

CITY OF SOMERS POINT

Council Meeting Agenda

May 23, 2013

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

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

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

Open Public Meetings Act

Communications:

Proclamation Declaring the Month of June as "Relay for Life Month"

Mayor's Report

City Administrator's Report

Committee Reports:

Approval of Minutes:

Ordinances:

No. 10 – Final Reading – Vacate of Adams Avenue

No. 11 – First Reading – An Ordinance Amending and Supplementing Chapter 202 of the Municipal Code of the City of Somers Regulating Canvassers, Peddlers, Solicitors, Vendors, Transient Merchants, Itinerant Vendors and Non-Commercial Canvassers and Solicitors

No. 12 – First Reading – An Ordinance Amending and Supplementing Chapter 174 of the Municipal Code of the City of Somers Point

Public Portion (Resolutions)

Resolutions:

No. 123 - Hiring of Christopher Haskins as Somers Point Police Patrolman

No. 124 - Hiring of Peter R. Burns as Somers Point Police Patrolman

No. 125 - Estimated Tax Billing

No. 126 - Chapter 159 Resolution for Clean Communities

No. 127 - Awarding the Bids for Two Dump Trucks

No. 128 - Liquor License Renewals

No. 129 - Executive Session Regarding Bay Avenue Redevelopers

No. 130 - Executive Session Strategy Regarding Drag Island

*Consent Agenda Resolutions:

All matters listed under this heading "Consent Agenda" are considered by City Council to be routine in nature, and will be enacted by one motion for adoption of the entire list of Resolutions as listed below. Any items requiring an expenditure of funds are to be supported by a Certification of Availability of Funds; and any item requiring discussion will be removed from the Consent Agenda and discussed separately. All Consent Agenda items will be reflected in full in the minutes of the meeting and copies of each Resolution listed as part of the Consent Agenda will be available for review by the public at the time of the meeting.

Old Business

New Business

Raffle Application for St. Joseph Council, Knights of Columbus
Application to Permit Somers Point Hockey Association to Solicit Contributions in the Roadway
Application for Bike and Foot Race for Spin 4 the Cure

Discussion of Bills

Public Portion

Payment of Bills

Adjournment

**To request a reasonable accommodation of a disability, contact the ADA Coordinator at (609)927-9088 Ext. 128 (Phone) or (609) 926-3016 (Fax) at least five business days prior to meeting.

City of Somers Point

Proclamation

No. 6 of 2013

WHEREAS, Cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, The American Cancer Society is a voluntary community based Health Organization dedicated to eliminating Cancer as a major health problem; and

WHEREAS, the Relay For Life is a "Celebration of Life" benefiting the American Cancer Society where over 4 million people in over 20 countries take part in this global phenomenon and raise much-needed funds and awareness to save lives from cancer; and

WHEREAS, the Relay For Life of Somers Point will take place on June 14-15, 2013, at Mainland Regional High School in the City of Linwood; and

WHEREAS, a Kick Off Celebration will be held on January 27, 2013 at the Hamilton Mall in Mays Landing;

NOW, THEREFORE BE IT RESOLVED that I, John L. Glasser, Jr., Mayor of the City of Somers Point do hereby proclaim the month of June as "RELAY FOR LIFE MONTH" throughout Somers Point, and urge citizens to recognize and participate in the Relay event held in their community.

John L. Glasser, Jr., Mayor

Date

City of Somers Point
Ordinance No. 11 of 2013

An Ordinance Amending and Supplementing Chapter 202 of the Municipal Code Of the City of Somers Point By Amending Article I, Adding Article II Regulation of Canvassers, Peddlers Solicitors and Vendors, Article III Regulation of Transient Merchants and Itinerant Vendors, Article IV Regulation of Non-Commercial Canvassers and Solicitors, Article V General Regulations Applicable to all Licenses and Permits issued under Chapter 202 of the Somers Point Municipal Code, Article VI Do Not Solicit List, Article VII Public Disclosure, and Article VIII Penalties; and Repealing all Prior Ordinances Inconsistent Therewith

SECTION 1. STATEMENT OF PURPOSE.

It is the purpose of this Ordinance to protect the safety of residents of the City of Somers Point, to prevent fraud, crime, undue annoyance, unethical and dishonest solicitation from being perpetrated and to protect our citizens' right to privacy, while balancing those public interests against the opportunity for commercial, political, religious, charitable, and non-profit organizations to exercise their rights of free speech; to provide for traffic and pedestrian safety by regulating the use of the streets and property adjacent thereto; to prevent extended parking or trespassing on private or public property; to prevent violations of the Somers Point Land Use and Zoning Ordinance and Development Regulations; and to generally provide for the safety and welfare of the residents of this community.

SECTION 2. SECTION 202-2 "PERMIT REQUIRED; APPLICATION REQUIREMENTS" IS HEREBY AMENDED TO INCLUDE THE FOLLOWING ADDITIONAL CONDITIONS:

J. A certificate of insurance issued by an insurance company duly licensed in the State of New Jersey. The certificate of insurance must provide general liability insurance in an amount of not less than One Million Dollars (\$1,000,000). The City of Somers Point shall be listed as an additional insured on the certificate and an endorsement to the insurance policy.

K. A signed, dated and notarized release and indemnification agreement in a form specified by the City and signed by the Organization sponsor or responsible party legally binding the organization participant which shall release and agree to indemnify and hold harmless the City of Somers Point, its agents, servants, employees and elected and appointed officials from any and all liability of any kind from injury or physical harm including death, and damage to property occurring from or alleged to arise out of the event.

L. A signed, dated and notarized certification signed by the Organization sponsor or responsible party stating that no person under the age of eighteen (18) years of age will be permitted to engage in any coin drop activity within a public right of way or on adjacent berm or walkways.

SECTION 3. THERE IS HEREBY ADDED TO CHAPTER 202 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT AN ARTICLE II "REGULATION OF CANVASSERS, PEDDLERS, SOLICITORS, AND VENDORS".

Article II Regulation of Commercial Canvassers, Peddlers, Solicitors, and Vendors.

Section 202-13 Definitions

Canvasser [see Solicitor].

Individual shall mean any natural person.

Merchandise shall mean all goods, wares, food, drinks, fruits, vegetables, magazines, subscription, periodicals, printed material, farm products, and all types of articles of personal property, services and orders for contracts for services, home improvements or alterations, and anything that may be sold or distributed shall be considered "merchandise" for the purpose of this article.

Nonprofit organization shall mean (1) any nonprofit charitable, religious, fraternal, social, civic or veteran organization, service club, or other organization qualified under §501(c)(3) of the Internal Revenue Code, or any volunteer fire company serving the City of Somers Point; or (2) any nonprofit organization (whether or not qualified under §501(c)(3) of the Internal Revenue Code), located in the City of Somers Point, or serving the students residing within Somers Point, the primary purpose of which is to benefit the school age children of Somers Point, including but not limited to, schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts, and similar youth groups.

Peddler shall mean any person, whether a resident of the City or not, who goes from house to house or place to place by any means of conveyance, carrying or transporting merchandise for the purpose of selling and delivering the merchandise to customers. The term peddler shall include the words, hawker, huckster and vendor, and shall also include a person who from time to time offers merchandise for sale from one or more fixed locations out of doors, when the merchandise is displayed or stored in a motor vehicle located on the property, whether the property is owned by that person or by others.

Person shall mean and include any natural person, firm, partnership, corporation, organization, club, or association or any principal or agent thereof.

Solicitor shall mean an individual who goes from house to house or from place to place by any means of conveyance, soliciting or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not he is collecting advance payments on such sales or orders, or who engages in

any of the foregoing activities from a stationary location or any street or any public place. The word solicitor shall also mean any individual who goes from house to house or from place to place for the purpose of obtaining contributions or subscriptions, or who does research analyses, makes surveys or opinion polls, obtains rating data or similar information, distributes advertisements or handbills of a commercial or partially commercial nature or who engages in any similar work which involves a door to door or place to place activity. The word solicitor shall also include the word canvasser.

Vendor [See Peddler].

202 -14. License required.

Unless otherwise exempt under Section 202-22 of this Article, it shall be unlawful for any commercial canvasser, peddler, solicitor, or vendor to sell, offer for sale or distribute merchandise, printed material or services within the City without first obtaining a License by filing an application for such License from the City Clerk, paying the License fee and obtaining said License from the Somers Point Police Department and any such other approvals required as may be required as a condition for the issuance of such License.

202 -15. Effect of License.

Upon obtaining a License as hereinafter provided, a commercial canvasser, peddler, solicitor or vendor may conduct his activities within the City of Somers Point only as long as he adheres to the regulations set forth in this Chapter. The License, which shall be issued by the Somers Point Police Department, shall include a photograph of each such individual to whom a License has been issued who shall carry the License upon his person where it can be readily seen at all times during the activity being conducted; or, if conducting the operation at a fixed location, shall display the License in a conspicuous place at all times during the conduct of such activities. The License shall identify the person and type of activity for which he is licensed and shall be presented to any city official, or police officer or any other individual upon request.

202 -16. Application for License.

An application for License shall be made upon forms provided by the Office of City Clerk, which shall be sworn to by the Applicant and filed with the City Clerk, which shall contain or be accompanied by the following information:

For commercial canvassers, solicitors, peddlers and vendors

- (1) Name, age, physical description and Social Security number of the applicant.
- (2) Complete permanent home and local address of applicant together with telephone numbers.
- (3) Name and address of the organization or persons for whom canvassing or soliciting is being made together with telephone numbers.
- (4) Description of the nature of business or activity and the goods, services or wares to be sold.
- (5) Three (3) recent photographs of the applicant (and each person who shall be engaged in the activity) which shall be approximately two and one-half by two and one-half inches in size and showing the head and shoulders of the applicant in a clear and distinguishable manner.
- (6) The days and dates upon which canvassing, peddling, soliciting or vending is to take place.
- (7) The route(s) to be taken.
- (8) A statement as to whether or not the applicant has been convicted of a crime of the fourth degree or higher, a disorderly persons offense, a petty disorderly persons offense, or a moving motor vehicle offense which resulted in damage or injury to person(s) or property, and if so, the details thereof.
- (9) The make, model, year, color and license plate number of such vehicle used by the applicant during the period of canvassing or soliciting within the City and the number of applicant's driver's license and the state in which it is issued.

(10) The name and address of the insurance carrier and insurance policy number with respect to such vehicle or vehicles; and a copy of the current Certificate of Insurance Card issued by an insurance carrier licensed to do business in the State of New Jersey and evidencing proof of General Liability Insurance, Automobile Liability Insurance for each vehicle to be used, and Statutory Workers Compensation if there are employees.

(11) A list of municipalities where the applicant has within the preceding three (3) years engaged in the activities of canvassing, peddling or soliciting, whether or not a permit was applied for or received in connection therewith.

(12) A statement as to whether or not the applicant has been denied a canvassing, peddling or soliciting permit and whether such permit or License has ever been revoked or suspended; and, if so, the details of the revocation or suspension.

(13) If the applicant is not an individual, the state in which it is registered or incorporated, the name and address of the registered agent within the State of New Jersey and the Federal Employer Identification Number (FEIN).

(14) If the person applying is unable to provide any of the foregoing information, an explanation shall be provided of the reasons why such information is unavailable.

(15) Applications of corporations, partnerships or other entities shall have attached to their applications individual statements containing all of the information required by this Section 202 - 16 for each employee or agent who shall engage in the licensed activity; said statements shall be signed and sworn to by each employee or agent and shall be treated, for investigation purposes, as separate applications to engage in a Licensed activity. Applications by partnerships, corporations or other entities shall be signed by an authorized representative of the corporation, partnership or entity.

(16) All applicants engaged in the sale or distribution of merchandise shall submit the original or a certified copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the vendor to collect sales tax. Certificates

shall not be required for the sale of property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2. Every applicant who held a License issued under this Article during the year preceding the application shall present proof of payment of New Jersey Sales Tax required pursuant to N.J.S.A. 54:32B-1 et seq. All vendors shall attach the original certificate to their cart, stand, truck, or other merchandising device, as required by N.J.S.A. 54:32B-15.

(17) Each applicant for a License under this Section 202 -16 shall present proof that he or she is a citizen of the United States or a person satisfying all requirements of the Immigration and Naturalization Laws, or other applicable law, for holding gainful employment in the United States.

(18) All applicants selling food items shall submit a copy of the Atlantic County Board of Health License which shall be kept displayed to the public.

(19) All applicants selling food items shall also submit a Certificate of Insurance demonstrating coverage with minimum amounts of \$100,000 per person Personal injury; \$300,000 per occurrence; and \$25,000 property damage (which shall be in addition to any insurance required for operation of a motor vehicle as required by Section 202 -16 (10) and in which the City of Somers Point shall be named as an additional insured through an endorsement to the policy of insurance and identified as such on the Certificate of Insurance which shall provide for not less than thirty (30) days written notice to the City of Somers Point Clerk of cancellation or termination.

(20) Each applicant shall be responsible to maintain a current certificate of insurance during the term of the License and provide same to the City Clerk.

(21) A completed New Jersey State Bureau of Identification Form authorizing release of any criminal history record information (known commonly as a "Yellow Sheet") accompanied by a Money Order in the amount specified by the City Clerk to process each such Yellow Sheet payable as directed.

(22) If a cart, wagon, or other vehicle is to be used in offering for sale, soliciting, canvassing, or vending upon a sidewalk:

a) the written consent of the abutting owner shall be filed with the License Application setting forth any conditions imposed by the property owner; and

b)) a Certificate of Insurance demonstrating coverage with minimum amounts of \$1,000,000 per person Personal injury; \$1,000,000 per occurrence; and \$1,000,000 property damage (which shall be in addition to any insurance required for operation of a motor vehicle as required by Section 202 -16 (10) and in which the City of Somers Point shall be named as an additional insured through an endorsement to the policy of insurance and identified as such on the Certificate of Insurance which shall provide for not less than thirty (30) days written notice to the City of Somers Point Clerk of cancellation or termination.

202 -17 Application Fee Required.

(a) Unless it is an exempt organization described in Section 202 -22 of this Article, each application shall be accompanied by an application fee of eighty dollars (\$80.00) for each individual commercial canvasser, solicitor or peddler, to compensate Somers Point for the cost of administering this Article, and such fees will not be refunded if a License is not issued. No cash will be accepted. A certified check or money order shall be made payable to "The City of Somers Point".

(b) No License issued under this article shall be used at any time by any person other than the person to whom it was issued.

(c) Where an organization has several agents peddling, soliciting, distributing merchandise or printed material or services, or canvassing, each such agent shall be identified within the License Application, shall complete the application, shall pay the applicable application fee and shall be issued a separate License if approved.

(d) Each person who shall be approved to receive a License shall receive from the City of Somers Point a check in the amount of thirty dollars (\$30)

which shall be mailed to the applicant in due course following the return of the License to the Police Department upon or prior to expiration. In the event the License is not returned prior to or within two business days following expiration of the License, the Applicant shall forfeit any and all right to this refund.

(e) The fee for issuance of a duplicate License to replace a lost License or for an amended License, shall be twenty-five dollars (\$25.00).

202-18. Approval or rejection of application.

(a) Following the filing of a complete application, payment of the License fee and payment of the Yellow Sheet processing fee to the City Clerk, as set forth in Section 202-17 the Clerk shall forward the application to the Chief of Police or his designee, who shall within thirty (30) days make such investigation, within the limits of the resources available to the Department, which will include a review of the Application content, requesting the Yellow Sheet from the New Jersey State Police, and which may include background checks of the business responsibility and character of the applicant or any employee or agent who shall engage in the Licensed activity, for the protection of the public good.

(b) If, as a result of such investigation, the character or business responsibility of the applicant or any employee or agent who shall engage in the Licensed activity is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and the reasons therefor and return the application to the City Clerk.

If the applicant or any employee or agent who shall engage in the Licensed activity is found unsatisfactory by the Chief of Police or is designee, and he endorses his disapproval upon the application, the City Clerk shall notify the applicant by mail that the application is disapproved and shall deny issuance of the License. Such notice shall be mailed within five (5) business days following receipt of the endorsement of disapproval from the Chief of Police.

The Chief of Police or his designee may disapprove an application if such disapproval is based on one or more of the following findings with respect to the applicant:

(1) Conviction of a crime of the fourth degree or higher, a disorderly persons offense, a petty disorderly persons offense, or a moving motor vehicle offense which resulted in damage or injury to person(s) or property.

(2) Prior violation of a peddling, soliciting or transient merchant ordinance.

(3) Previous fraudulent acts or conduct, or convictions of disorderly person's offenses.

(4) Record of breach(es) of solicitation contracts.

(5) Fraud, misrepresentation or false statements contained in the application for License.

(6) Incomplete Application.

(c) In the absence of such findings, the Chief of Police shall find the applicant satisfactory and shall endorse his approval on the application, return the approved application to the City Clerk and the Chief of Police or his designee within the Police Department shall issue the License(s) to the approved Applicant(s).

(d) The Somers Point City Council reserves the right to adopt such additional rules and regulations governing the investigation by the Police Department in the issuance of Licenses pursuant to this Article and the keeping of records thereof as the Governing Body may, from time to time, deem necessary for the proper enforcement of this Article.

202 -19. License Term.

If the application is found to be satisfactory by the Chief of Police, the City Clerk shall notify the Applicant(s) in writing within five (5) business days from receipt of the approval by the Chief of Police addressed to the applicant.

The License shall expire December 31 of the calendar year in which it is issued unless, by its terms, it expires prior to that time, and shall be limited to the express purpose set forth therein. No fee shall be prorated.

202 -20. Revocation of License.

(a) Licenses may be revoked by the Chief of Police, or his designee, for any of the following causes:

(1) Fraud, misrepresentation or false statements contained in the application for License.

(2) Fraud, misrepresentation of false statement made in the course of carrying out activities pursuant to the License.

(3) Violation of any provision of this article.

(4) Conviction of a crime of the fourth degree or higher, a disorderly persons offense, a petty disorderly persons offense, or a moving motor vehicle offense resulting in damage or injury to person(s) or property.

(5) Conduct of the business of canvassing, peddling, soliciting or vending in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace or disturbance to the residents of the City.

(b) Notice of revocation shall be communicated to the Licensee in person or mailed postage prepaid to the Licensee's address as given by the Licensee in making the application, and thereafter it shall be unlawful for him or any of his employees or agents to canvass or solicit or to sell, offer for sale or distribute merchandise or services in the City.

If a hearing is requested in writing by a Licensee, the Licensee must request the hearing, in writing, a within five (5) business days following the date of notice of License revocation, and addressed to the Somers Point Chief of Police. Failure to submit the request for hearing within the prescribed time shall be deemed a waiver of the right to such a hearing.

If properly requested, Licensee shall be provided with a notice of the hearing to be held before the Chief of Police or his designee. The notice shall be in

writing, setting forth the grounds of the revocation, and the time and place of the hearing. The notice shall be served personally upon the Licensee or mailed postage prepaid to the Licensee's address as given by the Licensee in making the application, at least five business days prior to the date set for the hearing, and shall be sent not more than ten (10) business days after receipt by the Chief of Police or his designee of the Licensee's written request for a hearing.

(c) The right of revocation shall be in addition to any action to enforce a penalty as provided in Article VIII of this Chapter.

202 -21. Appeal from Denial or Revocation of License.

Any person aggrieved by the action of the Chief of Police in the denial of an application for a License, or in the decision with reference to revocation of a License, shall have the right to appeal to the Somers Point City Council. The City Council shall not hear any appeal unless the applicant has first made appeal to the Chief of Police as required by Section 202 -20 of this Ordinance.

Such appeal shall be taken by filing within fourteen (14) calendar days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for a hearing on such appeal. The written Notice of Appeal shall be addressed to The Somers Point City Clerk.

The Governing Body shall set a time and place for hearing the appeal and a written notice of the hearing shall be given to the applicant. The decision rendered by the City Council by a majority of the members voting thereon shall be final and conclusive.

202 -22 Organizations Exempt From Filing a License Application and Fee Payment

The following shall be exempt from the License application and fee payment:

(a) Any person engaged in the delivery or solicitation of subscriptions for a print media organization provided, however, that said shall display an

identification badge (subject to the approval by the police department) provided by the print media and information sheet shall be filed with the police department and City Clerk containing:

- (1) the proposed location of solicitation;
- (2) the make, model and License plate number of any vehicle being used during such solicitation;
- (3) the name of the supervisor of the persons soliciting; and
- (4) the names of all those soliciting within the City on behalf of said print media.

(b) Any person who is an exempt fireman of a volunteer fire company as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing corresponding identification and who possesses a License in conformity with said statute, is a resident of New Jersey, and possesses an exemption certificate; but who shall notify the City Clerk and the Somers Point Chief of Police when solicitation or peddling is to take place. No such activity shall be conducted on any public beach or boardwalk.

(c) Any person honorably discharged from military service of the United States who is a resident of New Jersey and who possesses a peddler's License issued in conformity with N.J.S.A 45:24-9; but who shall notify the City Clerk and the Somers Point Chief of Police when solicitation or peddling is to take place. No such activity shall be conducted on any public beach or boardwalk.

(d) Any public utility, or its employees, which is subject to the regulation of the State Board of Public Utility Commissioners; provided, however, that such employee shall display the identification badge or card issued by the employer.

(e) Federal census-taking and surveys taken pursuant to federal, state or local laws.

(f) Any person engaged in the delivery, in the regular course of business, of goods, wares, merchandise, or other articles of personal property to the

premises of persons ordering or otherwise entitled to receive same by reason of a prior agreement other than through canvassing, soliciting, or canvassing, peddling, soliciting or vending within the City of Somers Point.

Each such person shall nonetheless be obligated to comply with Do Not Solicit List requirements of Article VI of this Chapter and with each of the General Regulations set forth in Article V of this Chapter.

202 -23 Rules and regulations.

Rules and regulations applicable to all commercial canvassers, peddlers, solicitors and vendors shall be as follows:

- (a) All commercial canvassers, peddlers, solicitors and vendors shall be required to wear the License identification on their outermost apparel.
- (b) All commercial canvassers, peddlers, solicitors and vendors shall comply with the Do Not Solicit List requirements of Article VI of this Chapter and with each of the General Regulations set forth in Article V of this Chapter.
- (c) The hours of commercial canvassing, peddling, soliciting or vending shall be as set forth in Article V of this Chapter.

All such commercial canvassers, peddlers, solicitors and vendors are encouraged to wear articles of reflective clothing and /or to carry flashlights if engaged in soliciting after daylight hours.

SECTION 4. THERE IS HEREBY ADDED TO CHAPTER 202 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT AN ARTICLE III "REGULATION OF TRANSIENT MERCHANTS AND ITINERANT VENDORS".

Article III. Regulation of Transient Merchants and Itinerant Vendors

202 -24. License required.

It shall be unlawful for transient merchant or itinerant vendor to sell, offer for sale or distribute merchandise, printed material or services within the City

without first obtaining a License from the City Clerk by filing an application for License, paying a license fee and obtaining said License

Transient Merchant shall mean any person who engages in merchandise sales with the intent to close out or discontinue a business within a period of one year from the date of commencement and includes those who, for the purpose of carrying on such business hires, leases, or occupies any, building, permanent structure, or other permanently constructed premises for the purpose of the exhibition and selling of such goods, wares and merchandise, The word transient merchant shall also include the word Itinerant Vendor.

The City of Somers Point Land Use and Zoning Ordinance prohibits any second use other than an approved Secondary Use as defined in Chapter 114 of the Somers Point Municipal Code and no License shall be issued for any use in violation of Chapter 114.

202 -25. Application for license.

For Transient Merchants:

(a) An application for license shall be made upon forms provided by the Office of City Clerk, including a New Jersey State Bureau of Identification form authorizing release of any criminal history record information (known commonly as a "Yellow Sheet") to the Somers Point Police Department;

(b) A Declaration under Oath to be made to the City Clerk containing each item of information required to be submitted by commercial canvassers, solicitors and peddlers set forth in paragraph numbers 1, 2, 5, 8, 13, 15, 16, 17, 18,19, 20 and 21 of Section 202 -16 of Article II of this Chapter, together with:

(1) A description of the nature of the business or activity including the average quantity, kind and value of the property to be sold or exposed for sale.

(2) The dates during which the business is to be conducted.

(3) The name(s) and post office addresses of the persons from whom the goods making up the stock were or are to be purchased by the applicant.

(4) The bills of sale or invoices for such personal property and merchandise to be offered for sale.

(5) A list of municipalities where the applicant has within the preceding three (3) years engaged in transient merchandising, whether or not a permit was applied for or received in connection therewith. This is intended to include locations where applicant engaged in transient merchandising under the same name, a different name, a trade name, a fictitious name and any such entity in which applicant had a ten percent (10%) or greater interest

(6) A statement as to whether the applicant has ever been denied or had a transient merchant's License or permit revoked or suspended; and, if so, the details of the revocation or suspension.

(7) A bond in an amount equal to twenty-five percent of the value of the personal property shown in the disclosures required by subsection (b)(3) above but in no event less than one thousand dollars. The bond shall be in effect for a period of one year from the date of License issuance, shall indemnify and pay Somers Point City any penalties or costs incurred in the enforcement of this section and to indemnify or reimburse the purchaser of personal property a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation of the applicant, its agents, servants or employees whether in person at the time of making the sale or through any advertisement printed or circulated in any manner, including electronically, with reference to such personal property or merchandise or any part thereof. The bond shall be in a form approved by the City attorney.

(8) An instrument in accordance with and containing the recitals specified in N.J.S.A. 45:24-6 appointing the City Clerk as the applicant's true and lawful agent for service of process.

(c) Each application shall be accompanied by an application fee of one hundred fifty dollars (\$150.00) for a transient merchant or itinerant vendor License (which shall be applied against the \$1,030 license fee payable by the transient merchant or itinerant vendor if the license application is approved,

to compensate Somers Point for the cost of administering this article, and such fees will not be refunded if a License is not issued.

All transient merchants are subject to the statutory requirements set forth in N.J.S.A. 45:24-1 et seq., and shall be subject to the penalties set forth therein in the event of a failure to comply with any of said requirements.

202-26. Approval or rejection of application.

The Application for a License shall be processed in the same manner set forth in Section 222 -18 of this Chapter 202 with the exception that a copy of the Application shall be submitted by the City Clerk to the Zoning/ Code Enforcement Officer to determine if the intended activity is permitted under the Land Use Code and Development Regulations of the City of Somers Point. In the event the intended activity is not in compliance, the application shall be denied and the Applicant may appeal that determination to the Somers Point Zoning Board of Adjustment.

202 -27. Revocation of License.

(a) Licenses may be revoked by the Chief of Police, or his designee, for any of the following causes:

- (1) Fraud, misrepresentation or false statements contained in the application for License.
- (2) Fraud, misrepresentation of false statement made in the course of carrying out activities pursuant to the License.
- (3) Violation of any provision of this Chapter 202 or of any land use or zoning ordinance of the City of Somers Point.
- (4) Conviction of a crime of the fourth degree or higher, a disorderly persons offense or a petty disorderly persons offense.

(5) Conduct of the business of itinerant vending or transient merchant activities in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace or disturbance to the residents of the City.

(b) Notice of revocation shall be communicated to the Licensee in person or mailed postage prepaid to the Licensee's address as given by the Licensee in making the application, and thereafter it shall be unlawful for him or any of his employees or agents to sell, offer for sale or distribute merchandise or services in the City.

If a hearing is requested in writing by a Licensee, the Licensee must request the hearing, in writing, within five (5) business days following the date of notice of License revocation, and addressed to the Somers Point Chief of Police. Failure to submit the request for hearing within the prescribed time shall be deemed a waiver of the right to such a hearing.

If properly requested, Licensee shall be provided with a notice of the hearing to be held before the Chief of Police or his designee. The notice shall be in writing, setting forth the grounds of the revocation, and the time and place of the hearing. The notice shall be served personally upon the Licensee or mailed postage prepaid to the Licensee's address as given by the Licensee in making the application, at least five business days prior to the date set for the hearing, and shall be sent not more than ten (10) business days after receipt by the Chief of Police or his designee of the Licensee's written request for a hearing.

(c) The right of revocation shall be in addition to any action to enforce a penalty as provided in Article VIII of this Chapter.

202 -28. Appeal from Denial or Revocation of License.

The right to appeal from an adverse decision of the Chief of Police shall proceed in the same manner as set forth in Section 202 -21 of this Chapter.

202 -29. Other Requirements .

Nothing in this Article shall apply to or require the obtaining of a License by any charitable or religious society that shall conduct sales of personal property when the proceeds thereof shall be applied to the payment of the

expenses thereof and to the charitable or religious object for which the society exists; and nothing within this subparagraph shall apply to or require the obtaining of a License by any art, antique or historical society that shall conduct an exhibition and sale of art objects, pictures, paintings, prints, historical articles and furniture generally known and designated as antiques and kindred objects; and nothing within this subparagraph shall apply to or require the obtaining of a License by any agricultural show, fair or garden society selling or closing out certain of their exhibits, if such society was an incorporated association not for pecuniary profit incorporated within the State of New Jersey prior to March 26, 1935 or, if incorporated thereafter, shall have a bona fide membership of at least one hundred (100) persons.

Notwithstanding anything elsewhere contained in this Chapter:

1) A transient merchant or itinerant vendor who fails to comply with the requirements of this Article or any part thereof, or makes a false or fraudulent representation in any statement required by this subsection to be filed by such person, or falsely represents by advertising or otherwise that such personal property or merchandise is in whole or in part damaged goods saved from fire, or makes any false statement as to the previous history or character of such personal property or merchandise, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or may be committed for a period not exceeding ninety (90) days, or both;

2) A separate License shall be obtained for each branch, establishment or separate place of business in which the occupation of a transient merchant or itinerant vendor is carried on, and such License shall be used only at the location indicated in the License;

3) The fee for each transient merchant or itinerant vendor License shall be One Thousand Thirty Dollars (\$1,030.00) and shall continue for not more than one hundred and eighty (180) days from the date of issuance or the dates specified in the application, whichever is less.

4) Each transient merchant or itinerant vendor who shall be approved to receive a License shall receive from the City of Somers Point a check in the amount of thirty dollars (\$30) which shall be mailed to the applicant in due course following the return of the License to the Police Department upon or prior to expiration. In the event the License is not returned prior to or within two business days following expiration of the License, the Applicant shall forfeit any and all right to this refund.

5) The fee for issuance of a duplicate License to replace a lost License or for an amended License shall be twenty-five dollars (\$25.00).

SECTION 5. THERE IS HEREBY ADDED TO CHAPTER 202 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT AN ARTICLE IV "REGULATION OF TRANSIENT MERCHANTS AND ITINERANT VENDORS".

Article IV Regulation of Non-Commercial Canvassers and Solicitors.

202 -30. Definitions.

NONCOMMERCIAL CANVASSING AND SOLICITING

Any nonprofit canvass for opinion polls, or who does research analyses, or makes market research surveys, obtains rating data or similar information, distributes advertisements or handbills of a noncommercial nature or who engages in any similar noncommercial activities which involves a door to door or place to place contact is engaged in noncommercial canvassing and is subject to this Article.

Any solicitation of contributions in cash or kind, when the purpose of such activity is to produce revenue for a patriotic, religious, service, welfare, benevolent, educational, civic, fraternal or political entity, whether or not such entity is incorporated as a corporation not for profit or is otherwise organized, so long as its purpose is one of the above stated and is not for pecuniary gain is engaged in noncommercial soliciting and is subject to this Article.

Such noncommercial soliciting shall include non paid volunteers and paid employees of such nonprofit organizations.

202 -31. Permit required; Exemptions.

No person or organization shall engage in noncommercial canvassing or noncommercial soliciting within the City of Somers Point without first obtaining a Permit authorizing such canvassing or solicitation. The Permit requirements of this shall not apply to the following:

(a) Any person soliciting a vote or nonmonetary support for any political candidate or program;

(b) Any person engaged in campaigning for any elected public office or public question which is to be voted upon in the City at a general, special, primary, or school board election; and the distribution of circulars or advertising with respect thereto.

(c) Children enrolled in public and private elementary and secondary schools in the City of Somers Point or in schools for which Somers Point students are part of a sending district, including children peddling or soliciting for schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts, and similar youth groups.

(d) Organizations or entities whose solicitations are conducted only among their own members or if the solicitations are in the form of collections or contributions at the regular assembly or meeting of any such organizations or entities.

202 -32. Content of Permit Application.

Application for a Permit for noncommercial canvassing or soliciting shall be made to the City Clerk. The applicant shall be required to provide the following information and statements:

(a) The purpose for which the canvassing or soliciting is to be made.

(b) The name, address and phone number of the organization or entity for whom the canvassing or soliciting is being conducted.

- (c) The names, addresses and phone numbers of the persons who will be in direct charge of conducting the canvassing or soliciting .
- (d) The names, birth date, social security number and addresses of all persons making the proposed canvassing or soliciting .
- (e) A brief outline of the method to be used in conducting the canvassing or soliciting .
- (f) The time(s) and date(s) when such canvassing or soliciting shall be made, giving preferred and alternate dates for the beginning and ending of such canvassing or soliciting.
- (g) A statement to the effect that if the Permit is approved, it will not be used or represented in any way as an endorsement of the proposed canvassing by the City or by any of its elected or appointed officials, officers, departments, or employees.
- (h) A statement that each canvasser or solicitor is of good character and will conduct himself/herself in a courteous manner.
- (i) A statement that no canvassing or soliciting will be done on dwellings or units where "no soliciting" or like signs, are posted.
- (j) A statement that any misleading or false information being provided on the application under oath, will result in a violation of this ordinance and revocation of the Permit.
- (k) A statement that all canvassers and or solicitors shall be required to wear identification on their outer most item of apparel which contains their name and organization for which they are canvassing, said identification shall be the responsibility of the noncommercial canvasser or solicitor organization to provide.
- (l) Either the federal tax-exempt number or tax exemption certificate issued by the State of New Jersey or a copy of the letter from the Internal Revenue Service granting tax exemption to the organization as a Section 501 (c) charitable organization.

(m) Agreement to provide Advance Notice in writing stating which canvassers or solicitors will be working which areas of the City, on which days, and a description of the vehicles they will be using along with License numbers. This advance notice is to be given to the Somers Point Police Department.

202 -33. Investigation and approval by Chief of Police.

The investigation required shall be limited to that sufficient for the Chief of Police to make a determination that the person or organization is what it has represented itself to be on the application. Upon having the application reviewed and making a determination that the information is complete and truthful, the Chief of Police or his designee shall send the City Clerk a recommendation for approval or disapproval.

202 -34. Issuance of permit.

If the application is approved by the Chief of Police, the City Clerk shall forthwith notify the applicant and issue the Permit without charge.

All noncommercial canvassers, peddlers, solicitors and vendors shall comply with the Do Not Solicit List requirements of Article VI of this Chapter and with each of the General Regulations set forth in Article V of this Chapter.

202 -35 Term of Permit.

No permit may grant the right to solicit longer than thirty (30) days from its date, but the City Clerk may extend any permit for additional periods of not more than fifteen (15) days upon a showing that undue hardship would be created by failure to extend the permit for such additional time.

Undue Hardship must be based upon special circumstances such that, despite its best efforts, the applicant was unable to achieve the intended goal within the initial thirty (30) days and proof to the satisfaction of the City Clerk that the hardship is genuine, and that the person did not take on the obligation with the knowledge that the undue hardship would be an issue.

SECTION 6. THERE IS HEREBY ADDED TO CHAPTER 202 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT AN ARTICLE V "GENERAL REGULATIONS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER CHAPTER 202 OF THE SOMERS POINT MUNICIPAL CODE".

Article V. General Regulations Applicable to all Licenses and Permits issued under Chapter 202 of the Somers Point Municipal Code.

2002-36 General Regulations

It shall be unlawful for any person to whom a License of Permit has been issued to:

(a) Attempt to peddle or distribute merchandise or printed material, or solicit funds or canvass for information, without first having identified himself as a peddler, solicitor, vendor, or canvasser registered with the City and display the License issued therefor.

(b) Have exclusive right to any location on public sidewalk.

(c) Enter or attempt to enter the land of any resident in the City where such resident has posted a legible and reasonably prominent notice prohibiting such entry; or which property is listed on the Do Not Solicit List.

(d) Refuse to leave a private dwelling or property after having been once requested to do so by the owner or occupant thereof.

(e) Distribute obscene merchandise or printed material that advocates unlawful conduct.

(f) Distribute or offer for sale drug paraphernalia, fireworks, illegal knives, weapons or other illegal devices.

(g) Litter the streets, public places or other property within the City by any merchandise or printed material.

(h) Station, place, set up or maintain a cart, wagon, motor vehicle or other vehicle, or allow it to remain on any sidewalk in a way that would:

- (1) Restrict, obstruct, interfere with or impede the pedestrian's right-of-way;
- (2) Restrict, obstruct, interfere with or impede the ingress or egress from the abutting property;
- (3) Create or become a nuisance;
- (4) Increase traffic congestion, cause or increase traffic delay or hazard;
- (5) Cause or create or constitute a danger to life, health or property;
or
- (6) To sell, solicit, vend, or offer products for sale, canvass, peddle or solicit by parking in a public or on street parking place and conduct business from that vehicle in that location unless specified in and approved as a condition of the License or Permit.

A determination made by the City's Code Enforcement Officer, Engineer or member of the Police Department shall control.

(i) Engage in Commercial solicitation, canvassing, peddling, vending or make offers to sell or solicit except between the hours of 9:00 a.m. and 5:00 p.m. Mondays through Saturdays; or engage in Noncommercial solicitation, canvassing, vending or peddling except between the hours of 9:00 a.m. and 9:00 p.m.

There shall be no soliciting or canvassing by other than a non-commercial canvasser or Exempt Organization on Sundays or on state and federal holidays.

(j) Peddle using a cart of the dimensions of which exceeds two feet in width, four feet in length and four feet in height (2' W x 4' L x 4' H) including wheel height, while conducting business on any sidewalk.

(k) Use, set up, attach, place or permit the use of any table, crate, carton, rack, device or structure of any kind to increase the selling or display capacity of the peddler's cart.

(l) Engage in the business of peddling within twenty five feet (25') of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.

(m) Engage in the business of peddling on any sidewalk or along any street within thirty feet (30') of any fire hydrant, crosswalk, driveway or intersecting street(s) or sidewalk(s).

(n) Station, place, set up or maintain a peddler's cart or goods against display windows of fixed location businesses, nor shall they be within one hundred feet (100') from an entranceway to any building, store, theater, library, school, museum, movie house, sports arena or other place of public assembly.

(o) Engage in the business of peddling within one hundred (100') feet of any location where another peddler is engaged in the business of peddling.

(p) Engage in the business of selling at any location without giving a written receipt to each customer for any sale in excess of twenty dollars (\$20.00). The receipt shall show clearly the seller's name, business address, license number, a description of the merchandise sold, and the purchase price, and shall be sequentially numbered.

(q) Engage in the business of peddling on any sidewalk or along any street within one hundred feet (100') of a bus stop. For purpose of this section, the words "bus stop" shall include the sidewalk and the adjoining street where there is a designated bus stop.

(r) Sell food, drinks, ice cream, confections or other items for immediate consumption unless the peddler has available for public use his litter receptacle which shall be clearly marked and maintained for his patronage use, nor shall any peddler leave any location without first picking up, removing and disposing of any trash or refuse remaining from the sales made by him; nor shall any person sell food, drinks, ice cream, confections or other food items for consumption without having first received any permit or license required by the City or the Atlantic County Board of Health for food handling.

(s) Leave any cart unattended at any time or place or leave the same overnight on any sidewalk or other public property.

(t) Hold out or represent, directly or indirectly, the license as an endorsement by the City of the solicitation or the purpose thereof.

(u) Make public use of the name of any person in the course of solicitation in such manner as to hold out, represent, suggest or imply directly or indirectly, to the public that such person sponsors, endorses, approves of or recommends the solicitation or the purposes thereof, unless such person shall have given his or its consent to such use either by written permission or by actively participating in the conduct of the solicitation. Without limitation, the inclusion of a person's name on stationery, letter-head, advertisement or brochures, or public reference to a person as one who has contributed to the solicitation, shall be deemed such a public use in violation of this section.

(v) During City Sponsored events including but not limited to Bay Fest, Good Ole Days, and Jazz Festival, no commercial canvasser, solicitor, peddler or vendor will be permitted within the activity area and adjacent public sidewalks and streets, except if requested and approved by the sponsor of the event as determined by the City's representative in charge of such event. All such approved commercial canvassers, solicitors, peddlers and vendors shall be required to comply with the Licensing and Permitting requirements of this Chapter.

(w) Except as provided in (v) above, no person will be permitted at any time to vend, solicit, sell or canvass upon property owned by or under the control of the Somers Point Board of Education, or by the City of Somers Point or any of its departments and agencies, including but not limited to, the Library, City Hall, Memorial Beach, Kennedy Park, all Sport and Recreation fields, any property which appears on the City of Somers Point Registry of Open Space filed with the New Jersey Department of Environmental Protection and any property under the control or supervision of the Somers Point Recreation Commission.

(x) Conduct a solicitation:

1. Which is fraudulent; or

2. For a purpose or a beneficiary or recipient which is fraudulent or fictitious; or
3. By means which are fraudulent, false or misleading; or
4. By misrepresentation or by fraudulent, false or misleading advertising; or
5. By the use of aliases, fictitious names or callings, or impersonation of other persons or callings.

SECTION 7. THERE IS HEREBY ADDED TO CHAPTER 202 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT AN ARTICLE VI "DO NOT SOLICIT LIST; PROPERTY POSTING".

Article VI. Do Not Solicit List; Property Posting.

202 -37 Do Not Solicit List

A "Do Not Solicit" list shall be maintained by the Office of the Somers Point City Clerk.

- (a) The Do Not Solicit List shall contain only the street address of the property and no personal ownership information.
- (b) All residents shall be permitted to have their property listed on the Do Not Solicit List by filing a written request at the Office of the City Clerk with proof of residency at the address given.
- (c) On a quarterly basis the City Tax Assessor shall notify the City Clerk of any change in ownership of property within the City and the City Clerk shall remove from the Do Not Solicit List any property for which ownership shall have changed subsequent to the time of listing.
- (d) No canvasser, peddler, vendor or solicitor shall enter onto or into any property which is listed on the Do Not Solicit List or on which is located a sign or signs stating "No Solicitors" or conveying a similar message forbidding the entry of any person onto the property.

(e) Being listed on the Do Not Solicit List or the presence of such a sign shall be constitute sufficient notice to any solicitor, peddler, vendor or canvasser of the intent of the occupant of the residence to be free from such solicitation or canvassing.

(f) Every canvasser, peddler, vendor and solicitor shall obtain a copy of the then current Do Not Solicit List prior to engaging in any soliciting or canvassing activities and shall not attempt to solicit or canvas at any property contained on that List.

(g) Prior to entering onto or into any other property within the City of Somers Point every canvasser, peddler, vendor and solicitor shall exercise a diligent good faith effort to determine if there is a sign of the kind referred to in subparagraph (d) of this Section posted on the property or on the residence. If such a sign is present on the property no solicitor or canvasser shall attempt to gain entrance to the property or the residence.

(h) Any solicitor, Peddler, vendor or canvasser who has gained entrance to any residence, whether invited or not, shall promptly and peacefully leave the premises upon being requested to do so by the occupant.

(i) Every solicitor, peddler, vendor and canvasser shall obtain from the Office of the City Clerk a single copy of the then current Do Not Solicit List prior to engaging in any soliciting or canvassing activity within the City of Somers Point. Where more than one solicitor, vender, peddler or canvasser will be engaged is soliciting or canvassing activities on behalf of an organization, group, company or other entity, it shall be the obligation of that entity to provide true copies of the Do Not Solicit List to each such solicitor and canvasser.

Failure to comply with this subparagraph shall constitute a violation of this Ordinance.

(j) It shall constitute a violation of this Ordinance for any person to go upon any premises and ring a doorbell, knock, or make or create any sound designed to attract the attention of the occupant with the purpose of gaining access to the occupant or entering onto or into the premises for the purpose of

engaging in soliciting or canvassing where the premises are either included on the Do not Solicit List or posted in the manner described in sub paragraph (d) of this Section.

SECTION 8. THERE IS HEREBY ADDED TO CHAPTER 202 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT AN ARTICLE VII "PUBLIC DISCLOSURE".

Article VII. Public Disclosure.

202 -38. Public Records

All applications for Permits and Licenses filed with the City Clerk, whether or not a Permit or License has been issued, shall be a public record and shall be available for public inspection during regular office hours.

SECTION 9. THERE IS HEREBY ADDED TO CHAPTER 202 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT AN ARTICLE VII "PENALTIES".

Article VIII. Penalties.

202 -39. Penalties for Violations.

Any person who shall solicit, peddle, vend or canvas within the City of Somers Point in violation of any provision of this Chapter, in addition to any other penalty provided for herein shall be subject to the penalties provided for in Chapter 1 of the Somers Point Municipal Code. Each violation of any Section of this Chapter shall constitute a separate violation and be subject to a separate penalty; and each day of such violation shall be deemed a separate offense

SECTION 10. All other provisions of Chapter 48 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance

SECTION 11. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 12. 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 13. This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: , 2013
PUBLICATION: , 2013
FINAL PASSAGE: , 2013

City of Somers Point

Resolution

No. 123 of 2013

A Resolution Confirming the Hiring by the Chief of Police of the City of Somers Point of One Police Officer, to provide for enrollment in the Gloucester County Police Academy, and to Appoint Same to the Position of Patrolman Within the Somers Point Police Department

Introduced By: Council President Kern

WHEREAS, the City of Somers Point is desirous of hiring one police officer to replace an existing vacancy and to restore the complement of patrol officers; and

WHEREAS, Christopher Haskins has served in the City of Somers Point Police Department as a Class II Officer since 2009; and

WHEREAS, the Chief of Police and the Mayor have recommended that Class II Officer Haskins be enrolled in the Gloucester County Police Academy to undergo the complete training program and, upon successful completion of the program be appointed to serve as a Patrolman; and

WHEREAS, the salary and benefits to be paid to the selected officer will be in compliance with the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement; and

WHEREAS, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation

NOW, THEREFORE, IT IS Hereby RESOLVED that the Mayor and City Council acknowledge, authorize and confirm the hiring of Patrolman Christopher Haskins; and

It is FURTHER RESOLVED, that Patrolman Christopher Haskins is approved for and authorized to attend the Gloucester County Police Academy; and

It is FURTHER RESOLVED, that upon successful completion of the Gloucester County Police Academy, Patrolman Christopher Haskins will be sworn in by the Mayor and will begin active service to this Community on August 1, 2013; and

It is FURTHER RESOLVED, that the Mayor and Council hereby extend their congratulations to the officer upon becoming a member of our excellent Police Force.

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 23rd day of May 2013.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 23rd day of May 2013.

Carol L. Degrassi, RMC/MMC, City Clerk

CITY OF SOMERS POINT

RESOLUTION

No. 124 of 2013

A Resolution Authorizing the Chief of Police of the City of Somers Point to Hire One Police Officer from the Rice List Maintained by the State of New Jersey and to Appoint Same to the Position of Patrolman Within the Somers Point Police Department; and Authorizing the Mayor of the City of Somers Point to Swear in Said Patrolman as Soon as Practicable Following Acceptance of his Appointment

Introduced by: Council President Kern

WHEREAS, the City of Somers Point is desirous of hiring one police officer to replace an existing vacancy and to restore the complement of patrol officers; and

WHEREAS, the hiring of an additional officer will have no impact upon the employment or status of any current police officer within the Department; and

WHEREAS, New Jersey Law authorizes a municipality to appoint a police officer who has been laid off subject to the following conditions:

1. The officer served in good standing in any state, county, or municipal law enforcement department or agency;
2. Completed working a test period (or the equivalent of a non civil service municipality);
3. Was not a Special or Seasonal Officer; and
4. Was laid off for reasons of economy within the preceding sixty (60) months; and

WHEREAS, the State of New Jersey compiles and maintains a list of such officers known as the Rice List which, by law, a municipality may utilize over eligibility lists and appointment lists that are currently in existence and where the municipality has no active special re appointment list; and

WHEREAS, seniority is not carried over to the new position and any officer so hired is not required to be re certified, undergo a training at the New Jersey State Police Academy or undergo a working test period; and

WHEREAS, the Chief of Police of the City of Somers Point has contacted Civil Service to obtain the most current Rice List; and

WHEREAS, the status of individual officers appearing on the Rice list is in a constant state of flux; and

WHEREAS, proceeding to fill the vacancy from the Rice List will result in an economic saving to the City of Somers Point and its citizens by eliminating the need for a course of training at the New Jersey State Police Academy, will allow the patrol officer to be promptly assigned to duty on the streets of Somers Point commencing June 1, 2013, and will enhance the public safety of this City, its residents and its visitors; and

WHEREAS, the salary and benefits to be paid to the selected officer will be in compliance with the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement; and

WHEREAS, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation

NOW, THEREFORE, IT IS RESOLVED that the selection from the Rice List of one (1) police officer by the Chief of Police of the City of Somers Point is hereby approved; and

It is FURTHER RESOLVED that Peter R. Burns is hereby appointed to the position of Patrolman within the Somers Point Police Department and is to be duly sworn into office; and

It is FURTHER RESOLVED, that the salary for the position shall conform to the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement; and

It is FURTHER RESOLVED, that the Mayor of the City of Somers Point shall proceed to swear into office Peter R. Burns as Patrolman as soon as practicable following this appointment to the position.

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a City Council meeting held on the 23rd day of May 2013.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 23rd day of May 2013.

Carol L. Degrassi, RMC/MMC, City Clerk

City of Somers Point

Resolution

No. 125 of 2013

Subject: Estimated Tax Billing

Introduced by: Councilman Smith

WHEREAS, in previous years the City of Somers Point has been late in receiving State Aid figures and the Certified Tax Rate and is expecting one or both to be delayed again this year; and

WHEREAS, the Governing Body has determined that there will be insufficient cash flow to support operation in late July 2013 unless third quarter revenue is received on time, and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated tax ley in accordance with N.J.S.A. 54:4-66.3,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Somers Point, County of Atlantic, State of New Jersey, hereby authorizes that:

1. The Tax Collector is directed to prepare and issue estimated tax bills for the City of Somers Point for the third quarter 2013, in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq.
2. The entire estimated levy for 2013 is hereby set at \$30,992,385.32 with an estimated tax rate of 4.538
3. The Tax Collector takes any additional steps necessary to immediately implement this resolution

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

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 23rd day of May 2013.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 23rd day of May 2013.

Carol L. Degrassi, RMC/MMC, City Clerk

City of Somers Point

Resolution

No. 126 of 2013

Subject: Chapter 159 Resolution
Introduced By: Council President Kern

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

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

WHEREAS, the City of Somers Point has received a grant of \$24,947.25 and wishes to amend its 2013 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 2013 in the sum of \$24,947.25 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: \$24,947.25
FY2013 Clean Communities Grant

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$24,947.25 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: \$24,947.25
Clean Communities

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

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 23rd day of May, 2013.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 23rd day of May, 2013.

Carol L. Degrassi, RMC/MMC, City Clerk

City of Somers Point

Resolution

No. 127 of 2013

Subject: Awarding the Bid for two Dump Trucks

Introduced By: Councilmen Dill, Tapp and Triboletti

WHEREAS, on May 17, 2013 the City of Somers Point received bids for a Dump Truck, with an alternate bid for an additional, identical unit; and

WHEREAS, bid packages were received by seven vendors and bids were received from five vendors; and

WHEREAS, the City has elected to award the contract based on the alternate bid to provide two identical units; and

WHEREAS, DFFLM, LLC, t/a Ditschman Flemington Ford of Flemington, New Jersey was the lowest responsible bidder for the alternate bid; and

WHEREAS, the Superintendent of Public Works has recommended that the City award the contract to DFFLM, LLC, t/a Ditschman Flemington Ford of Flemington, New Jersey in the amount of \$100,800.00 for two dump trucks; and

WHEREAS, the City Administrator concurs with that recommendation.

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

- 1.) The Contract for two dump trucks is hereby awarded to DFFLM, LLC, t/a Ditschman Flemington Ford of Flemington, New Jersey in the amount of \$100,800.00 .
- 2.) The City Administrator is hereby authorized and directed to enter into a formal contract with DFFLM, LLC, t/a Ditschman Flemington Ford, signing on behalf of the City.

Certification of Available Funds

I hereby certify that funds are available for the purpose described in this resolution in Ordinance No. 8 of 2012, Account C-07-55-305-002 (\$57,000) and Ordinance No. 14 of 2012, Account C-07-55-306-001(\$60,000).

John J. Hansen, CFO

Date: _____

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 23rd day of May, 2013.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 23rd day of May, 2013.

Carol L. Degrassi, RMC/CMC, City Clerk

City of Somers Point

Resolution

No. 128 of 2013

Subject: LIQUOR LICENSE RENEWALS
Introduced By: COUNCIL PRESIDENT KERN

WHEREAS, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed, effective July 1, 2013 through June 30, 2014:

0121-33-002-003	RJM Enterprises Inc. T/A Anchorage Tavern
0121-33-003-007	Lost Boys Inc. T/A Carolines
0121-33-005-003	Charlies Inc. T/A Charlies Bar & Restaurant
0121-44-006-002	Circle Liquor Store, Inc.
0121-33-007-004	Crab Trap LTD T/A Crab Trap LTD
0121-33-008-004	The Docs Place, Inc.
0121-33-010-002	Gregory Hotel, Inc. T/A Gregory's Restaurant & Bar
0121-33-011-007	Clancys by the Bay, Inc.
0121-33-012-009	SSD Diner LLC T/A The Windjammer Diner Bard Grille
0121-33-013-002	Joe's Circle Café, Inc. T/A Diorios
0121-33-014-006	D & S Hospitality Consulting LLC T/A Sandi Pointe
0121-33-015-009	GMH Restaurant Enterprises LLC
0121-33-016-010	Plantation Bay Resort & Country Club LLC
0121-33-019-017	939 Bay Avenue, LLC T/A The Beach House Big Buoys
0121-33-020-002	American Legion Clark Eliason Post 352 T/A Clark Eliason American Legion Post 352
0121-31-024-001	Somers Point Volunteer Fire Co. No. 2
0121-33-022-001	Robert Johnson Post 2189 VFW T/A VFW Post 2189

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 23th day of May, 2013.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 23th day of May, 2013.

Carol L. Degrassi, RMC/MMC, City Clerk

CITY OF SOMERS POINT

RESOLUTION NO. 129 of 2013 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 **ONE (1)** topic which involve a report and recommendations by Special COAH Counsel and the City Solicitor regarding a Motion filed in New Jersey Superior Court Docket # ATL-L-007302-06 captioned "Bay Avenue Redevelopment, LLC vs. City of Somers Point, et als." developments and certain legal and practical implications which have arisen therefrom regarding the City's continued compliance with its First and Second Round Affordable Housing Obligations being a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings as necessary to be discussed without the public in attendance during an Executive Session to be held on May 23, 2013 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.

"(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”

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.”

Advice and counsel to be received from the Special COAH Counsel to the City of Somers Point and / or the City Solicitor regarding the consequences of a Motion filed by Plaintiffs in New Jersey Superior Court Docket # ATL-L-007302-06 captioned “Bay Avenue Redevelopment, LLC vs. City of Somers Point, et als.” seeking relief from the Phasing Requirements of Section 3.1 of the May 7, 2007 Settlement Agreement and discussion of certain developments, legal and practical implications which have arisen therefrom regarding the City’s continued compliance with its First and Second Round Affordable Housing Obligations and strategy for continued response to the Court and Special Master and compliance with the reporting directives imposed by the Court and Special Master; discussion of pending challenge to COAH’s May 1, 2013 Directive.

“(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 15 – 25 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
Sec #7 above: Attorney Client conference	Upon Completion of Actions which may be taken in response to the Notice of Motion and any response thereto submitted on behalf of the City of Somers Point	Completion of Actions which may be taken in response to the Notice of Motion and continuing Report to the Court and Special Master in response thereto.

I, Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 23rd day of May, 2013.

CITY OF SOMERS POINT

RESOLUTION NO. 130 of 2013 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 **ONE** topic which requires a presentation by and discussion with the Somers Point Engineer and Somers Point Solicitor regarding disposition of real property owned by the City of Somers Point within a portion of Drag Island, a plan of action and potential litigation regarding property rights and delineation which is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and is necessary to be discussed without the public in attendance during an Executive Session to be held on May 23, 2013 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.

"(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”

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

Discussion of status of negotiations regarding appropriate disposition of real property owned by the City of Somers Point; appropriate level of compensation for sale of or grant of an easement in all or some portion of such property to the New Jersey Turnpike Authority, the New Jersey Department of Environmental Protection, or such other state or County entity which may seek to acquire such property; advice and counsel from the City Solicitor and City Engineer regarding options; potential for litigation; possible involvement of third parties.

“(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.”

N/A

“(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 20 – 30 minutes after which the public meeting of the City Council shall reconvene;

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See #5 above	Discussion to follow Executive Session or at a future meeting.	The details shall be disclosed when a decision is made to proceed and prior to approving any action following discussion by the Governing Body.

I, Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 23rd day of May, 2013.

Carol L. Degrassi, RMC / CMC, Somers Point City Clerk