

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

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

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

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

Absent: None

Open Public Meetings Act

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

Communications

Mayor Glasser advised that he received a notice from County Executive Levinson inviting us to commemorate Arbor Day on April 30th at 11:00 a.m. at Patriot Park.

Council President McGuigan announced Little League Opening Day is April 17th at 1:00 p.m. He also advised the MRHS is having a meeting to discuss their budget from 10:00 a.m. – 2:00 p.m. He also reminded everyone that Bayfest is on Saturday, April 24th. He also advised that at our next meeting we will have Cub Scouts present to lead the flag salute and to make a presentation.

Administrator's Report

Administrator Swain advised that Kern Field has been filled with water which is now receding. He stated that he has been in touch with FEMA on a daily basis and has signed off on \$37,000 of snow removal costs of which we should be eligible for 75%.

Committee Reports

There were no Committee Reports given.

Minutes

There were no minutes presented for approval.

ORDINANCES

Ordinance No. 4 – First Reading – Adopted as amended by unanimous roll call vote

M/S – Parker/Smith

Councilman D'Adamo made a motion to change in the Fees Section, the first sentence to read that there are no fees associated with the TRC Committee. Motion was seconded and approved unanimously. Councilman D'Adamo made a motion to remove #5 under Attendees. Motion died.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 2

Ordinance No. 4 (Continued)

ORDINANCE NO. 4, 2010 (As Amended)

AN ORDINANCE AMENDING SECTION 114-146 OF ARTICLE XXII, SITE PLAN REVIEW, OF THE DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF SOMERS POINT and AUTHORIZING THE SOMERS POINT PLANNING BOARD AND SOMERS POINT ZONING BOARD TO UTILIZE TECHNICAL AND CONCEPTUAL REVIEW COMMITTEES; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey as follows:

SECTION 1: Section 114-146 of Article XXII, Site Plan Review, of the Development Regulations of the Code of The City of Somers Point is hereby amended as follows:

Section 114-146, Preliminary Site Plan Approval; Time Limits

The following Paragraph G shall be added to this section:

G. For purpose of this Section 114 – 146 and Section 114 – 149 (See Article XXII, Site Plan Review Section 149) The Planning Board Professional Engineer and Attorney may be designated by the Board to determine when an Application is deemed to be complete and shall thereupon inform the Board Secretary in writing.

SECTION 2: Section 114 – 146 of Article XXII, Site Plan Review, of the Development Regulations of the Code of the City of Somers Point is hereby amended as follows:

The following Paragraph H shall be added to this Section:

H. Technical and Conceptual Review Committees

A. Purpose

The City of Somers Point strives to provide applicants for development with a streamlined review process, while providing applicants with complete, efficient and effective service through the application process for land development and rezoning.

B. Duties

1. Conceptual Review Committee (CRC) shall review conceptual plans presented by applicants to provide insight as to the deficiencies of the plan and to offer suggestions and recommendations for the submission of said plan; and to comment on the proposed plan.
2. Technical Review Committee (TRC) shall informally discuss the technical aspects of a development application under review, but not yet deemed complete for Board review, and address technical requirements and standards in regards to the land use ordinance.

C. Review Process

The Committee Meetings shall be held during normal business hours, unless special arrangements are made between the Committee and the applicant. The meeting is not a public hearing and does not have to be advertised or require notice to any party. The comments, recommendations and suggestions are non-binding. The CRC and TRC meeting is limited to the Committee members, the applicant and their professionals.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 3

Ordinance No. 4 (Continued)

D. Schedule of Meetings

The Meetings will be scheduled once a month on an as-needed basis. Both the CRC and TRC will meet the same day as determined by the committee and the applicant will be notified by the Planning/Zoning Board administrative officer. An applicant shall contact the Planning/Zoning Board administrative officer to be placed on the meeting agenda.

E. Attendees

The CRC and TRC shall consist of the following members:

1. Planning Board or Zoning Board Solicitor or their designated representative
2. Planning Board or Zoning Board Engineer or their designated representative
3. Planning Board or Zoning Board Secretary and/or Construction/Zoning Official.
4. The Committee reserves the right to request the attendance of other City Officials, other than members of the decision making body, when it is determined that their expertise is necessary to address respective technical issues.
5. The Chairman of either Board or the Chairman's designee may be invited by the Committee but attendance is not required.

F. Fees

The fees, application and review fees, associated with the Technical Review Committee shall be considered to be included in the application fee and escrow fees for the proposed development. Conceptual review shall be limited to fifteen (15) minutes of review and no fee will be charged for the Conceptual Review Committee Meeting.

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

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

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

FIRST READING: April 8, 2010
PUBLICATION: April 14, 2010
FINAL PASSAGE: April 22, 2010

Waiver of 48-Hour Rule

The 48-Hour Rule was waived to consider the following Ordinance No. 5.

Ordinance No. 5 –First Reading – Approved on first reading by unanimous vote
M/S – Parker/Triboletti

Ordinance 5 of 2010

**CALENDAR YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 4

Ordinance No. 5 (Continued)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Council of the City of Somers Point in the County of Atlantic finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$336,957.95 excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Somers Point, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the City of Somers Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$336,957.95, and that the CY 2010 municipal budget for the City of Somers Point be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

FIRST READING: 04/08/10

PUBLICATION: 04/14/10

FINAL READING: 04/22/10

Public Portion (Resolutions)

Dan Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body asking why there was no budget report during Committee Reports.

Public portion closed.

RESOLUTIONS

Resolution No. 73 was removed from the Consent Agenda.

Consent Agenda

M/S – Smith/Triboletti – Approved unanimously by those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 5
Consent Agenda (Continued)

No. 72 of 2010

Subject: Economic Development Advisory Commission
Introduced By: Council President McGuigan

WHEREAS, Ordinance No. 1 of 2006 authorized the establishment of an Economic Development Advisory Commission; and

WHEREAS, Ordinance No. 31 of 2007 amended said Ordinance; and

WHEREAS, a vacancy exists on said Commission, due to the resignation of Daniel Gudauskas; and

WHEREAS, in accordance with Ordinance No. 31 of 2007, the City Council hereby appoints Ron Meischker to fill said unexpired term expiring December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Advisory Commission consists of the following members:

Regular Members	Expiration of Term
Tara Garry	December 31, 2010
Arthur T. Ford, III	December 31, 2010
Andrew Malson	December 31, 2010
Michael Picucci	December 31, 2011
Ron Meischker	December 31, 2011
Judy Hanlin	December 31, 2011
Lou DeSciole	December 31, 2012
Fred Fontana	December 31, 2012
Rick Pittman	December 31, 2012

No. 70 of 2010

Subject: Approving proposals – Goods and Services 2010
Introduced By: Council President McGuigan

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposal is approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of January 1, 2010 through December 31, 2010:

Influent Grinders for Sewer Pump Stations

Deltronics
Watermark

a) Emergency Sewer Pumps and Equipment
Deltronics

b) Sewer Pump Station Maintenance
Deltronics
Russel Reid

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 6

Consent Agenda (Continued)

- c) **Sewer Pump Station Cleaning Maintenance**
Russel Reid
Root 24. Hrs.
- d) **Sewer Pump Stations, Electrical & Electronics**
Deltronics
- e) **Sewer Pump Station Parts & Supplies**
Deltronics
Excelsior Blower
- f) **Sewer System Coating, Lining & Restoration**
S.W.E.R.P.
- g) **Generator, Generator Parts and Generator Service**
Buck's Electrical Service
- h) **Hardware Supplies**
Shore True Value
- i) **Heavy Duty Truck Mechanic Services**
Clegg's Garage
Point Auto
- j) **Automobile Mechanic Services**
Point Auto
- k) **Misc. Fire-Fighting Equipment**
Continental Fire & Safety
- l) **City Hall Custodial Services**
HOC (Home Office Cleaning)
- m) **Tax Assessment Hardware, Software and Internet Packagaes**
Vital Communications
- n) **Ceilings, Flooring, Wall Covering and Partition Material, Materials & Installation**
Erco
- o) **Alarm, Monitor, Networking and Ancillary Parts, Installation & Service**
Deltronics

No. 71 of 2010

Subject: AUTHORIZING TONNAGE GRANT APPLICATION

Introduced By: Council President McGuigan

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 7

Consent Agenda (Continued)

WHEREAS, it's the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of City Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City of Somers Point hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and designates Wes Swain, City Administrator, and James Daugherty, Recycling Coordinator, to ensure that the said Application is properly filed.

Resolution No. 73

M/S – Parker/Kern – Adopted by a unanimous vote of those present.

**RESOLUTION NO. 73 of 2010
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 Three (3) issues permitted by N.J.S.A. 10:4-12(b) are necessary to be discussed without the public in attendance during an Executive Session to be held on March 11, 2010 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 _____;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 8
Resolution No. 73 (Continued)

“(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 _____;

“(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 _____;

“(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 _____;

“(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 _____;

“(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 _____;

“(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:

Attorney report on the status of the Bay Avenue Settlement Agreement Approved in New Jersey Superior Court, Law Division, Atlantic County in Docket # ATL-L-3204-05 captioned “Bay Avenue Redevelopers. L.L.C., Bass Harbor, L.L.C, Harbor Cove Marina, L.L.C. and S. P. # 2, Plaintiffs, vs City of Somers Point and City of Somers Point Planning Board” and attorney client privileged discussion of strategic issues being addressed as a result of proposed legislation.

“(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:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

“(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

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

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

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

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

Subject of Discussion	Estimated Date	Necessary Occurrence
See #7 above Attorney Client conference	Upon Completion of the pending matter	Final Court Order / Final Resolution of all COAH RCA issues and performance of obligations by the parties thereto.

Resolution No. 74 – Budget – Approved by unanimous roll call vote of those present.
M/S – Parker/Smith

Council agreed that the increase is too high and a motion was made and seconded to hold a budget work session on April 15th at 6:00 p.m. to make further cuts.

No. 74 of 2010

Subject: Budget Introduction

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010;

BE IT FURTHER RESOLVED that said Budget be published in the Mainland Journal in the issue of April 22, 2010..

THE GOVERNING BODY of the City of Somers Point does hereby approve the following as the Budget for the year 2010:

RECORDED VOTE	Ayes	(D’Adamo	Nays (None	Abstained (None	
		(Dill			
		(Kern			
		(Parker			
		(Triboletti			Absent (None
		(Parker			
		(McGuigan			

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 10

Resolution No. 74 (Budget)(Continued)

Notice is hereby given that the Budget and Tax Resolution was approved by the City Council of the City of Somers Point, County of Atlantic, on April 8, 2010.

A hearing on the Budget and Tax Resolution will be held at City Hall on May 13, 2010 at 7:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2010 may be presented by taxpayers or other interested persons.

Old Business

There was no Old Business presented for discussion.

New Business

Council President McGuigan advised that he received a letter from the Atlantic County Sheriff regarding using the Sheriff's personnel to assist our dispatch staff. After discussion, Council agreed that they would like to move forward with this.

Councilman Dill advised that he received a letter from a resident on Gibbs Avenue regarding a street opening permit. Administrator Swain explained that we have a five year moratorium after streets have been paved. He explained that this homeowner did extensive renovations requiring the Gas Company to open the street, not knowing that there was a moratorium. Council was not opposed to allowing this, however, feels that if notification of the moratorium is not a part of the process, it should be in the future.

Discussion of Bills

Bills were presented for discussion in the amount of \$119,475.86 and Bayfest bills in the amount of \$19,362.36.

Public Portion

Bob Weiler, School House Drive, came forward and addressed the Governing Body stating that he has confidence that the Council will handle the budget crises.

Dan Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body regarding the school budget asking if we really need two principals. Councilman Parker stated that the Superintendent is retiring and this would be the opportune time to consolidate.

Sue Weiler, School House Drive, came forward and addressed the governing body asking for their support, as she is running a write in campaign for the three year seat on the MRHS School Board.

Public portion closed.

Payment of Bills

The bills were approved in the amount of \$119,475.86 and \$19,362.36. A complete list of bills is on file in the Office of the City Clerk.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 8, 2010**

Page 11

Adjournment

Council moved to go into Executive Session, reconvening in open session to adjourn at 9:43 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 08/26/10