

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
April 14, 2011**

**Meeting called to order at 7:00 p.m. by President McGuigan. 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**

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**Open Public Meetings Act**

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

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**Communications**

The following notice was read by the City Clerk at the direction of the New Jersey Superior Court:

Notice is hereby given that the Honorable James E. Isman, JTC t/a will conduct a Mount Laurel Fairness Hearing on the 16<sup>th</sup> day of June, 2011, at 9 o'clock AM in his Courtroom in the Superior Court of New Jersey, Atlantic county Courthouse located at 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401, to facilitate the resolution and dismissal of pending second and third round affordable housing litigation captioned Plantation Bay, LLC v. City of Somers Point, et als., Docket No. ATL-L-007302-06 P.W. (Mount Laurel). The property involved is known as Greate Bay country club. The Settlement Agreement and complete Public Notice is on file with the city Clerk and available for inspection by anyone who might be interested, including directions for filing written comments.

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**Proposed Budget – Mainland Regional High School**

Representatives from Mainland Regional High School presented their proposed budget to the governing body advising that they are proposing a 1.4% increase.

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**Committee Reports**

Mayor Glasser reported that the DOT will be closing down Route 52 causeway from 8:00 p.m. until 6:00 a.m. beginning Monday April 13<sup>th</sup>, April 21<sup>st</sup> and April 25 – 28<sup>th</sup> for construction.

Mayor Glasser also reported that he will be meeting with Congressman Rogers and Congressman Frank LoBiondo tomorrow morning at 9:00 am with regard to Bill HR1497 which was introduced in the House.

Councilman Triboletti stated that the Vision Plan is now on the website. He reported that on May 4<sup>th</sup> and 5<sup>th</sup> there will be bus tours leaving from City Hall – the times to be announced. There will also be Open Houses at the Schools. He also reported that everyone has received their audit for review.

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Councilman Dill gave the Zoning board report in full. He also reported that the Parking Committee has met several times and there are several ordinances introduced and future ordinances to be introduced regarding permit parking.

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**Minutes**

There were no minutes presented for approval.

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**ORDINANCES**

**Ordinance No. 2 – Final Reading**

M/S – Dill/Triboletti

Adopted by a unanimous vote of those present.

**Ordinance No. 2 of 2011**

**CITY OF SOMERS POINT  
CALENDAR YEAR 2011**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

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**Ordinance No. 3 – First Reading**

M/S – Dill/Triboletti

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

**Ordinance No. 3 of 2011**

**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 I: 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 City Engineer and by the Somers Point Police Department to regulate the flow of traffic and the parking of vehicles on a certain streets in the interest of public safety, for the proper parking of vehicles, for the elimination of parking congestion which prevents residents of this City from being able to park on their streets and in proximity to their property, and for the proper passage of emergency 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 traffic and 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:

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SECTION 1: Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24 Schedule I: No Parking is hereby amended and supplemented to add the following:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Bay Avenue	West	New York Avenue to Brighton Avenue
Pennsylvania Avenue	South	Shore Road to 1 <sup>st</sup> Street

SECTION 2: “No Parking This Side” signage shall be installed and placed on each side the designated streets according to New Jersey Department of Transportation standards with standard spacing as required by Regulation

SECTION 3: All other provisions of Chapter 250 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.

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: April 14, 2011***

***PUBLICATION: April 20, 2011***

***FINAL PASSAGE: April 28, 2011***

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**Ordinance No. 4 – First Reading**

M/S – Dill/D’Adamo

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

**Ordinance No. 4 of 2011**

**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 250-30. Schedule VI: One Way Streets and Article I Section 250-  
24 Schedule I: 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 City Engineer and by the Somers Point Police Department to regulate the flow of traffic and the parking of vehicles on a segment of Centre Street in the interest of public safety, for the extension of the Somers Point Bike Path, for the proper parking of vehicles, and for the proper passage of emergency vehicles; and

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**Ordinance No. 4 (Continued)**

**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 and parking regulations

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**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 250-30. Schedule VI: One-Way Streets is hereby amended and supplemented to add the following:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Limits</b>	<b>Parking Permitted</b>
Centre Street	Southbound	From New Jersey Avenue To Somers Avenue (210 feet North of Somers Avenue)	Neither Side at any Time

SECTION 2: “One Way” signage shall be installed and placed according to New Jersey Department of Transportation standards with as required by Regulation.

SECTION 3: Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24 Schedule I: No Parking is hereby amended and supplemented to add the following:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Centre Street	East	From New Jersey Avenue to Somers Avenue
Centre Street	West	From Somers Avenue to New Jersey Avenue

SECTION 4: “No Parking This Side” signage shall be installed and placed on each side of Centre Street within the One – Way segment between New Jersey Avenue and Somers Avenue according to New Jersey Department of Transportation standards with standard spacing as required by Regulation.

SECTION 5: 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 6: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 7: 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 8: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

**FIRST READING: April 14, 2011**

**PUBLICATION: April 20, 2011**

**FINAL PASSAGE: April 28, 2011**

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**RESOLUTIONS**

**Public Portion on Resolutions**

Meeting was opened to the public and duly closed.

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**Resolution No. 69**

M/S – Triboletti/Kern

Adopted unanimously.

**Resolution No. 69 of 2011**

**Subject:           Authorizing an Amendment to a Quit Claim Deed Dated May 22, 2006 from the City of Somers Point to Alexander W. Kazmarck to Extend for a Term of Five (5) Years the Expiration Date of the Reverter Clause in Favor of the City of Somers Point as Contained Therein**

**Introduced By:       Councilman Triboletti**

**WHEREAS**, following a series of appearances before the Governing Body of the City of Somers Point and the Somers Point Planning Board during 2005 concerning a request to vacate a paper street known variously as Point Avenue and South Point Avenue, by Ordinance No. 13 of 2005 adopted September 22, 2005 that paper street was vacated creating an undersized lot; and

WHEREAS, by Ordinance No. 17 of 2005 enacted on October 27, 2005 and Ordinance No. 22 of 2005 the City Administrator was authorized to offer for sale to the contiguous owners in the manner required by; and

WHEREAS, by Resolution No. 70 of 2006 adopted by the Somers Point City Council on May 11, 2006 the offer to purchase the subject property made by contiguous owner Alexander W. Kazmarck was accepted with two conditions including a clause creating automatic reverter of the parcel to the City of Somers Point in the event the project proposed for development on the subject property and the contiguous parcels owned by purchaser shall not be substantially completed within five (5) years "or such later date as may be extended by Council in its sole discretion in the event the project is delayed through no fault of the developer"; and

WHEREAS, subsequent presentations were made during Council meetings held on September 13, 2007 and July 24, 2008 to discuss the status of permitting, and more specifically the necessary CAFRA permit during which latter meeting the Minutes of the meeting reflect that the members of City Council unanimously agreed to renegotiate the terms of the reverter clause; and

WHEREAS, on September 11, 2006 by Resolution and Judgment on Appeal the Somers Point Board of Adjustment granted a "D" variance, certain "C" variances and preliminary and final site plan approval with waivers for construction of a proposed project; and

WHEREAS, on May 14 and July 16, 2008 presentations were made by applicant to the Somers Point Planning Board seeking certain "C" variances and approvals to construct 24 Luxury Condominiums on the subject and contiguous properties owned by Mr. Kazmarek; and

WHEREAS, on September 17, 2008 the Somers Point Planning Board adopted a Decision and Resolution granting Preliminary and Final site plan approval for the 24 unit project conditioned upon applicant obtaining a revised CAFRA Permit relating to public access to the waterfront which had been the only other condition imposed upon the purchaser by Resolution No. 70 of 2006; and

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**Resolution No. 69 (Continued)**

WHEREAS, on April 7, 2010 a CAFRA Modification Permit was obtained for the proposed project which provided for public access to the waterfront using a buffer area as was required by Resolution No. 70 of 2006, and also impose upon developer the obligation to provide a five (5) space parking lot and boardwalk area; and

WHEREAS, on February 16, 2011 following a January 19, 2011 hearing the Somers Point Planning Board adopted a Decision and Resolution granting developer Kazmarck preliminary and final site plan approval for a revised project in compliance with the CAFRA Modification Permit, together with certain "C" Bulk Variances and Waivers from strict compliance; and

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WHEREAS, by letter dated March 3, 2011 directed to Somers Point City Council, John W. Daniels, Esq. the attorney representing Mr. Kazmarck requested the opportunity to address City Council to discuss certain changes in the reverter clause contained in the Quit Claim Deed dated May 26, 2006 and, more specifically, requesting that the reverter clause be deleted; and

WHEREAS, a full and thorough review of the history of the sale of the subject property, the subsequent actions and deliberations of the Somers Point Zoning Board of Adjustment, the Somers Point Planning Board and CAFRA as well as the efforts by Mr. Kazmarck as property owner / developer to obtain all permits necessary for project approval; and

WHEREAS, on March 24, 2011 Mr. Daniels appeared before City Council on behalf of Mr. Kazmarck to review the history of this matter, to present to Council the final project plan as approved by CAFRA and the Somers Point Planning Board, and to formally request relief from the reverter clause which, by its terms, will expire on May 21, 2011 causing ownership of the property to automatically revert to the City of Somers Point; and

WHEREAS, after giving due consideration to the terms of the reverter clause, the purpose for which it had been included in the Quit Claim Deed, the history of the sale to Mr. Kazmarck and his efforts to obtain the permits necessary to construct the proposed project; and

WHEREAS, the City Council found and determined that:

- 1) The initial intent to impose a reverter clause in the event the proposed project should not be developed is fair and reasonable and protects the interest of the City and its taxpayers;
- 2) The delays occasioned in obtaining the required permits have not been due to the fault of Mr. Kazmarck;
- 3) The terms of both Resolution No. 70-2006 and the Reverter Clause provide that City Council may, in its sole discretion, extend the date for the automatic application of the reverter clause;
- 4) Although not binding upon this City Council, a representation was made to Mr. Kazmarck during the Council meeting held July 24, 2008 that the terms of the reverter clause would be renegotiated;
- 5) It is in the best interest of the City and its taxpayers to have the proposed project as approved constructed and that the automatic exercise of the reverter clause on May 21, 2011 would be contrary to that interest; and
- 6) Extending the term of the reverter clause for an additional period of five (5) years is reasonable and necessary to allow for the financing and construction of the proposed project.

Now Therefore, it is hereby RESOLVED that the City Administrator is hereby authorized to execute and deliver a modified Quit Claim Deed on behalf of the City to Alexander W. Kazmarck extending the effective date of the reverter clause to May 21, 2016; and

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Resolution No. 69 (Continued)**

Further, RESOLVED that all other terms and conditions of the Quit Claim Deed dated May 22, 2006 shall remain the same; and

Further RESOLVED that "substantial completion of the project" shall mean the project as approved by the Somers Point Planning Board by Decision and Resolution adopted February 16, 2011 following a January 19, 2011 hearing; and

Further, RESOLVED that the modified Quit Claim Deed shall be prepared by John W. Daniels in a form satisfactory to the City Administrator and City Solicitor; and

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Further, RESOLVED that all costs, fees and expenses shall be paid by Mr. Alexander Kazmarck including reimbursement to the City for monies expended in furtherance of this matter as heretofore agreed.

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**Resolution No. 70**

M/S – D’Adamo/Kern  
Adopted unanimously

**No. 70 of 2011**

**Subject:                    Authorizing A Request for Proposals  
for Banking Services**

**Introduced By:        Council President McGuigan**

**WHEREAS**, the Governing Body of the City of Somers Point has determined that it is in the best interest of the City to solicit proposals for banking services.

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

- 1.) The City Administrator is hereby authorized to prepare a Request for Proposals for Banking Services for the City of Somers Point.
- 2.) The City Administrator is authorized to solicit requests for proposals for banking services in accordance with the Fair and Open Pay-to-Play process, and in conformance with  
N.J.S. 40A:11-1 et seq, with said proposals to be received at the earliest possible time hereafter.

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**Resolution No. 71**

M/S – D’Adamo/Triboletti  
Adopted unanimously.

**Resolution No. 71 of 2011**

**Subject:                    Approving proposals – Goods and Services 2011**  
**Introduced By:        Council President McGuigan**

**WHEREAS**, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

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**Resolution No. 71 (Continued)**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the following proposal is approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of January 1, 2011 through December 31, 2011:

- a) **Influent Grinders for Sewer Pump Stations**  
Deltronics
- b) **Emergency Sewer Pumps and Equipment**  
Deltronics
- c) **Sewer Pump Station Maintenance**

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Deltronics

- d) **Sewer Pump Stations, Electrical & Electronics**  
Deltronics

- e) **Sewer Pump Station Parts & Supplies**  
Deltronics

- f) **Sewer System Coating, Lining & Restoration**  
Tri-State Grouting  
S.W.E.R.P.

- g) **Leaf Machine Parts and Supplies**  
Tag's Auto Supply, Inc.

- h) **Hardware Supplies**  
Shore True Value

- i) **Heavy Duty Truck Mechanic Services**  
Clegg's Garage  
Point Auto Repair

- j) **Automobile Mechanic Services**  
Point Auto Repair  
A & R Auto Care

- k) **Misc. Fire-Fighting Equipment**  
Continental Fire & Safety

- l) **Radio Base Stations, Mobile and Portable Parts and Service**  
Birch's Communications

- m) **City Hall Custodial Services**  
HOC (Home Office Cleaning)

- n) **Misc. Employee Uniforms**  
This & That Uniforms

- o) **Tax Assessment Hardware, Software and Internet Packagaes**  
Vital Communications

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Resolution No. 71 (Continued)**

- p) **Ceilings, Flooring, Wall Covering and Partition Material, Materials & Installation**  
Erco

- q) **Alarm, Monitor, Networking and Ancillary Parts, Installation & Service**  
Priority Protection Services  
EME Electric Contracting  
Marlac Electronics  
Deltronics

- r) **Excavation and Pipe Installation and/or Replacement**  
Seashore Associated Mechanical  
F.W. Shawl & Sons  
Garrison Enterprises



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**Resolution No. 72**

M/S – D’Adamo/Kern

Adopted unanimously.

**No. 72 of 2011**

**Subject: Authorizing the Mayor of the City of Somers Point to Sign Certain New Jersey Department of Environmental Protection Permit Applications and Other Routine Project Documents on behalf of the Sewer Utility for Projects Approved and Authorized by The Governing Body of the City of Somers Point**

**WHEREAS**, from time to time it is necessary for the Sewer Utility Engineer and the City Engineer to submit permit applications and other routine project documents to the New Jersey Department of Environmental Protection (NJDEP) on behalf of the City for Sewer Utility Projects approved by City Council; and

**WHEREAS**, it is necessary for the Mayor of the City of Somers Point to sign such routine applications and documents on behalf of the City, and

**WHEREAS**, in submitting such applications and documents to the NJDEP it is necessary to reference the enabling resolution granting such signing authority to the Mayor; and

**WHEREAS**, it has been brought to the attention of City Council that such an enabling resolution must be adopted:

**NOW, THEREFORE**, it is hereby **RESOLVED** by the Somers Point City Council that the John L. Glasser, Jr. in his capacity as Mayor of the City of Somers Point is hereby authorized to execute such applications and documents as may from time to time be prepared by the City or Sewer Utility Engineer as necessary to be submitted to the New Jersey Department of Environmental Protection associated with any and all permits and permit applications required for approved City projects without necessity of any further approval from this governing body.

It is further **RESOLVED** that copies of this resolution shall be provided to the City Engineer, the Sewer Utility Engineer and the Code Enforcement Office Secretary.

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**Resolutions (Continued)**

**Resolution No. 73**

A motion was made and seconded to amend the Resolution to read “Shore Memorial Hospital Emergency Medical Services”. Motion carried and Resolution No. 73 was then adopted by a unanimous vote of those present.

**Resolution 73 of 2011 (As Amended)**

A Resolution Authorizing the City Administrator to Issue a Written Approval for the Assignment to Shore Memorial Hospital Emergency Medical Services of the Rights, Duties and Obligations of Hammonton Rescue Squad, Inc. under a Contract with the City of Somers Point dated March 31, 2008 subject to the Conditions set forth Herein

Sponsored by: Council President McGuigan  
Councilman Triboletti

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Councilman Smith

**WHEREAS**, Under authority granted in Resolution No. 65 of 2008 adopted on March 27, 2008 the City Administrator was authorized to execute and deliver to Hammonton Rescue Squad, Inc. ("Hammonton") a contract for provision of Emergency Medical Services (the "Contract") within the City of Somers Point ("City") based upon the terms and conditions of a response to proposals; and

**WHEREAS**, a Contract between the City and Hammonton was entered into effective March 31, 2008; and

**WHEREAS**, the terms and conditions of the Contract allow for the assignment of the rights and obligations under the Contract by either party thereto upon the express written consent of the other party; and

**WHEREAS**, representatives of the City and of Hammonton have engaged in a dialogue in an effort to address the request to assign the scope of services in accordance with the Contract terms; and

**WHEREAS**, a request has been made by Hammonton for written authorization from the City to assign all of its rights and obligations under the Contract to Shore Memorial Hospital Emergency Medical Services ("Shore") a Shore Memorial Hospital related company, effective at 12:01 AM on May 15, 2011; and

**WHEREAS**, Shore has agreed to accept the assignment of the Contract from Hammonton in accordance with its terms and shall obligate itself to perform the same services under the same terms and conditions through to the Contract expiration date of March 13, 2013; and

**WHEREAS**, a sub-committee of this Governing Body has conferred with the Chief of Police, the City Administrator, representatives of Hammonton and of Shore to ensure that the requested assignment would not result in any interruption of service and would not be detrimental to the residents of the City; and

**WHEREAS**, it is the recommendation of the sub-committee that the Governing Body of the City of Somers Point approve the request by Hammonton to assign the Contract to Shore right of termination in compliance with the terms and conditions of the Contract; and authorize the City Administrator to provide written authorization to Hammonton on behalf of the City; and

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**Resolution No.73 (Continued)**

**WHEREAS**, it is the further recommendation of the sub-committee that the Governing Body of the City of Somers Point authorize and direct the City Administrator to deliver to Hammonton the written notice of City Council's decision to approve the request to assignment subject to the following conditions:

- 1) Execution and delivery by Hammonton of a General Release in favor of the City in a form acceptable to the City Solicitor and City Administrator;
- 2) Execution and delivery by Hammonton, Shore and the City of an Agreement to Accept and Approve Assignment of all of the rights and obligations under the Contract effective at 12:01 AM on May 15, 2011 through to the expiration of the Contract term at midnight on March 31, 2013 without modification;
- 3) The orderly transfer by Hammonton to Shore of all necessary documents, materials, and other data necessary for Shore to perform its obligations under the Contract after the effective date;
- 4) The cooperation by Hammonton staff and principals with the staff and principals of Shore to ensure an orderly and proper transfer of service responsibility without disruption of service; and

**WHEREAS**, in the opinion of the sub-committee, approving such assignment is in the best interest of the City and its citizens and of Hammonton

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**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Somers Point that the City Administrator is hereby authorized and directed to deliver to Hammonton Rescue Squad, Inc. written notice that the City Council has approved the request by Hammonton Rescue Squad, Inc. to assign all of its rights and obligations under the Contract to Shore Memorial Hospital effective at 12:01 am on May 15, 2011 subject to compliance by Hammonton and Shore with each of the conditions hereinabove set forth.

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**Resolution No. 74**

M/S – Dill/Kern

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 74 of 2011  
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, 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 Two (2) topics which involve claims which have been asserted against the City which require the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings is necessary to be discussed without the public in attendance during an Executive Session to be held on April 14, 2011 during a public meeting to be held commencing at 7:00 P.M, and

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

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**Resolution No. 74 (Continued)**

☐ **“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.”** The legal citation to the provision(s) at issue is: \_\_\_\_\_ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is   N/A  ;

☐ **“(2) Any matter in which the release of information would impair a right to receive funds from the federal government.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is   N/A  ;

☐ **“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;

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N/

A

- ☐ **“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body”**  
The collective bargaining contract(s) discussed are between the City and \_\_\_\_\_

N/A

- ☐ **“(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

N/A

- ☐ **“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

N/

A

- ☐ **“(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 parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and the nature of the discussion, described as fully as possible without undermining the need for confidentiality is:

- 1) A claim which has been asserted against the City of Somers Point for reimbursement of certain expenses incurred and which requires further legal and financial analysis of statutory construction;

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**Resolution No. 74 (Continued)**

- 2) A tort claim notice which has been served upon the City of Somers Point on behalf of Dr. Ira Trocki as owner of 800 Bay Avenue alleging among other things, failure to properly maintain and repair a bulkhead, improper migration of sand, improper operation and maintenance of an outflow pipe.

- ☐ **“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.”** Subject to the balancing of the public’s interest and the employee’s privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is: \_\_\_\_\_

N/A

- ☐ **“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is: \_\_\_\_\_

N/A

**WHEREAS**, the length of the Executive Session is estimated to be approximately 30 – 45 minutes after which the public meeting of the City Council shall reconvene;

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**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

**BE IT FURTHER RESOLVED** that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

**BE IT FURTHER RESOLVED** that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8,2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See #7 above Attorney Client conference	Upon Completion of the pending matters	Final Court Order / Final Resolution, Settlement or other final disposition of such matter.

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**Resolution No. 75**  
M/S – Kern/Triboletti  
Adopted by a unanimous vote of those present.

**No. 75 of 2011**

**Subject:        Authorizing Bike Sale**

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**Resolution No. 75 (Continued)**

**WHEREAS**, the Police Department of the City of Somers Point is presently in possession of certain goods, chattels and other personal property belonging to certain unknown owners; and

**WHEREAS**, the Police Department of the City of Somers Point has been in possession of said property for more than six (6) months and has been unable to determine the whereabouts of the owners of said property; and

**WHEREAS**, the City Council of the City of Somers Point is desirous of conducting a public sale for the purpose of exposing for sale said personal property as hereinafter mentioned.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the city of Somers Point, that:

1. The City of Somers Point hereinafter referred to in this Resolution as the “City” shall sell at public sale to the highest bidder on the 14<sup>th</sup> day of May, 2011, at the hour of 10:00 a.m. (preview at 9:00 a.m.), at the Public Works Building, 830 Center Street, Somers Point, New Jersey, as per the attached. Bikes can be inspected between 9:00 am and 10:00 am.
2. The property to be offered in individual lots.
3. The City determines that this sale shall be conducted in accordance with NJSA 40A:14-157.

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4. Public notice of the time and place stating the description of the property to be sold shall be published in the Mainland Journal on Wednesday, May 4, 2011 and again on Wednesday, May 11, 2011.
5. The successful bidder shall submit cash or certified check made payable to the City of Somers Point drawn on a recognized banking institution in an amount equivalent to the full purchase price, said sum to be paid at the time of the offer.
6. It is understood that the city is conducting this sale in accordance with NJSA 40A:14-157 and makes no representations, warranties or guarantees of any kind with respect to the city's right, title and interest in and to the property, and is being sold in "as is" condition and no purchaser shall have any rights or remedies against the City.
7. The conditions of this sale shall be binding not only to the successful bidder but also on the heirs, devisees, personal representatives, successors or assigns of any successful bidder.
8. The City reserves the right to reject any and all bids.
9. The City makes no representations, warranties or guarantees of any kind with respect to the property about to be sold.

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**Resolution No. 76**

M/S – Kern/Dill

Adopted by a unanimous vote of those present.

**No. 76 of 2011**

**Subject:        Authorizing City Engineer to submit form of Ordinance restricting Parking on South Side of County Road East New York Avenue to Resident Parking Permit only between the hours of 6:00 am and 6:00 pm Daily to the Atlantic County Engineer for review and approval by the Atlantic County Board of Chosen Freeholders**

**Introduced By:        Council President McGuigan**

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**Resolution No. 76 (Continued)**

**WHEREAS**, the Parking Subcommittee of this Governing Body with the recommendation and approval of the City Engineer and the Police Department Traffic Control Officer have presented a form of Ordinance to City Council for review and approval which would limit parking on the South side of East New York Avenue to Resident Parking Permit only during certain hours; and

**WHEREAS**, East New York Avenue is a County Road situated within the City of Somers Point; and

**WHEREAS**, adoption of the proposed Ordinance requires review by the Atlantic County Engineer and approval, by Resolution, of the Atlantic County Board of Chosen Freeholders

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the City Engineer is hereby authorized to submit the attached form of Ordinance to the Atlantic County Engineer with the request that the form of Ordinance be reviewed and approved by the Atlantic County Board of Chosen Freeholders through a Resolution authorizing this City Council to enact the Ordinance in the form presented.

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**Consent Agenda**

There were no items on the consent agenda for approval.

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\*\*\*\*\***

**New Business**

Social Affairs permit application for Atlantic City Ballet & Jennifer Ward Memorial Fund was approved unanimously.

Raffle License applications for 1) Knights of Columbus; 2) Ocean City Crew Boosters, Inc. & 3) St. Joseph Church were approved with Councilman D'Adamo abstaining from the Knights of Columbus application and Councilman Triboletti abstaining from the St. Joseph Church application.

Extension of Licensed Premises application for JR's Tavern was approved by a unanimous vote.

**Old Business**

Council President McGuigan reported that we have received a second correspondence from the Department of Transportation regarding a piece of property they would like to sell to the City. He stated that if no one has changed their mind, he will direct the Administrator to advise them that we have no interest.

**Discussion of Bills**

Bills were presented for discussion in the amount of \$134,887.55.

**Public Portion**

Arlene Fried, Dobbs Avenue, came forward and addressed the governing body with regard to a safety issue along the new bike path across from Gregory's – a dilapidated garage which is sort of in the woods. Council President McGuigan stated that they will take a look at this.

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**Public Portion (Continued)**

Rick Pitman, Shore Memorial Hospital, came forward and addressed the governing body complimenting the Committee who worked on the assignment of the Emergency Medical contract.

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**Payment of Bills**

A motion was made and seconded to approve the bills in the amount of \$134,887.55. Motion carried. A complete list of bills is on file in the Office of the City Clerk.

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**Adjournment**

There being no further business, meeting recessed at 8:20 p.m. to go into Executive Session, reconvening at 9:22 p.m. to adjourn.

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Approved: 01-26-12