

# **REGULAR MEETING MAYOR AND CITY COUNCIL May 12, 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, Atty. Franklin & Clerk Degrossi

**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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## **Adjustments to the Agenda**

**Waiver of 48 hour rule** – the 48 hour rule was waived unanimously in order to consider Ordinance No. 8 on first reading tonight.

**Consent Agenda** – Resolutions No. 84, 86, 88, 89 and 91 were moved to the consent agenda by a unanimous vote.

## **Mayor's Report**

Mayor Glasser reported that he went on the Vision Plan tour last week and announced that there will be an open house next Monday night from 3-7 p.m. He also announced that there will be a Ribbon Cutting ceremony at Shore Hardware on June 4<sup>th</sup> at 10 am – they have had some extensive renovations. He also reported that there was a fire this morning at the Gates and commended the Fire Department for containing the fire. Mayor Glasser also added that our Canine graduates tomorrow and will soon be out on the streets helping to fight crime.

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**Administrator’s Report**

Administrator Swain reported that he has put together a capital ordinance which is on the agenda tonight and tomorrow he will be meeting with the County to implement the balance of the suggestions from the Economic Development Advisory Commission. He reported that Phase I of the Bike path is near completion and also that they are looking at various payroll attendance software programs. He reported that the Safety Coordinator conducted a “Confined spaces rescue drill” and everyone involved, especially the Fire Department, performed well.

**Committee Reports**

Councilman Triboletti gave the Planning Board report in full thanking everyone who came out for the vision plan bus tours.

**City Attorney Report**

Atty. Franklin advised that he received the approval from the County for the permit parking on New York Avenue and we could proceed with the ordinance at the next meeting. Councilman Dill advised that the signs will be ordered this week.

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**Minutes**

There were no minutes presented for approval.

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**Resolution No. 83**

M/S – HD/DT

Adopted by a unanimous vote of those present.

**Resolution No. 83 of 2011**

**Subject:                   Canceling Capital Improvement Appropriation Balance**  
**Introduced by:       Councilmen Triboletti, Dill and Smith**

**WHEREAS**, certain Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled.

**NOW, THEREFORE, BE IT REOLVED** by the City Council of the City of Somers Point that the following unexpended and dedicated balances of Capital Appropriations be canceled:

Ordinance Number	Date Authorized	Project Description	Amount Canceled	
			Funded	Unfunded
<hr/>				
<u>General Capital</u>				
6-99 section 3(h)	4/22/99	Remove tanks	\$500.00	
8-02 section 3(d)	6/14/01	Recreation facilities	\$36.18	
8-02/11-03 section 3(l)	4/11/02	Extend bike path	\$169.69	
6-03/13-03 section 3(a)	12/11/04	Court computers	\$2,678.57	
12-04 section 3(h)	4/8/04	Acquire real estate	\$13,325.00	

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**Resolution No. 83 (Continued)**

12-04 section 3(g)	4/8/04	City Hall offices	985.00	
15-04 section 3	8/26/04	City Hall HVAC	\$44,726.46	
5-05 section 3(d)	5/12/05	Recreation facilities	\$204.15	
6-05 section 3(a)	5/25/05	Acquire Gateway	\$439,179.69	
8-06 section 3(b)	4/13/06	Trash truck	\$6,683.16	
10-06 section 2(a)	4/13/06	DPW pick-up truck	\$4,177.00	
25-06 section 2(a)	12/14/06	City Hall work	\$9.16	
12-07 section 3(d)	6/28/07	FD four-wheel drive	\$2,500.00	
12-07 section 3(e)	6/28/07	Leaf machine	\$1,500.00	
12-07 section 3(f)	6/28/07	Sickle bar mower	\$5,000.00	
5-09 section 3(b)	4/23/09	PD four wheel drive		\$20,534.04
9-09 section 3(a)	6/25/09	Security cameras		\$33,000.00
9-09 section 3(c)	6/25/09	Street sweeper, trucks		\$38,224.00
			<hr/>	<hr/>
			\$521,674.06	\$91,758.04

**Sewer Utility Capital**

9-01 section 3(a)	6/14/01	Backhoe	\$12,580.60	
9-01 section 3(d)	6/14/01	Improve sewer lines	\$82.31	
6-02 section 3	4/11/02	Vactor	\$18.00	
7-06 section 3(a)	4/13/06	Camera van	\$6,712.04	
7-06 section 3(b)	4/13/06	DeFeo Lane facility	\$17,175.71	
7-06 section 3(c)	4/13/06	Acquire real estate	\$5,182.03	
7-06 section 3(e)	4/13/06	Pick-up truck	\$1,468.00	
			<hr/>	<hr/>
			\$43,218.69	

**ORDINANCES**

**Ordinance No. 5**

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

**ORDINANCE NO. 5 of 2011**

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$950,000 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

**SECTION 1**

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,000,000 including the sum of \$50,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets or by virtue of a contribution that is in hand with the City.

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**Ordinance No. 5 (Continued)**

**SECTION 2.**

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.**

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Police Department public safety equipment including computers, thermal imaging equipment, tag scanner systems, license bar scanners, cameras, evidence scanner, and including all attachments and appurtenances applicable thereto.	\$85,500	\$81,225	7 years
b.)Acquisition by purchase of trash trucks and tipper, hot patch trailer, groundmasters, cart tipper, sweeper re-build, ride-on fertilizer including all attachments and appurtenances applicable thereto.	\$303,000	\$287,850	15 years
c.) Acquisition by purchase microfilm equipment and services including all attachments and appurtenances applicable thereto.	\$14,000	\$13,300	7 years
d.) Improvements to Police Department evidence facility together with all materials and work necessary therefore and incidental thereto.	\$10,000	\$9,500	10 years

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**Ordinance No. 5 (Continued)**

e.) Improvements to various recreational facilities in the City including: Kennedy Park bluff boat ramp, pier, playground equipment, benches and grills; Kern filed pond; irrigation, fencing, lighting and electrical upgrades; together with all materials and work necessary therefore and incidental thereto.

\$228,000

\$216,600

15 years

f.) Improvements to portions of various streets in the City including, but not limited to paving, sidewalks, curbing, drainage, signage, surfacing or resurfacing and any related work, together with all materials and work necessary therefore and incidental thereto in accordance with a list on file with the City Clerk.

\$359,500

\$341,525

10 years

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

**SECTION 4.**

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

**SECTION 5.**

The City hereby certifies that it has adopted a capital budget. The applicable capital budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

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**Ordinance No. 5 (Continued)**

**SECTION 6.**

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 12.36 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$950,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

**SECTION 7.**

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**SECTION 8.**

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

**SECTION 9.**

The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

**SECTION 10.**

The City hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

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**Ordinance No. 5 (Continued)**

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(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**SECTION 11.**

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

**SECTION 12.**

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

<b>First Reading:</b>	<b>May 12, 2011</b>
<b>Publication:</b>	<b>May 18, 2011</b>
<b>Second Reading:</b>	<b>May 26, 2011</b>

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**Ordinance No. 6**

M/S – HD/CD

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

**ORDINANCE NO. 6 OF 2011**

**BOND ORDINANCE PROVIDING FOR  
VARIOUS SEWER UTILITY CAPITAL  
IMPROVEMENTS IN AND BY THE  
CITY OF SOMERS POINT, IN THE  
COUNTY OF ATLANTIC, NEW JERSEY,  
APPROPRIATING \$500,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$500,000  
BONDS OR NOTES OF THE CITY FOR  
FINANCING THE COST THEREOF.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1.**

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, New Jersey. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$500,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

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**Ordinance No. 6 (Continued)**

**SECTION 2.**

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.**

The several acquisitions or improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each acquisition or improvement, and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each acquisition or improvement and the period of usefulness of each are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of a sewer line inspection camera and vehicle and including all attachments and appurtenances applicable thereto.	\$125,000	\$125,000	5 years
b.)Acquisition by purchase of an influent grinder including all attachments and appurtenances applicable thereto.	\$11,000	\$11,000	15 years
c.) Replacements, improvements and renovations to various pump stations, mains, and other system components together with all materials and work necessary therefore and incidental thereto .	\$121,000	\$121,000	40 years
d.) Improvements to the DeFeo Lane facility by means of a building addition together with all materials and work necessary therefore and incidental thereto.	\$243,000	\$243,000	10 years



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**Ordinance No. 6 (Continued)**

**SECTION 4.**

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser.

**SECTION 5.**

The capital budget of the City of Somers Point is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

**SECTION 6.**

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 16.12 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$500,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this Bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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**Ordinance No. 6 (Continued)**

**SECTION 7.**

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this ordinance and shall be deemed to have been taken pursuant to this ordinance.

**SECTION 8.**

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**SECTION 9.**

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

**SECTION 10.**

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

**SECTION 11.**

This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**FIRST READING: May 12, 2011**

**PUBLICATION: May 18, 2011**

**FINAL READING: May 26, 2011**

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**Ordinance No. 7**

M/S – HD/MK

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

**ORDINANCE NO. 7 of 2011**

**CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS BY  
THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC,  
NEW JERSEY APPROPRIATING \$280,000 THEREFOR.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS  
POINT, IN THE COUNTY OF ATLANTIC, NEW AS FOLLOWS:**

**SECTION 1**

The improvements described in Section 2 of this ordinance are hereby authorized to be undertaken by the City of Somers Point, New Jersey, as general improvements. For the improvements or purposes described in Section 2, there is hereby appropriated the sum of \$280,000 as required by the Local Bond Law. The total sum is now available by virtue of existing Capital Fund Balance.

**SECTION 2.**

The improvements hereby authorized, the estimated cost of each improvement and the appropriation therefor are as follows:

- |     |   |           |
|-----|---|-----------|
| a.) | Improvements to<br>portions of various<br>streets in the City including,<br>but not limited to paving, sidewalks,<br>curbing, drainage, signage, surfacing or<br>resurfacing and any related work,<br>together with all materials and work<br>necessary therefore and incidental thereto<br>in accordance with a list on<br>file with the City Clerk. | \$250,000 |
| b.) | Acquisition by purchase<br>of a four wheel drive<br>vehicle for public safety use<br>together with all appurtenances<br>and attachments necessary therefore<br>and incidental thereto.  | \$30,000  |

**SECTION 3.**

Improvements described in Section 2 of this ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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**Ordinance No 7 (Continued)**

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**SECTION 4.**

Any grant moneys received for the purposes described in Section 2 hereof shall be applied to the direct payment of the cost of the improvements.

**SECTION 5.**

The City hereby certifies that it has adopted a capital budget. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital budget, a revised capital budget will be filed with the Division of Local Government Services.

**SECTION 6.**

This ordinance shall take effect ten (10) days after the first publication thereof after final adoption by the law.

**FIRST READING: May 12, 2011**

**PUBLICATION: May 18, 2011**

**FINAL READING: May 26, 2011**

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**Ordinance No. 8**

M/S – HD/RT

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

**ORDINANCE NO. 8 of 2011**

**AN ORDINANCE OF THE CITY OF SOMERS POINT  
AUTHORIZING THE ENTERING INTO A LEASE OF REAL PROPERTY FOR THE  
USE OF SUCH PORTION OF BLOCK 175, LOT 4 AS NECESSARY FOR MUNICIPAL  
PURPOSES**

**WHEREAS**, Gregory Hotel, Inc. is the owner (“Owner”) of Block 1715, Lot 4, a lot in the City of Somers Point (the “City”) having approximately 152 feet of depth and approximately 50 feet of frontage and situated on the North side of Centre Street (the “Lot”); and

**WHEREAS**, the Lot is adjacent to the City’s Department of Public Works (“DPW”) garage and yard, and

**WHEREAS**, because of the configuration of the DPW property it is necessary for the City to make use of the Lot; and

**WHEREAS**, from approximately 1999 through 2008 the City leased the Lot from the Owner for use by the City for, among other things, delivery of goods, fuels and materials to the DPW, staging of snow plows and equipment in preparation for snow emergencies, ingress and egress of City owned vehicles and equipment for servicing and refueling, parking for City DPW employees, and access to the white goods drop off location; and

**WHEREAS**, the extension of the municipal Bike Path adjacent to Centre Street has exacerbated the need for vehicles seeking to enter into or exit from the DPW property to use all or some portion of the Lot for municipal purposes; and

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**WHEREAS**, pursuant to N.J.S.A. 40A:12-5 (a) (1) a municipality is authorized by Ordinance to enter into an agreement to provide for acquisition by lease or otherwise of real property required for municipal use; and

**WHEREAS**, the Owner will no longer continue to authorize the City to utilize any portion of the Lot unless the City agrees to enter into a Lease; and

**WHEREAS**, the Owner is willing to enter into a non exclusive Lease for a term of five (5) years commencing on June 1, 2011 in consideration of a lump sum lease payment in the amount of Eight Thousand Three Hundred Dollars (\$8,300.00) which equates to One Thousand Six Hundred and Sixty Dollars (\$1,660.00) per annum; and

**WHEREAS**, in consideration of the lease payment the Owner will seal coat the Lot to make it more suitable for use at no cost to the City; and

**WHEREAS**, in further consideration of the lease payment Owner will not seek any compensation from the City for any use which may have been made of any portion of the Lot by the City prior to the effective date of the lease; and

**WHEREAS**, the lease of the Lot for the non-exclusive use of the Lot is reasonable and necessary for municipal purposes; and

**WHEREAS**, to the extent not needed by the City for Municipal purposes the remainder of the Lot will continue to be used by Owner for its use; and

**WHEREAS**, as an essential term of the lease the Owner will ensure the availability of that portion of the Lot needed for municipal purposes at all times during business hours or when needed for City purposes other than during normal business hours; and

**WHEREAS**, the lease of the Lot is at or less than fair market value and constitutes a proper exercise of the City's authority granted by the legislature; and

**WHEREAS**, upon approval and adoption of this Ordinance this governing body shall be authorized by an enabling resolution to authorize the City Administrator to enter into a lease agreement for the five year term at the compensation herein set forth in a form acceptable to this governing body and approved by the City Solicitor, the terms of which shall be consistent herewith and which shall include: the obligation of Owner to undertake the Lot improvement; reciprocal indemnification whereby the City will be obligated to indemnify, defend and hold harmless Owner from and against only such negligent acts or omissions as shall be the liability of the City, its officers, agents, servants and employees and arising solely out of the use of the Lot by the City; and Owner shall indemnify, defend, and hold harmless the City from and against any and all other liability for acts or omissions arising out of the use of the Lot by Owner, its agents, servants, employees, invitees and others; and Owner and City shall provide to each other reciprocal certificates of Insurance; and

**WHEREAS**, it has been certified that sufficient funds are available for the payment of the Lease consideration.

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

1. Pursuant to authorization of N.J.S.A. 40A:12-5, the City does hereby exercise its power to enter into a non exclusive lease of Block 1715, Lot 4 for use by the City pursuant to the terms hereinabove set forth and incorporated herein.

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2. The City confirms that the proposed use of the real property For municipal purposes is in conformity with the Zoning Ordinance and Master Plan.
3. Upon Final Reading and adoption this Governing Body is authorized to review and approve by Resolution the form of Lease consistent with the terms herein set forth and authorize the City Administrator to execute and deliver same on behalf of the City.

**FIRST READING: 05/12/11  
PUBLICATION: 05/18/11  
FINAL READING: 05/26/11**

\*\*\*\*\*

**Public Portion on Resolutions**

Dan Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body asking about the agreement with Captain Gaffney. He also added that the coin drop for the Street Hockey holds up traffic. He also stated that the certification of the MRHS budget is disappointing to him and feels that it is just playing with numbers.

Public portion was then closed.

**RESOLUTIONS**

**Resolution No. 81**

M/S – HD/CD

Approved by a unanimous vote of those present

**No. 81 of 2011**

**RESOLUTION SUPPORTING S2762 WHICH PERMITS MUNICIPALITY TO PAY COMMERCIAL AND INDUSTRIAL TAX REFUNDS FOR TAX YEAR 2010 OVER THE SUBSEQUENT THREE LOCAL BUDGET YEARS.**

INTRODUCED BY: Councilman Smith

**WHEREAS**, Senator Barbara Buono has sponsored an Act in the New Jersey State Senate, Senate No. 2762 which, if enacted, will amend Section 2 of P.L. 1975, c. 361 (NJS 54:3-27.2) authorizing a municipality, in its sole discretion, to refund any excess taxes determined as a result of a successful appeal from an assessment on commercial, industrial, or other non-residential real property for tax year 2010 over a three (3) year period of time concluding on the last day of the third local budget year next succeeding the date of final judgment, in which event the municipality shall be obligated to pay interest thereon at the rate of five percent (5%) per annum, should the municipality choose to take advantage of such extended repayment option; and

**WHEREAS**, this proposed legislation has been reviewed by the New Jersey League of Municipalities and by the Somers Point Council Person serving as liaison to the Tax Assessor and has been determined to be in the best interest of the City of Somers Point and its taxpayers by providing this option

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the City of Somers Point hereby supports the adoption of S2762; and

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**Resolution No. 81 (Continued)**

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**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

\*\*\*\*\*

## **Resolution No. 82**

M/S – RT/CD

Approved by a 4-0 vote with Councilwoman Kern, Councilman Dill and Councilman Tapp recusing themselves. President McGuigan advised that he is disappointed in the process and how the schools are funded. Councilman Smith agreed with regard to the process stating that the schools have very little room to do anything with after the State mandates.

## **RESOLUTION No. 82 of 2011**

### **A RESOLUTION FOR A TAX LEVY REDUCTION IN THE MAINLAND REGIONAL HIGH SCHOOL BOARD OF EDUCATION IN THE TOTAL AMOUNT OF THREE HUNDRED TWELVE THOUSAND EIGHT HUNDRED AND FORTY TWO (\$312,842.00) DOLLARS**

**WHEREAS**, a proposed budget for the Mainland Regional High School District Board of Education was presented to the voters at the Annual School Board Elections on April 27, 2011; and

**WHEREAS**, the proposed budget was defeated by the voters of certain of the sending districts; and

**WHEREAS**, a meeting was properly held by the Mainland Regional High School Board of Education with representatives of the governing bodies from the sending districts for the purpose of discussing and reviewing the budget and for the further purpose of providing sufficient information for the governing bodies of the sending districts to take action certifying a budget necessary for thorough and efficient education within the regional high school district pursuant to N.J.S.A. 18A: 13-19 and N.J.S.A. 18:22-37; and

**WHEREAS**, as a result of action taken in a meeting of the Mainland Regional High School Board of Education with representatives from the governing bodies of the sending districts of Linwood, Northfield and Somers Point in attendance, held on May 9, 2010 and as a result of further investigation conducted thereafter, representation has been made on behalf of the Mainland Regional High School Board of Education, that a general fund tax levy reduction in the amount of Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) Dollars can be achieved by Mainland Regional Board of Education without adversely affecting the ability of Mainland Regional High School Board of Education to provide thorough and efficient education to the students of the district; and

**WHEREAS**, the Mainland Regional Board of Education proposes to make such a reduction through an increase in the amount of Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) Dollars to revenue line item 0253, Unrestricted Miscellaneous Revenue, used for recording of the New Jersey Clean Energy Solar Rebate if the governing bodies of the sending districts adopt resolutions at the next regularly scheduled meeting of each governing body to be held prior to the budget certification deadline agreeing to accept the proposed reduction and to Certify the reduced tax levy to the Atlantic County superintendent of Schools; and

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**WHEREAS**, the Mainland Regional Board of education represents that such a reduced budget and tax levy would not be appealed by the Mainland Regional High School Board of Education to the Commissioner of Education; and that in the event an appeal shall be filed by the Mainland Regional Board of Education the Mayor and City Council of the Cities of Linwood, Northfield and Somers Point reserve the right to supplement to the Commissioners the reasons for the reduction and the areas in which the reduction has been recommended; and

**WHEREAS**, subject to appropriate action to be taken by each of the governing bodies of the sending districts to adopt resolutions agreeing to a general fund tax levy reduction in the Mainland Regional High School Board of Education in the total amount of Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) Dollars which, if approved by appropriate resolutions adopted by the governing bodies of the respective sending districts would not be appealed by the Board of Education to the Commissioner of Education.

**NOW, THEREFORE**, it is hereby **RESOLVED** by the governing body of the City of Somers Point in the County of Atlantic, State of New Jersey as follows:

- 1) A **general fund tax levy reduction** in the amount of Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) Dollars is hereby approved;
- 2) An **increase** in the amount of Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) Dollars to revenue line item 0253, Unrestricted Miscellaneous Revenue, used for recording of the New Jersey Clean Energy Solar Rebate is hereby approved; and
- 3) The Mainland Regional High School Board of Education will increase Unrestricted Miscellaneous Revenue, Revenue Line Item 0253 by Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) Dollars, thereby reducing the Local General Fund Tax levy by Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) Dollars.

It is FURTHER RESOLVED that the Common Council of the City of Somers Point hereby authorizes and directs the City Clerk to submit the appropriate letter to the Atlantic County Board of Taxation certifying the Mainland Regional High School Board of Education Budget with a reduction in the Local General Fund Tax Levy in the amount of Three Hundred Twelve Thousand Eight Hundred and Forty Two (\$312,842.00) and further certifying the amount of revenue to be raised by local school taxes to be Sixteen Million, Sixty Six Thousand, Seven Hundred and Forty Six (\$16,066,746.00) Dollars; and

Be it Further Resolved that a copy of this Resolution shall be submitted to: the Secretary of Mainland Regional High School Board of Education, the Clerks of each of the sending districts, the Atlantic County Board of Taxation, and the State of New Jersey Department of Education.

\*\*\*\*\*

**Resolution No. 85**

M/S – HD/DT

Approved by a unanimous vote of those present.

**No. 85 of 2011**

**Subject:**                      **Authorizing agreement with Philip Gaffney**

**Introduced By:**            **Council President McGuigan, Councilmen Triboletti and Smith**



# **REGULAR MEETING MAYOR AND CITY COUNCIL May 12, 2011**

**WHEREAS**, after long and dedicated service to the City of Somers Point, Captain Philip Gaffney intends to retire from the Somers Point Police Department effective July 1, 2011; and

**WHEREAS**, upon retirement Philip Gaffney is entitled to certain payments and benefits in accordance with the agreement effective January 1, 2008 between the City of Somers Point and Mainland PBA Local 77; and

**WHEREAS**, the City of Somers Point has determined that Philip Gaffney will have an accumulated, reimbursable total of approximately 260 days of unused sick leave as of the effective date of his retirement; and

**WHEREAS**, Captain Gaffney's last regular day of work will be June 30, 2011 and he shall receive his last regular pay on July 1, 2011; and

**WHEREAS**, pursuant to the agreement between the City of Somers Point and Mainland PBA Local #77, Somers Point Police Superior Officers, the City of Somers Point shall tender to Philip Gaffney a lump-sum payment for unused sick leave and authorized leave; and

**WHEREAS**, pursuant to the agreement between the City of Somers Point and Mainland PBA Local #77, Somers Point Police Superior Officers, the City agrees to provide health benefits to Philip Gaffney in his retirement as defined in that agreement.

**NOW, THEREFORE**, the City of Somers Point hereby authorizes the City Administrator to enter into an agreement with Philip Gaffney, which memorializes all rights and entitlements of the employment agreement attached hereto and made a part of this Resolution.

\*\*\*\*\*

## **Resolution No. 87**

M/S – HD/TS

Approved by a unanimous vote of those present.

## **RESOLUTION NO. 87 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 six (6) 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 May 12, 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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- ☐ **“(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 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:

- 7.1) Report from Litigation Counsel and / or City Solicitor concerning a Civil Action in lieu of Prerogative Writ filed in the Superior Court of New Jersey, Atlantic County in Docket No. ATL-L-004603-10 captioned “Jersey Outdoor Media, LLC. v The City of Somers Point and the Board of Adjustment of the City of Somers Point”;

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- 7.2) Report from COAH Counsel and / or City Solicitor concerning a pending Civil Action addressing 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. ;
- 7.3) Report from COAH Counsel and / or City Solicitor concerning a pending Civil Action addressing 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.;
- 7.4) Report on the status of two claims which have been asserted against the City of Somers Point for reimbursement of certain expenses incurred and which require further legal and financial analysis of statutory construction and as to which imminent litigation has been threatened;
- 7.5) Report on the status of 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;
- 7.6) Legal analysis of a threatened constitutional challenge to certain provisions of Article VI of Chapter 250 “Vehicles and Traffic” of the Code of the City of Somers Point.

☐ **“(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 60 – 90 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

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

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**Resolution No. 90**

Approved by a unanimous vote of those present.

**No. 90 of 2011**

**Subject:                    Supporting the efforts of the Bayfest Committee**  
**Introduced By:        Councilman D’Adamo**

**WHEREAS**, Somers Point’s Bayfest Celebration was held this year on April 30, 2011 along Bay Avenue; and

**WHEREAS**, this annual event has been held for the past twenty-three years and has grown considerably over the years; and

**WHEREAS**, the Bayfest Committee is a volunteer committee that has the responsibility for this event each year; and

**WHEREAS**, the Bayfest is South Jersey’s premier one day festival due to the Bayfest Committee members’ professionalism, civic pride, dedication and hard work.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby supports and commends the efforts of the Bayfest Committee and all of the individuals who worked hard to make Bayfest 2011 a great success and an event that the City of Somers Point can be proud of.

The Bayfest Committee consists of the following individuals:

Frank Cosgrove	Muire Cosgrove
Patti Kedziora	Dave Medland
David Heib	Geoff Heib
Diana Raspa	Heather Harold
Redd Harold	Heidi Hibbs
Jack Glasser	Janie Riggs
Jennie Sabato	Mike Franklin
Lisa Gudauskas	Pete Garvey
Ralph Stover	Sandy Kerchner
Gary Kerchner	Susan Nash

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**Consent Agenda**

M/S – MK/DT

Consent Agenda was approved by a unanimous vote of those present.

**Resolution No. 84**

**No. 84 of 2011**

**Subject:                    Chapter 159 Resolution**  
**Introduced By:        Council President McGuigan**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount; and

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**Resolution No. 84 (Continued)**

**WHEREAS**, the City of Somers Point has received a grant of \$21,608.03 and wishes to amend its 2011 budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$21,608.03 which item is now available as a revenue from:

**Miscellaneous Revenue**

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

FY2011 Clean Communities Grant \$21,608.03

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$21,608.03 be and the same is hereby appropriated under the caption of:

General Appropriations

( A ) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

FY2011 Clean Communities Grant \$21,608.03

**BE IT FURTHER RESOLVED** that two ( 2 ) copies of this resolution be certified and submitted to the Director of Local Government Services for approval.

\*\*\*\*\*

**Resolution No. 86**

**No. 86 of 2011**

**Subject: Authorizing Advertising for Bids for the 2011 Road Program for the reconstruction of portions of Haddon Road, portions of Princeton Road, portions of Jordan Road, and other miscellaneous road improvements through the City.**

**WHEREAS**, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct portions of Haddon Road, portions of Princeton Road, portions of Jordan Road, and other miscellaneous road improvements through the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2011 Road Program; and

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

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**Resolution No. 88**

**No. 88 of 2011**

**Subject: Amending Resolution 19 of 2011**

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**Introduced By: Council President McGuigan**

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**Resolution No. 88 (Continued)**

**WHEREAS**, by Resolution 19 of 2011 Maguire and Maguire was appointed as the Tax Appeal Attorney for the City of Somers Point for the period of January 1, 2011 to December 31, 2011; and

**WHEREAS**, the Certification of Funds available indicated that the appropriation chargeable for this expense would be: Tax Assessment, Other Expense, 1-01-20-150-200; and

**WHEREAS**, in constructing the 2011 Budget the Governing Body determined to appropriate those charges under the heading: Legal Services and Costs, Other Expense, 1-01-20-155-200.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the charges in connection with the Professional Services Contract awarded to Maguire and Maguire as the Tax Appeal Attorney for the City of Somers Point for the period of January 1, 2011 to December 31, 2011 will be charged to: Legal Services and Costs, Other Expense, 1-01-20-155-200.

\*\*\*\*\*

**Resolution No. 89**

**No. 89 of 2011**

**Subject: Appointment of Tax Assessment Appraisal Services**  
**Introduced By: Councilman Smith**

**WHEREAS**, the City of Somers Point has identified a need for Tax Assessment Appraisal Services for 2011; and

**WHEREAS**, this contract is awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

1. Conover Appraisal Associates, LLC be and hereby is appointed as Tax Assessment Appraisal Consultant for the City of Somers Point for the period of January 1, 2011 to December 31, 2011.
2. This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The City Administrator is hereby authorized to execute an agreement with Conover Appraisal Services, LLC in connection with these services, and, upon execution, the agreement will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5 (6) is not required.

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**Resolution No. 91**

**No. 91 of 2011**

**WHEREAS**, Somers Point Street Hockey, a non-profit Corporation as defined in N.J.S. 45:17A-20 situated in and providing services to the citizens of Somers Point has made application to the Municipal Clerk of the City of Somers Point to conduct a "coin drop" solicitation within the City of Somers Point; and

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**Resolution No. 91 (Continued)**

**WHEREAS**, the Application has been reviewed and approved by the Municipal Clerk and the Somers Point Chief of Police; and

**WHEREAS**, a recommendation has been made to this governing body to approve the application subject to the terms and conditions set forth on the application; and

**WHEREAS**, the “coin drop” solicitation is to be conducted on streets, roads, highways or Intersections which are under the jurisdiction of the County of Atlantic and / or the State of New Jersey; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey that:

- 1) The information set forth in the Preamble is hereby incorporated herein by reference;
- 2) The application of Somers Point Street Hockey to hold a “coin drop” within the City of Somers Point is hereby approved subject to the following conditions and restrictions:

A. Date(s) of Coin Drop limited to: Friday, May 27, 2011 – Sunday May 29, 2011

B. Time(s) of Coin Drop limited to: 5/27/11 – 4-8 pm, 5/28-29/11 – 9am – 1pm

C. Locations of Coin Drop limited to: Intersection of Rt. 52 & Laurel Drive & Rt. 9

D. The requirements of Ordinance # 3 of 2010 enacted by this Governing Body

E. Compliance with N.J.S. 39:4-60 and N.J.S. 45:17A-20

F. All additional terms and conditions shall be as set forth within the application and shall be further subject to those recommendations, if any, specified by the Chief of Police of Somers Point (or his designee) which are attached hereto and made a part hereof; and

G. If the “coin drop” is proposed to take place on or at an intersection with a County or State road or highway and written authorization from the Atlantic County Board of Freeholders (if a County Road is involved) and the Commissioner of the Department of Transportation of the State of New Jersey (if a State Highway is involved) was not provided with the application as filed with the Municipal Clerk, then the approval herein granted is further subject to receipt by the applicant of such approval(s) which the applicant shall provide to the Municipal Clerk prior to commencing the “coin drop”.

\*\*\*\*\*

## **Old Business**

There was no Old Business presented.

## **New Business**

Atty. Franklin advised that we have received notice from Comcast of South Jersey with regard to their franchise renewal and we must have a hearing on this within 60-90 days for Municipal consent.

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## **Discussion of Bills**

Bills were presented for discussion in the amount of \$85,030.34.

\*\*\*\*\*

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## **Public Portion**

Daniel Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body with regard to the school budget stating that he feels both schools are heavy in Administration and that we should make cuts or send it to the Commissioner. He also stated that his items inside his vehicle were taken and after speaking to his neighbors found that many of them had the same experience, however, they did not report it to the police. Mayor Glasser advised that he will pass this information along to the Police Department.

## **Payment of Bills**

A motion was made and seconded to approve the bills in the amount of \$85,030.34. Motion carried unanimously. A complete list of bills in on file in the Office of the City Clerk.

\*\*\*\*\*

## **Adjournment**

There being no further business, Council recessed to go into Executive Session, reconvening to adjourn at 9:32 p.m.

\*\*\*\*\*

Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 02/09/12