest responsible bidder, bidding both the Base Bid and Alternate Bid; and

WHEREAS, the Sewer System Operator has recommended that the City award the contract to Envirosight, LLC of Randolph, New Jersey in the amount of \$124,999.69 for the Alternate Bid which will provide a demonstrator vehicle and camera with less than 25,000 miles and with full manufacturer warranties; and

WHEREAS, the City Administrator concurs with the recommendation.

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Resolution No. 171 (Continued)

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

- 1.) The Contract for the Sewer Camera and Vehicle is hereby awarded to Envirosight, LLC of Randolph, New Jersey on the basis of bid Alternate 1 in the total amount of \$124,999.69 which is within the \$125,000 amount approved by Bond Ordinance; and
- 2.) The City Administrator is hereby authorized and directed to enter into a formal contract with Envirosight, LLC, signing on behalf of the City.

Resolution No. 180

M/S – Dill/Kern

Approved by a unanimous vote of those present.

No. 180 of 2011

A Resolution Supporting enactment of Assembly and Senate Bills which exempt government owned property from Adverse Possession and eliminates a Statute of Limitation period for recovery by a government entity which Legislation had been filed for Introduction in the 2010 Legislative Session as Assembly Bill No. 1681 sponsored by Assemblyman Schroeder and co-sponsored by Assemblymen Giegnan and Rumana

Introduced by: Councilman Dill and Councilman Smith

WHEREAS, in a decision rendered in 1991 the Supreme Court of New Jersey in the matter of Devins v Borough of Bogota 124 N.J. 570 reversed the long standing rule that municipally owned property could not be subject to acquisition by adverse possession; and

WHEREAS, in rendering their decision, recognizing the wide spread impact such a ruling would have upon governmental entities, the Supreme Court further held that the impact of their decision would not become effective until twenty (20) years after their decision had been rendered; and

WHEREAS, the twenty year grace period expires in 2011; and

WHEREAS, within the twenty years since the Supreme Court rendered its decision the Legislature has not enacted any Law to restore the long standing rule that government owned property cannot be acquired by adverse possession; and

WHEREAS, in 2010 Assembly Bill No. 1681 was introduced on January 12, 2010 to cure this deficiency and protect government entities from wrongful seizure of publicly owned properties; and

WHEREAS, following introduction A- 1681 was referred to the Assembly Transportation, Public Works and Independent Authorities Committee from which it was never released; and

WHEREAS, unless Legislative action is taken, Municipalities and other governmental entities will not only be subject to taking by adverse possession but in order to prevent such wrongful taking, may be obligated to spend considerable public funds to identify incidents of adverse possession which may exist in order to protect the public interest and incur legal fees which would otherwise not be necessary; and

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Resolution No. 180 (Continued)**

WHEREAS, in these times of fiscal restraint such monies should be better spent on more worthwhile projects; and

WHEREAS, the Governing Body of the City of Somers Point believes that such legislation is in the best interest of the citizens of the State of New Jersey and of the municipalities and counties situated herein

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Governing Body of the City of Somers Point supports enactment of Legislation comparable to A 1681 which would preclude the taking of government owned property through adverse possession and would further provide that actions brought by any governmental entity for recovery of any such property not be time barred; and

IT IS FURTHER, RESOLVED that a copy of this resolution with the attached A-1681 be sent to Governor Chris Christie, State Senator James Whelan, State Assemblyman John F. Amodeo, State Assemblyman Vincent J. Polistina, State Assemblyman Robert Schroeder, and the New Jersey League of Municipalities.

Consent Agenda

M/S – Kern/Dill

The following resolutions in the consent agenda were approved unanimously.

No. 179 of 2011

Subject: Tax Overpayment Refund

WHEREAS, the below listed overpayment for the year designated is held in reserve by the City of Somers Point; and

WHEREAS, there was a county board judgment on the property, creating an overpayment on the fourth quarter of 2011; and

WHEREAS, the taxes were paid by the mortgage company,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to the mortgage company.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Qual.	Property Owner	Amount	Year
2018	3.03	C0002	Estate of Brian L Webster	\$593.90	2011

No. 172 of 2011

RESOLUTION APPROVING REQUEST BY THE SOMERS POINT TAX COLLECTOR TO IMPOSE A MUNICIPAL TAX LIEN ON BLOCK 410, LOT 7, ALSO KNOWN AS 211 BAY AVENUE AS ALLOWED BY CHAPTER 169 OF THE SOMERS POINT MUNICIPAL CODE

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Resolution No. 172 (Continued)**

**Introduced By: Councilman Dill
Councilman Smith**

WHEREAS, Under the authority granted to the City of Somers Point Governing Body pursuant to N.J.S.A. 40:49-5.1 et seq. the "International Property Maintenance Code", and each of the regulations, provisions, penalties, and conditions of said Code (the "Code") have been adopted in Chapter 169-20 as the Property Maintenance Code of the City of Somers Point for the control of buildings and structures as therein provided; and

WHEREAS, The Construction Code Officer of the City of Somers Point is the designate enforcement official on behalf of the City of Somers Point; and

WHEREAS, the Construction Code Officer has found that the property designated as Block 410, Lot 7 as shown on the Tax Map of the City of Somers Point, with a street address of 211 Bay Avenue was in violation of the Code; and

WHEREAS, numerous notices were sent to the property owner or its designee as required by Chapter 169- 17 and were disregarded; and

WHEREAS, the Construction Code Officer ordered that maintenance work be performed by the Public Works Department; and

WHEREAS, the work was performed on October 6, 2010; and

WHEREAS, the cost of the work was \$728.37 as specifically described in an invoice dated October 8, 2010 which was mailed to the property owner on September 2, 2011 and which amount was placed on the next tax bill, but remains unpaid

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Somers Point that the Tax Assessor is authorized to impose a municipal lien on 211 Bay Avenue in the amount of \$728.37

No. 173 of 2011

**RESOLUTION APPROVING REQUEST BY THE SOMERS POINT TAX
COLLECTOR TO IMPOSE A MUNICIPAL TAX LIEN ON BLOCK 1816, LOT 9,
ALSO KNOWN AS 17 W. LAUREL DRIVE AS ALLOWED BY CHAPTER 169 OF THE
SOMERS POINT MUNICIPAL CODE**

**Introduced By: Councilman Dill
Councilman Smith**

WHEREAS, Under the authority granted to the City of Somers Point Governing Body pursuant to N.J.S.A. 40:49-5.1 et seq. the "International Property Maintenance Code" , and each of the regulations, provisions, penalties, and conditions of said Code (the "Code") have been adopted in Chapter 169-20 as the Property Maintenance Code of the City of Somers Point for the control of buildings and structures as therein provided; and

WHEREAS, The Construction Code Officer of the City of Somers Point is the designate enforcement official on behalf of the City of Somers Point; and

WHEREAS, the Construction Code Officer has found that the property designated as Block 1816, Lot 9 as shown on the Tax Map of the City of Somers Point, with a street address of 115 W. Groveland Avenue was in violation of the Code; and

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Resolution No. 173 (Continued)**

WHEREAS, numerous notices were sent to the property owner or its designee as required by Chapter 169- 17 and were disregarded; and

WHEREAS, the Construction Code Officer ordered that maintenance work be performed by the Public Works Department; and

WHEREAS, the work was performed on August 23, 2011; and

WHEREAS, the cost of the work was \$767.94 as specifically described in an invoice dated August 30, 2011 which was mailed to the property owner on September 14, 2011 and which amount was placed on the next tax bill, but remains unpaid

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Somers Point that the Tax Assessor is authorized to impose a municipal lien on 17 w. Laurel Drive in the amount of \$767.94.

No. 174 of 2011

RESOLUTION APPROVING REQUEST BY THE SOMERS POINT TAX COLLECTOR TO IMPOSE A MUNICIPAL TAX LIEN ON BLOCK 720, LOT 1, ALSO KNOWN AS 24 CHAPMAN BOULEVARD AS ALLOWED BY CHAPTER 169 OF THE SOMERS POINT MUNICIPAL CODE

**Introduced By: Councilman Dill
Councilman Smith**

WHEREAS, Under the authority granted to the City of Somers Point Governing Body pursuant to N.J.S.A. 40:49-5.1 et seq. the "International Property Maintenance Code" , and each of the regulations, provisions, penalties, and conditions of said Code (the "Code") have been adopted in Chapter 169-20 as the Property Maintenance Code of the City of Somers Point for the control of buildings and structures as therein provided; and

WHEREAS, The Construction Code Officer of the City of Somers Point is the designate enforcement official on behalf of the City of Somers Point; and

WHEREAS, the Construction Code Officer has found that the property designated as Block 720, Lot 1 as shown on the Tax Map of the City of Somers Point, with a street address of 24 Chapman Boulevard was in violation of the Code; and

WHEREAS, numerous notices were sent to the property owner or its designee as required by Chapter 169- 17 and were disregarded; and

WHEREAS, the Construction Code Officer ordered that maintenance work be performed by the Public Works Department; and

WHEREAS, the work was performed on August 31, 2010; and

WHEREAS, the cost of the work was \$1,564.76 as specifically described in an invoice dated October 10, 2010 which was mailed to the property owner on September 2, 2011 and which amount was placed on the next tax bill, but remains unpaid

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Somers Point that the Tax Assessor is authorized to impose a municipal lien on 24 Chapman Boulevard in the amount of \$1,564.76.

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No. 175 of 2011

**RESOLUTION APPROVING REQUEST BY THE SOMERS POINT TAX
COLLECTOR TO IMPOSE A MUNICIPAL TAX LIEN ON BLOCK 912, LOT 14, ALSO
KNOWN AS 30 WEST GROVELAND AVENUE AS ALLOWED BY CHAPTER 169 OF
THE SOMERS POINT MUNICIPAL CODE**

**Introduced By: Councilman Dill
Councilman Smith**

WHEREAS, Under the authority granted to the City of Somers Point Governing Body pursuant to N.J.S.A. 40:49-5.1 et seq. the "International Property Maintenance Code", and each of the regulations, provisions, penalties, and conditions of said Code (the "Code") have been adopted in Chapter 169-20 as the Property Maintenance Code of the City of Somers Point for the control of buildings and structures as therein provided; and

WHEREAS, The Construction Code Officer of the City of Somers Point is the designate enforcement official on behalf of the City of Somers Point; and

WHEREAS, the Construction Code Officer has found that the property designated as Block 912, Lot 14 as shown on the Tax Map of the City of Somers Point, with a street address of 30 West Groveland Avenue was in violation of the Code; and

WHEREAS, numerous notices were sent to the property owner or its designee as required by Chapter 169- 17 and were disregarded; and

WHEREAS, the Construction Code Officer ordered that maintenance work be performed by the Public Works Department; and

WHEREAS, the work was performed on September 3, 2010; and

WHEREAS, the cost of the work was \$843.67 as specifically described in an invoice dated October 8, 2010 which was mailed to the property owner on December 12, 2010 and which amount was placed on the next tax bill, but remains unpaid

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Somers Point that the Tax Assessor is authorized to impose a municipal lien on 30 West Groveland Avenue in the amount of \$843.67.

No. 176 of 2011

**RESOLUTION APPROVING REQUEST BY THE SOMERS POINT TAX
COLLECTOR TO IMPOSE A MUNICIPAL TAX LIEN ON BLOCK 912, LOT 14,
ALSO KNOWN AS 30 WEST GROVELAND AVENUE AS ALLOWED BY CHAPTER
169 OF THE SOMERS POINT MUNICIPAL CODE**

**Introduced By: Councilman Dill
Councilman Smith**

WHEREAS, Under the authority granted to the City of Somers Point Governing Body pursuant to N.J.S.A. 40:49-5.1 et seq. the "International Property Maintenance Code", and each of the regulations, provisions, penalties, and conditions of said Code (the "Code") have been adopted in Chapter 169-20 as the Property Maintenance Code of the City of Somers Point for the control of buildings and structures as therein provided; and

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Resolution No. 176 (Continued)

WHEREAS, The Construction Code Officer of the City of Somers Point is the designate enforcement official on behalf of the City of Somers Point; and

WHEREAS, the Construction Code Officer has found that the property designated as Block 912, Lot 14 as shown on the Tax Map of the City of Somers Point, with a street address of 30 West Groveland Avenue was in violation of the Code; and

WHEREAS, numerous notices were sent to the property owner or its designee as required by Chapter 169- 17 and were disregarded; and

WHEREAS, the Construction Code Officer determined that the required work could not be performed by the Public Works Department and ordered that maintenance work be performed by an independent third party contractor t/a The Tree Man ; and

WHEREAS, the work was performed on November 13, 2010; and

WHEREAS, the cost of the work was \$1,462.50 as specifically described in an invoice dated August 30, 2011 which was mailed to the property owner on September 2, 2011 and which amount was placed on the next tax bill, but remains unpaid

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Somers Point that the Tax Assessor is authorized to impose a municipal lien on 30 West Groveland Avenue in the amount of \$1,462.50.

No. 177 of 2011

**RESOLUTION APPROVING REQUEST BY THE SOMERS POINT TAX
COLLECTOR TO IMPOSE A MUNICIPAL TAX LIEN ON BLOCK 1125, LOT 12,
ALSO KNOWN AS 1007 MASSACHUSETTS AVENUE AS ALLOWED BY CHAPTER
169 OF THE SOMERS POINT MUNICIPAL CODE**

**Introduced By: Councilman Dill
Councilman Smith**

WHEREAS, Under the authority granted to the City of Somers Point Governing Body pursuant to N.J.S.A. 40:49-5.1 et seq. the "International Property Maintenance Code" , and each of the regulations, provisions, penalties, and conditions of said Code (the "Code") have been adopted in Chapter 169-20 as the Property Maintenance Code of the City of Somers Point for the control of buildings and structures as therein provided; and

WHEREAS, The Construction Code Officer of the City of Somers Point is the designate enforcement official on behalf of the City of Somers Point; and

WHEREAS, the Construction Code Officer has found that the property designated as Block 1125, Lot 12 as shown on the Tax Map of the City of Somers Point, with a street address of 1007 Massachusetts Avenue was in violation of the Code; and

WHEREAS, numerous notices were sent to the property owner or its designee as required by Chapter 169- 17 and were disregarded; and

WHEREAS, the Construction Code Officer ordered that maintenance work be performed by the Public Works Department; and

WHEREAS, the work was performed on September 3, 2010; and

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Resolution No. 177 (Continued)**

WHEREAS, the cost of the work was \$988.70 as specifically described in an invoice dated October 8, 2010 which was mailed to the property owner on September 2, 2011 and which amount was placed on the next tax bill, but remains unpaid

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Somers Point that the Tax Assessor is authorized to impose a municipal lien on 1007 Massachusetts Avenue in the amount of \$988.70.

No. 178 of 2011

**Subject: Sewer Overbilling
Introduced by: Councilman Smith**

WHEREAS, the property listed as 636 Shore Road, Block 1412 Lot 10, was formerly a residence and gift shop causing there to be 2 sewer charges; and

WHEREAS, the property owner has notified the City of Somers Point that the gift shop is no longer in operation; and

WHEREAS, the tax assessor and construction official have inspected the property and found it to be a "single family home with an abandoned commercial use" making it one unit, and

WHEREAS, the property owner has requested the sewer bill be changed to one charge;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the sewer billing for 2011 be changed to one charge of \$300.00 and the interest be waived if paid by the end of the year; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

New Business

There was no New Business presented for discussion.

Old Business

There was no Old Business presented for discussion.

Discussion of Bills

Bills were presented for approved in the amount of \$1,490,016.95. Administrator Swain noted that the bill to Ford Motors half way down on Page 3 needs to be eliminated. There were two other bill lists in the amount of \$14,778.93 and \$187,694.64 and a voucher in the amount of \$1,750. The total amount of bills, including the deletion is \$1,671,319.45.

Public Portion

Meeting was opened to the public and duly closed.

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Payment of Bills

A motion was made and seconded to approve the bills in the total amount of \$1,671,319.45. Motion carried and a complete list of bills is on file in the Office of the City Clerk.

Adjournment

There being no further business, meeting adjourned at 8:12 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: