

REGULAR MEETING MAYOR AND CITY COUNCIL September 23, 2010

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

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

Also Present: Mayor Glasser, Administrator Swain, Atty. Franklin & 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

Judy Hanlin of the Somers Point Business Association announced that October 18th through October 24th is Restaurant Week in the City of Somers Point. She stated that 19 restaurants are signed up and you can get all of the information on the SP Business Association website.

Reports

Mayor Glasser stated that on September 11 we had a very special weekend in Somers Point, starting off at 8:30 a.m. on Saturday in Veteran's Park with the 9-11 remembrance ceremony which was very well done and well attended. This was followed later in the day by the Good Old Days Festival led by Council President McGuigan who did a great job and it was well attended. On Sunday we remembered our fallen hero, Richard Somers at a ceremony at the Somers Mansion. This was followed by the POW/MIA ceremony last Friday night. Council President McGuigan stated that he appreciates all of the kind words and noted that none of these events would happen without the volunteers who put in the time to put these events together.

City Administrator's Report

Administrator Swain reported that on Monday we will be settling on our NJ Infrastructure Trust Grant of approximately three million dollars which would allow us to rehabilitate 900 feet of sewer lines and replace 1700 feet of sewer lines. Also, on Tuesday, we took bids for our bond anticipation notes of 1.9 million dollars. We will be awarding to the highest bidder of 1.41%

Committee Reports

Councilman Dill gave the Zoning Board Report in full and distributed copies of the JIF Report which is also available in the City Clerk's Office. He gave the personnel committee report stating that they have discussed the promotion of Lisa King, in the tax office, and have put that resolution on the agenda tonight.

Minutes

The minutes of the Regular Meetings of June 10th and June 24th, 2010 were approved unanimously.

ORDINANCES

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Ordinances (Continued)

Ordinance No. 12 – Final Reading

M/S – Dill/Kern

Meeting was opened to the public and duly closed.

It was discovered that the ordinance should read the south side of West Cedar Avenue and the location should read: From Bethel Road to the Easterly terminus. Atty. Franklin suggested a second amendment that this would be No Parking, No Stopping and No Standing.

M/S – Dill/Triboletti – on both the above amendments – Motion carried unanimously.

Ordinance to be republished and scheduled for final reading on October 14th.

Ordinance No. 12 of 2010 (As Amended)

**An Ordinance Enacted Under Authority Granted by N.J.S.A. 39:4-197
Regulating the Parking of Vehicles on Certain Streets and Portions Thereof;
Amending and Supplementing the Somers Point Municipal Code Chapter
250 Vehicles and Traffic, Article I Section 250-24. Schedule 1: No Parking;
and Repealing All Ordinances Heretofore Adopted, The Provisions of Which
Are Inconsistent Herewith.**

WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by Ordinance, to regulate the parking of vehicles on municipal streets and portions thereof; and

WHEREAS, a recommendation has been made by the Somers Point Police Department to regulate the parking of vehicles on West Cedar Avenue in the interest of public safety and for the proper access by Fire and Rescue vehicles; 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 parking regulations

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: Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24. Schedule 1 is hereby amended and supplemented to add a Schedule 1-1 “No Parking, Stopping, Standing” at any time:

Schedule 1-A No Parking, Stopping or Standing shall be permitted at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
W. Cedar Avenue	South	From Bethel Road to Easterly Terminus

SECTION 2: “No Parking, Stopping or Standing This Side” signage shall be installed and placed according to New Jersey Department of Transportation standards with standard spacing as required by Regulation.

SECTION 3: Section 250-3 “Parking Prohibited At All Times” is hereby amended to add reference to Schedule 1-A.

SECTION 4: 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 5: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies

SECTION 6: 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.

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Ordinance No. 12 (Continued)**

SECTION 7: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

**FIRST READING: September 09, 2010
PUBLICATION: September 15, 2010
FINAL PASSAGE: September 23, 2010
REPUBLICATION AS AMENDED: September 29, 2010
SECOND READING: October 14, 2010**

Public Portion regarding Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 145

M/S – Dill/D’Adamo

Adopted by a unanimous vote of those present.

No. 145 of 2010

WHEREAS N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS The Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: **General Comments – Recommendations**, and

WHEREAS the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: **General Comments – Recommendations** as evidenced by the group affidavit form of the governing body; and

WHEREAS Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who After a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

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Resolution No. 145 (continued)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 146

M/S – Parker/Dill

Adopted by a unanimous vote of those present.

No. 146 of 2010

Subject: Liquor License Renewal Somers Point Volunteer Fire Company No. 2
Introduced By: Council President McGuigan

WHEREAS, an Application for Renewal of Plenary Retail Consumption License No. 0121-31-024-001 has been properly filed with the Clerk of the City of Somers Point on behalf of Somers Point Volunteer Fire Company No. 2; and

WHEREAS, the tax clearance certificate has been issued by the Division of Alcoholic Beverage Control, and received by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point do hereby approve the renewal of Plenary Retail Consumption License No. 0121-31-024-001 for the license year July 1, 2010 through June 30, 2011.

Resolution No. 147

M/S – Triboletti/Dill

Adopted by a unanimous vote of those present.

No. 147 of 2010

Subject: Tax Overpayment Refund
Introduced by: Councilman Smith

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

WHEREAS, the third quarter 2010 tax was paid by both the mortgage company and the title company resulting in an overpayment; and

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

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	Mortgage Company	Amount	Year
1424	4	Daniel Adamski & Kathleen Rowe	\$1094.35	2010

Resolution No. 148

M/S – Parker/Dill

Adopted by a unanimous vote of those present.

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Resolution No. 148 (Continued)**

No. 148 of 2010

**Subject: Tax Overpayment Refund
Introduced by: Councilman Smith**

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

WHEREAS, the second 2010 tax was paid by both the mortgage company and the title company resulting in an overpayment; and

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

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	Mortgage Company	Amount	Year
1137	3	Thomas Ward	\$1001.50	2010

Resolution No. 149

M/S – Parker/Dill – Councilman Dill advised that she has gone to school to get her certificate as a Municipal Tax Collector.

Adopted by a unanimous vote of those present.

No. 149 of 2010

**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 2010 budget for this promotion.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that, effective October 1, 2010 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 2.

Old Business

Atty. Franklin had one housekeeping item and asked that they move to defer the Resolution with Fibertech to the meeting of October 14th.

M/S – D’Adamo/Smith

Motion carried by a unanimous vote to defer to the next meeting (10/14/10).

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Old Business (Continued)**

Councilman Dill asked the outcome with regard to the payphone at City Hall. Administrator Swain advised that he spoke with the Police Chief, Judge and the Court who felt that it was very necessary and asked that we keep it.

Councilman Dill stated that we had tabled Ordinance No. 10 and it has now been officially withdrawn as requested by the Code Enforcement Officer.

Councilman Dill asked if we have been out to look at the property on Sixth Street that we had received complaints about. Council President McGuigan stated that the Code Enforcement Officer has been out there and currently there are no violations.

Councilman Triboletti stated that he would like to have Council send a letter to the County regarding our library, to have them meet with the Committee. He asked that Administrator Swain draft a letter to Freeholder Formica and attach the current lease.

New Business

Councilman Dill expressed his upset with the editorial in the newspaper regarding the methadone clinic which indicated that the City was not addressing the problem. He stated that he knows that the Mayor, Council President and other members of this Council have been working very hard to resolve these issues over the last three months.

A Raffle License application for the Shore Memorial Hospital Auxiliary was approved unanimously.

An application for membership in the New Jersey State Firemen's Association was approved for Meghan Migliaccio.

Waiver of 48-Hour Rule

The 48-Hour Rule was waived in order to consider the following Social Affairs application.

A Social Affairs permit application was approved for the Knights of Columbus with Councilman D'Adamo abstaining.

Discussion of Bills

Bills were presented for discussion. Council requested that a copy of the bill for the Library in the amount of \$7,325.00 be attached to the letter and lease that we send out to the County.

Mayor Glasser advised that our newest Police Officer, Mario Rivera will be graduating from the Police Academy tomorrow at 3:00 p.m. and everyone is invited to attend this ceremony.

Public Portion

Ms. Elsie Surran, Sixth Street, came forward and addressed the governing body asking why the lot next door to her has not been cleared off. Council President McGuigan advised that the Code Enforcement Officer has inspected the property and currently there are no violations.

Public portion was then closed.

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Payment of Bills

A motion was made and seconded to approve the bills in the total amount of \$1,543,528.17. Administrator Swain advised that on page 2, there is a bill that says Crab Trap, Emergency Management. He explained this bill should read that it is a reimbursement to Rob Cozen, Emergency Management Coordinator. Motion carried unanimously. A complete list of bills is on file in the Office of the Municipal Clerk.

Adjournment

There being no further business, meeting adjourned at 7::45 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 10/28/10