

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 25, 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.

Resolution No. 52 – Recreation Volunteer of the Year

M/S - Dill/Kern – Approved unanimously.

No. 52 of 2010

**Recognizing and Honoring the Recreation Volunteer of the Year
Ms. Jeanette Cellucci**

Introduced by: Councilman Sean T. McGuigan

WHEREAS, the City of Somers Point and the Somers Point Recreation Commission wish to recognize the efforts of Jeanette Cellucci for her never ending willingness to serve the community and the countless hours dedicated to the children of Somers Point; and

WHEREAS, Jeanette has served as the leader of the instructional program of the Somers Point Basketball Organization, introducing and teaching the sport to 2nd, 3rd, and 4th graders with little or no parental assistance; and

WHEREAS, Jeanette has incorporated the help of 7th and 8th grade students so they are able to be credited with community service hours for National Honor Society applications. Not only has Jeanette taught basketball to the younger children but she also has taught responsibility to the older children; and

WHEREAS, In 2009 Jeanette was battling cancer and while undergoing chemotherapy, Jeanette managed to continue coaching basketball and never missed a practice. Her commitment to the children in the instructional league was more important than her own comfort and health; and

WHEREAS, Jeanette has been previously named the Teacher of The Year at Jordan Road School and continues to be a positive role model for all the children that she comes into contact with and is deeply admired by many parents; and

WHEREAS, the leadership and dedication demonstrated by Jeanette Cellucci has significantly impacted the lives of many of the children of Somers Point in a positive manner.

NOW, THEREFORE, BE IT RESOLVED that the Mayor, City Council, and the Somers Point Recreation Commission name Jeanette Cellucci as the recipient of the 2009 Recreation Volunteer of the Year Award.

BE IT FURTHER RESOLVED, that The City Council conveys their gratitude to Jeanette Cellucci and their best wishes to her in all her future endeavors and services.

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Communications

Auditor Garcia explained that because of the Governor, the budget schedule has been altered and the Governor will be giving a budget statement on March 26th. He stated that we will then find out our State Aid figures. He stated that we are assuming a flat state aid with no increase or decrease and there will be modifications at that point. He explained that we are under the spending cap by \$754,000. and we are under the tax levy cap by \$165,000. If introduced today our budget would meet both caps and the tax increase would be 4.4 cents or 3 ½ percent. After discussion, Council agreed to have a Budget Work Session on March 18th at 6:00 p.m.

Councilman Smith invited everyone to attend the Education Foundation dinner to be held at the Greate Bay Country Club on March 20th.

Mayor's Report

Mayor Glasser advised that the City of Somers Point has been presented with the American Flag that flew over the cemetery where Lt. Richard Somers and his crew are buried in Libia. He stated that he has been working on bringing home the crew of the Intrepid and feels that this flag should not be flown until they have been brought home.

Administrator's Report:

There was no report given.

Committee Reports

Councilman Triboletti gave the Planning Board report in full as the Planning Board Representative.

Councilman Dill gave the Zoning Board report in full as the Zoning Board Liaison. Councilman Dill also reported on the Public Works Department, commending them on the job they did with snow removal. He also advised that the Personnel Committee will be meeting on March 4th to discuss the outstanding employee contracts. Councilman Dill also gave the Joint Insurance Fund report stating that he would like to have the JIF representatives come to the March 11th meeting to give a presentation and discuss the Tulip Program.

Minutes

There were no minutes presented for approval.

ORDINANCES

Ordinance No. 2 – Final

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

ORDINANCE NO. 2 OF 2010

**AN ORDINANCE AMENDING SECTION 250, VEHICLES AND
TRAFFIC, OF THE CODE OF THE CITY OF SOMERS POINT,
COUNTY OF ATLANTIC**

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Ordinance No. 3 – First Reading

M/S – Parker/Triboletti – Approved on first reading by a unanimous vote of those present.

City of Somers Point

Ordinance No. 3 of 2010

**An Ordinance enacted under authority granted by N.J.S. 39:4-60
Permitting Charitable Organizations as defined by
N.J.S. 45:17A-20 to Solicit Contributions on certain Streets, Roadways
And Highways Subject to Required Application, Reviews, Authorizations,
And Approvals**

WHEREAS, the Senate and General Assembly of the State of New Jersey haven enacted legislation as codified in N.J.S. 45:17A-20 prohibiting solicitation of charitable contributions from motorists on roadways in the State of New Jersey unless authorized by an Ordinance enacted by the municipality in which such roadways are situated; and

WHEREAS, the City Council of the City of Somers Point deems it to be in the public interest to permit charitable organizations as defined in N.J.S. 45:17A-20 to solicit contributions in roadways situate in the City of Somers Point, provided same is done in a safe and reasonable manner and in accordance with the procedures hereinafter set forth;

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

1. The City of Somers Point shall permit charitable organizations situate in the City of Somers Point and providing benefits to the citizens of Somers Point as defined in N.J.S. 45:17A-20 to solicit contributions generally referred to as “coin drops” in roadways situate in the City of Somers Point in accordance with the provisions contained herein.

2. All charitable organizations as defined in N.J.S. 45:17A-20 who desire to solicit such contributions in roadways situate in the City of Somers Point shall file an application for a permit with the Somers Point Municipal Clerk on a form supplied by said Clerk for that purpose, specifying the following information:

A. Name of applicant organization.

B. Address of applicant organization.

C. Telephone number of applicant organization.

D. Contact person for applicant organization.

E. Specific location(s) of proposed charitable solicitation.

F. Date(s) and time(s) of proposed charitable solicitation.

G. If said request involves a county roadway and/or highway, said request shall include a copy of an authorization from the Atlantic County Board of Chosen Freeholders to permit said charitable solicitation.

H. If said request involves a state roadway and/or highway, said request shall include a copy of an authorization from the State of New Jersey Commissioner of Transportation to permit said charitable solicitation.

I. List of all proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or a report as to the procedures to be used to ensure

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the safety of the members of the public who will be traversing the roadways and/or highways of the City of Somers Point.

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Ordinance No. 3 (Continued)

3. No charitable organization shall be permitted to conduct more than one (1) such coin drop solicitation per year.

4. No approved coin drop solicitation shall be permitted for longer than a maximum of four (4) consecutive days.

5. No permits shall be granted by the City Clerk for more than a maximum of two (2) coin drop solicitations per calendar month.

6. All approved coin drop solicitations shall be conducted only during day light hours and shall commence no earlier than 9:00 am and be concluded no later than 8:00 pm.

7. No coin drop solicitation shall be conducted on any State road or highway situate within the City of Somers Point other than at the intersection of State Highway Route 9 and State Road Number 52; and shall be further subject to receipt of approval from the Director of the New Jersey Department of Transportation authorizing and approving the date, place and time for such coin drop.

8. All requests for authorization shall be reviewed by the Chief of Police or his designee of the City of Somers Point and said Chief shall make a recommendation to the City Council of the City of Somers Point as to the relative aspects of the request, including a review of the location, dates and times of the request, and a review of the safety procedures and/or methods to be employed by the said charitable organization. Said Chief of Police shall thereafter forward a report to the City Council of the City of Somers Point as to his/her opinion to the granting, rejecting or modification of any such proposed charitable solicitation.

9. Upon filing of a complete application and completion of the required review by the Chief of Police or his/her designee the application shall be presented to the City Council of the City of Somers Point for its review and consideration, after which the City Council shall grant or deny the applicant's request by Resolution. In the event the applicant's request is approved a permit shall issue to the applicant by the City Clerk which shall be subject to the representations contained in the applicant's application and any conditions imposed in the Resolution adopted by the Somers Point City Council.

10. In no event, shall any charitable organization requesting authorization from the City of Somers Point for said charitable solicitation use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

11. Any charitable organization requesting authorization from the City of Somers Point for said charitable solicitation shall comply with all the terms and conditions of N.J.S. 39:4-60, as same may be amended and supplemented.

12. This Ordinance is adopted pursuant to N.J.S. 39:4-60.

13. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance, other than that part held unconstitutional or invalid.

14. This Ordinance shall take effect immediately upon adoption and publication in the manner required by law.

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Ordinance No. 3 (Continued)**

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the City Council of the City of Somers Point in the County of Atlantic and State of New Jersey on the 25th day of February, 2010, amended on March 11, 2010 and will be considered for final passage after a public meeting to be held by the City Council of the City of Somers Point at the Somers Point City Hall, 1 West New Jersey Avenue, Somers Point, NJ 08244 on the 25th day of March, 2010, at 7:00 p.m.

Public Portion – Regarding Resolutions

Meeting was opened to the public and duly closed.

RESOLUTIONS

Consent Agenda

M/S – D’Adamo/Smith

M/S – D’Adamo/Dill - Resolution No. 59 – Amendment to correct Bayfest time to 7:00 p.m.

Consent agenda approved, as amended by a unanimous vote of those present.

Resolution No. 53 – Authorizing Sale of Property

No. 53 of 2010 (Revised)

Introduced By: Council President McGuigan

Whereas, the City of Somers Point deems it in the best interest of the City to sell certain personal property no longer needed for public use; and

Whereas, the manner and method of sale are set forth in NJS 40A:11-36.

Now, therefore be it resolved by the City Council of the City of Somers Point as follows:

1. The items to be sold by the City are:
 - (1) two-cycle jaws of life motor
 - (1) electric jaws of life motor
 - (1) gas-powered positive pressure fan
 - (2) electric exhaust fans
 - (4) fire extinguishers
 - (1) eight-horsepower portable float pump
 - (3) light bars
 - (2) truck-mounted flood lights
 - (1) hose roller table
2. Said items are to be sold as one lot.
3. Said items are to be sold only to a buyer that is a municipal volunteer fire company/department organized and operating within the United States of America, and the items purchased are only to be used for and by the purchaser for fire company/department use.

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Resolution No. 53 (Continued)

4. Said items can be inspected by making arrangements with the Fire Chief no later than March 5, 2010 for inspection on or before March 9, 2010 by calling 609.927.9088 x 131.
5. Sealed bids shall be submitted on said items to be received at the City Clerk's Office, 1 W. New Jersey Avenue, Somers Point, New Jersey 08244 at or before 1:00 PM prevailing time on March 10, 2010.
6. The full purchase price shall be paid by the successful bidder upon receipt of the purchased items, within 5 business days of award of bids, which is anticipated to be not later than March 25, 2010.
7. The City of Somers Point makes no warranties, expressed or implied as to the condition of said items, which are being sold in "as is and where is" condition.
8. The City of Somers Point reserves the right to reject any and all bids if it determines that such rejection would be in the public interest
9. The City Clerk is hereby authorized and directed to publish notification of this sale on or before March 3, 2010

Resolution No. 54 – Awarding Bid for the 2009 Road Program

No. 54 of 2010

WHEREAS, on February 17, 2010 the City of Somers Point received bids for the 2009 Road Program in the City of Somers Point; and

WHEREAS, Arawak Paving Company, Inc. of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's Office has recommended that the City award the contract to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$146,900.00.

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

- 1.) The Contract for the 2009 Road Program is hereby awarded to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$146,900.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Company, Inc., signing on behalf of the City of Somers Point.

Resolution No. 55 – Awarding bid for 2008 & 2009 CDBG Road Program

No. 55 of 2010

WHEREAS, on February 17, 2010 the City of Somers Point received bids for the 2008 and 2009 CDBG Road Program in the City of Somers Point; and

WHEREAS, Arawak Paving Company, Inc. of Hammonton, New Jersey was the lowest responsible bidder; and

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Resolution No. 55 (Continued)

WHEREAS, the City Engineer's Office has recommended that the City award the contract to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$264,000.00.

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

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Consent Agenda (Continued)

- 3.) The Contract for the 2008 and 2009 CDBG Road Program is hereby awarded to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$264,000.00.
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Company, Inc., signing on behalf of the City of Somers Point.

Resolution No. 56 – Tax overpayment refund

No. 56 of 2010

Introduced By: **Councilman Smith**

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

WHEREAS, the 2009 second quarter was paid twice by the mortgage company, and;

WHEREAS, the mortgage company has requested the overpayment be refunded to them,

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

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

Block	Lot	Property Owner	Amount	Year
1512	26	CitiMortgage	749.95	2009

Resolution No. 57 – Tax overpayment refund

No. 57 of 2010

Introduced By: **Councilman Smith**

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

WHEREAS, the 2010 first quarter was paid by the title company and the property owner, and;

WHEREAS, the property owner has requested the overpayment be refunded to them,

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

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Resolution No. 57 (Continued)

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

Block	Lot	Property Owner	Amount	Year
1718	9.02	Kenyon & Theresa Nesbit	1447.61	2010

Resolution No. 58 – Awarding bid for reconstruction of Groveland Avenue

No. 58 of 2010

Subject: **Awarding Bid for the Fiscal Year 2010 Municipal Aid Program to reconstruct Groveland Avenue from New Road (US Rt. 9) to Bethel Road to Arawak Paving Co., Inc.**

WHEREAS, on February 23, 2010 the City of Somers Point received bids for the Fiscal Year 2010 Municipal Aid Program to reconstruct Groveland Avenue from New Road (US Rt. 9) to Bethel Road; and

WHEREAS, Arawak Paving Co., Inc. of Hammonton, NJ was the lowest responsible bidder; and

WHEREAS, the City Engineer's Office has recommended that the City Award the contract to Arawak Paving Co., Inc. of Hammonton, NJ in the amount of \$221,600.00.

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

1. The City of Somers Point hereby recommends to the New Jersey Department of Transportation that the contract for the Fiscal Year 2010 Municipal Aid Program to reconstruct Groveland Avenue from New Road (US Rt. 9) to Bethel Road be awarded to Arawak Paving Co., Inc. in the amount of \$221,600.00 subject to the approval of the Department.
2. The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc., signing on behalf of the City.

Resolution No. 59 (As Amended) – Closing Bay Avenue for Bayfest

No. 59 of 2010 (Revised Copy)

Introduced By: **Council President McGuigan**

WHEREAS, the Bayfest 2010 celebration is scheduled for April 24, 2010; and

WHEREAS, the Bayfest Committee has requested that a portion of Bay Avenue be closed for the Bayfest Celebration; and

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WHEREAS, Bay Avenue is now a City Street.

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Resolution No. 59 (Continued)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Bay Avenue be closed from Anna Avenue to Pleasant Avenue, from 6:00 a.m. until 7:00 p.m., in order to accommodate the Bayfest Celebration on April 24 2010.

Old Business

Councilman Triboletti advised that he will be getting something back to the Council regarding the Housing Inspections Ordinance.

New Business

Application for membership in the New Jersey State Firemen's Association was approved unanimously for Fred Cottrell.

Application for MS Coast to Coast Bike Ride on May 22 and 23, 2010 was approved unanimously by those present.

Discussion of Bills

Bills were presented for discussion in the amount of \$2,175,762.12.

Public Portion

Patricia Pierson, 587 Marks Road, came forward and addressed the Governing Body regarding the budget, stating that a four cent budget increase is not good as the taxes are already too high.

Public portion was then closed.

Payment of Bills

Bills were approved in the amount of 42,175,762.12 by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

Adjournment

There being no further business, meeting adjourned at 9:05 p.m. Council remained for an Executive Session which adjourned at

Respectfully submitted,

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 05/13/10

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