

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
February 9, 2012**

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

**Roll call was recorded as follows:**

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

**Also Present: Mayor Glasser, Administrator Swain, Attorney Franklin, City Clerk Degrassi, Deputy City Clerk Samuelsen & Former Mayor Rosenberger**

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**Open Public Meetings Act**

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

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**Communications:**

**Mayor's Report:**

Mayor Glasser read a letter received by U. S. Senator Robert Menendez regarding the USS Intrepid, Captain Richard Somers and his crew members. Senator Menendez co-sponsored S-1822 providing for the transfer of the remains of deceased members of the Armed Forces that are buried in Libya. Currently, a feasibility study is being conducted and the Senator supports the City of Somers Point request to return the remains of the USS Intrepid and the crewmembers for a proper United States burial and resting place in Somers Point, New Jersey. Mayor Glasser gave the Police Department report for January 2012 in full, and Mayor Glasser encouraged everyone to attend the Crime Prevention Workshop sponsored by the Somers Point Police Department on Wednesday, February 15<sup>th</sup> from 7:00 p.m. to 9:00 p.m. in City Council Chambers. Mayor Glasser and Chief Boyd appeared on the King Arthur Show regarding the Chief's plans for his department.

**City Administrator's Report:**

Administrator Swain reported working on the municipal budget and filing the necessary reports with the State. Additionally, he is preparing audit information. Administrator Swain indicated there is no Bill List; however, a few bills need to be paid. In particular, the bill for Arawak Paving in the amount of \$300,000.00 needs to be paid leaving a balance of \$77,000.00.

City Councilmember Smith reported that in September of 2011, City Council adopted a resolution allowing Michele Dimartini to enter into an installment plan regarding delinquent real estate taxes. The resolution indicated that if Ms. Dimartini wasn't able to stay current with the payment schedule as set forth in the agreement, then the Tax Collector would proceed with a tax sale. Ms. Dimartini has fallen into default. City Councilmember Smith recommended proceeding with a tax sale.

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**Approval of Minutes:** The minutes of the regular meetings of January 27, 2011, March 10, 2011, May 12, 2011, June 29, 2011, and December 22, 2011, were approved unanimously.

**Ordinance:**

Ordinance No. 1-Final Reading  
M/S-Dill/Tapp

Adopted by a unanimous vote of those present.

Councilman D'Adamo commended the Recreation Commission and City Councilman Tapp for their efforts. City Councilman Tapp indicated that it was a concerted effort on the part of City Council, the Recreation Commission and James Franklin, Esq. Mr. Franklin explained to the

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public that Resolution No. 46 sets out regulations for individuals that will be required to obtain background checks.

Meeting opened to the public as follows:

Casey Stone, President of Little League, questioned who is responsible for enforcing the ordinance. Council President McGuigan indicated that if an individual does not possess the criminal background check, then Mr. Stone can ask them to leave the field. Mr. Stone, City Council and James Franklin, Esq., continued to discuss the process of the criminal background check, when the ordinance takes effect and communicating any concerns with Chief Boyd.

Public portion closed.

City Councilman D'Adamo questioned if an individual received this same background check from another profession, do they need to apply again. Mr. Franklin stated that the ordinance does address this situation, which indicates that as long as the individual can produce their card, then they do not need to apply again.

City Council President McGuigan mentioned that he appreciates everyone's efforts and is pleased to vote for the ordinance.

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**City of Somers Point  
ORDINANCE 1 OF 2012**

**An Ordinance Supplementing and Amending Chapter 48 of the Somers Point Municipal Code "Board of Recreation Commissioners" to authorize the Somers Point Board of Recreation Commissioners to require each current and prospective employee or volunteer of a nonprofit youth organization, program or other recreational, cultural, charitable or social activity sponsored, financially supported or endorsed by the City of Somers Point and which provide recreational, cultural, charitable, social or other activities principally to minors under eighteen (18) years of age to provide written consent to undertake a criminal background check and to adopt Rules and Regulations providing for the processing of such criminal background checks; and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.**

**WHEREAS**, N.J.S.A. 15A:3A-1 et. seq. permits nonprofit youth serving organizations that provide recreational, cultural, charitable, social or other activities to request the State Police to perform a criminal background check on current and prospective employees or volunteers who have direct contact with minors under eighteen (18) years of age in order to eliminate or disqualify those with convictions of certain crimes as more specifically set forth within N.J.S.A. 15A:3A-3; and

**WHEREAS**, the Somers Point Board of Recreation Commissioners has requested the Governing Body of the City of Somers Point to enact an Ordinance which authorizes the Chairman of the Board of Recreation Commissioners (the "Board") to designate the Board's Director of CER (Community, Recreation and Education) as the person authorized to request each current and prospective employee or volunteer of a nonprofit youth organization, program or other recreational, cultural, charitable or social activity sponsored, financially supported or endorsed by the City of Somers Point and which provide recreational, cultural, charitable, social or other activities principally to minors under eighteen (18) years of age to provide written consent to undertake a criminal background check and to coordinate the criminal background checks, schedule the fingerprinting and photographing of each such employee and volunteer; and

**WHEREAS**, the Somers Point Board of Recreation Commissioners has further requested that the Governing Body of the City of Somers Point include within the Ordinance a requirement that all other nonprofit organizations, programs and activities which provide recreational, cultural, charitable, social or other activities principally to minors under eighteen (18) years of age which are not sponsored, financially supported or endorsed by the City of Somers Point or the Somers Point Board of Recreation Commissioner but which utilize City owned facilities or parks be required to certify by affidavit as an essential part of their Application to utilize those City

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owned facilities or parks that the organization, program or activity has subjected each of its employees and volunteers to a criminal background check in compliance with N.J.S.A 15A:3A-1 et. seq. which the Somers Point Board of Recreation Commissioners shall be entitled to rely upon and which certification by way of affidavit shall be maintained on file by the Commissioners; and that such a requirement shall be included within the Rules and Regulations established by the Somers Point Board of Recreation Commissioners; and

**WHEREAS**, the Governing Body of the City of Somers Point acknowledges that undertaking a criminal background check of all such employees and volunteers who provide recreational, cultural, social or other activities principally involving minors under the age of eighteen (18) years is in the best interest of the City, the Board of Recreation Commissioners, our citizens and for the protection of our children, and is authorized by the State Legislature as a proper exercise of the police power; and

**WHEREAS**, it is the intention of the Governing Body of the City of Somers Point that the Board of Recreation Commissioners of the City of Somers Point prepare and maintain on file at all times a true and complete list of all nonprofit youth organizations, programs or activities which are sponsored, financially supported or endorsed by the City of Somers Point or the Somers Point Board of Recreation Commissioners to which this Ordinance shall apply, which list shall be available for public inspection.

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

SECTION 1: Somers Point Municipal Code Chapter 48: Board of Recreation Commissioners is hereby amended to add Section 48 – 7 Criminal History Background Checks as follows:

**Section 48 – 7. Criminal History Background Checks.**

**Section 48 – 7.1. Definitions.**

As used in this Section, the following terms shall have the meanings indicated:

**CRIMINAL HISTORY RECORD BACKGROUND CHECK**

A determination of whether a person has a criminal record by cross-referencing that person's name, fingerprints, social security number and date of birth with those on file with the Federal Bureau of Investigation, Identification (SI) Division, and/or the State Bureau of Identification of the New Jersey State Police.

**CURRENT AND PROSPECTIVE EMPLOYEES OR VOLUNTEERS**

A person of the age of eighteen years or older who is or intends to be employed by and/or volunteers to participate on behalf of a nonprofit youth organization or program which provides recreational, cultural, charitable, social or other activities or services principally to minors under the age of 18 years.

**NONPROFIT YOUTH ORGANIZATION PROGRAM OR ACTIVITY**

A nonprofit youth organization, program or activity, excluding public and nonpublic schools, principally involving minors under 18 years of age that provides recreational, cultural, charitable, social or other activities or services that are endorsed, supported or sponsored by the City of Somers Point or the Somers Point Board of Recreation Commissioners, receives funding from the City of Somers Point or the Somers Point Board of Recreation and any such organization or program which is not endorsed, financially supported or sponsored by the City of Somers Point or the Somers Point Recreation Commission cut which requests permission to utilize City owned facilities or parks or facilities and parks which are under the jurisdiction or control of the Somers Point Board of Recreation.

The Somers Point Board of Recreation Commissioners shall prepare and maintain on file and available for public inspection a list of all nonprofit youth organizations, programs or

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activities endorsed, supported or sponsored by the City of Somers Point or the Somers Point Board of Recreation Commissioners and which are within the scope of this Ordinance.

**Section 48 – 7.2. Request for Criminal Background Checks and Consent as Condition of Participation in Nonprofit Organization, Program, Activity or Service Sponsored, Financially Supported, or Endorsed by the City of Somers Point or the Somers Point Board of Recreation Commissioners.**

Every current and prospective employee or volunteer of a nonprofit youth organization, program or activity principally involving minors under 18 years of age that provides recreational, cultural, charitable, social or other activities or services endorsed, supported or sponsored by the City of Somers Point or the Somers Point Board of Recreation Commissioners shall submit to a criminal history background check prior to engaging in such activity.

Each current and prospective employee or volunteer shall provide his or her written consent to the criminal background check in order to be permitted to participate in nonprofit youth organization or activities as defined herein. Such written consent shall be submitted to the Director of CER (Community, Recreation and Education).

**Section 48- 7.2.1 Renewal of Criminal Background Check.**

Each criminal background check, upon receipt of qualification, shall be valid for a period of five (5) years after which each employee and volunteer shall submit a new application.

In each of the intervening years between criminal background checks, each employee and volunteer shall certify to the Director of CER in writing that there has been no change in circumstances which would result in a disqualification of that employee or volunteer.

In the event an employee or volunteer is convicted of any of the crimes or disorderly persons offenses specified in Section 48-7.5 of this Chapter, such employee or volunteer shall promptly inform the Director of CER within thirty (30) days of such conviction and shall thereupon be disqualified from continuing to serve as an employee or volunteer.

In the event, however, that any such employee or volunteer shall be charged or arrested for sexual misconduct or a crime or disorderly offense of the type specified in Section 48-7.5, either in this state or without, although the volunteer or employee shall be given the presumption of innocence as to such charges or arrests, such employee or volunteer shall promptly notify the Chief of Police and the Director of CER following any such charge or arrest.

**Section 48 – 7.3. Cost of Conducting Criminal Background Check.**

The costs of the criminal history record background check are to be borne by the employee or volunteer seeking to participate on behalf of a nonprofit youth organization, program or activity. Upon successful completion of the criminal background check one-half of the fee for the criminal record background check will be refunded by the Board to the employee or volunteer of the nonprofit youth organization, program or activity endorsed, supported or sponsored by the City of Somers Point or the Somers Point Board of Recreation Commissioners. No refund shall be made if the criminal background check is not successfully approved and the applicant is disqualified; nor shall any refund be made to any employee or volunteer in a youth organization, program or activity which is not endorsed, supported or sponsored by the City of Somers Point or the Somers Point Board of Recreation Commissioners. The Somers Point Board of Recreation Commissioners shall prepare and maintain on file a list of all nonprofit youth organizations, programs or activities endorsed, supported or sponsored by the City of

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Somers Point or the Somers Point Board of Recreation Commissioners and which are within the scope of this Ordinance.

**Section 48 – 7.4. Procedure for Processing Criminal Background Checks.**

The Somers Point Board of Recreation Commissioners shall from time to time establish procedures for notifying employees and for processing all Criminal Background Checks which shall be consistent with the requirements of N.J.S.A. 15A:3A-1 et. seq. and which shall:

A. Require that all youth organizations, programs or activities endorsed, sponsored, or supported by the City of Somers Point or the Somers Point Board of Recreation Commission shall submit a list of names, addresses and a written consent form from all prospective and current employees and volunteers to the Director of CER (Community, Recreation and Education) of the City of Somers Point.

B. The Director of CER shall coordinate the criminal background checks and schedule the fingerprinting and photographing through the Somers Point Police Department to the extent necessary.

C. The Somers Point Board of Recreation Commission shall engage the services of a third-party independent agency approved by the State of New Jersey to conduct the criminal history record background checks authorized under this article to provide the following services:

(1) Provide on-site representative to photograph and fingerprint all volunteers and/or employees.

(2) Collect, review for accuracy, and deliver all fingerprint cards to the New Jersey State Police.

(3) Notify the Somers Point Board of Recreation of the qualification of each applicant based upon information received from the New Jersey State Police.

(4) Issue photograph identification cards for all volunteers and/or employees who have successfully passed the background record check to the Board of Recreation Commission which shall issue the identification card to the applicant.

(5) Issue and update rosters of all processed applicants to the Somers Point Board of Recreation Commissioners.

(6) Secure and maintain at all times during the term of the contract general public liability insurance with a minimum limit of liability of \$1,000,000,

and statutory workers' compensation, with coverage in amounts as required by New Jersey statutes. The agency shall provide the Somers Point Board of Recreation Commissioners with a certificate of insurance naming the City of Somers Point and The Somers Point Board of Recreation Commissioners as Additional Insureds under the general liability policy and evidencing the above coverage and limits of liability with the obligation to provide a minimum of 30 days' advance written notice prior to any cancellation or alteration of any of the policies referred to in the certificate.

(7) At all times during the term of contract secure and maintain a policy of

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Professional Liability Insurance with a minimum coverage limit of  
\$1,000,000.

**Section 48 – 7.5. Conditions of Disqualification.**

Subject to the appeal procedure provided by Section 48 –7.8, a person shall be disqualified from serving as an employee or volunteer of such a nonprofit organization, program or activity if that person's criminal history record background check reveals a record of conviction of any of the following crimes or disorderly persons offenses:

A. In New Jersey, any crime or disorderly persons offense:

(1) Involving danger to the person, meaning any of those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11, Homicide, N.J.S.A. 2C:12, Assault; Endangering; Threats, N.J.S.A. 2C:13, Kidnapping, N.J.S.A. 2C:14, Sexual Offenses, or N.J.S.A. 2C:15, Robbery;

(2) Against the family, children, or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C: 24-1 et seq.;

(3) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(4) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except Paragraph (4) of Subsection a of N.J.S.A. 2C: 35-10, possession of 50 grams or less of marijuana.

B. In any other state of jurisdiction, conduct, which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection A of this section.

C. Violation of any other statute which the New Jersey Legislature may from time to time add to the list of disqualification by amendment or supplement to N.J.S.A. 15A:3A-3 or which the Criminal Background Investigation shall include as a basis for disqualification.

**Section 48 – 7.6. Notification of Disqualification.**

If a person is determined to be disqualified from serving as an employee or volunteer of such an organization, program or activity because the criminal history record background check reveals a record of conviction as listed above:

A. A copy of the notification of disqualification will be sent directly from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of State Police, or the third-party agency, to the applicant, the third-party provider, and the Director of CER of the Somers Point Board of Recreation Commissioners.

B. No entity within the process will be privy to specific contents of the applicant's criminal background other than the applicant. The applicant may obtain a copy of the criminal history record directly from the New Jersey State Police.

C. Any applicant who receives a notice of disqualification shall have the right to pursue the matter with the third- party provider but all fees and costs shall be the sole responsibility of the applicant and shall not be subject to reimbursement or

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refund by the Somers Point Recreation Commission. If the disqualification is removed and the applicant is subsequently found to be qualified, one – half of the initial fee will be refunded to the applicant.

D. The rules and regulations concerning access to and dissemination of information obtained as a result of conducting a criminal history record background check have been established by the New Jersey attorney General pursuant to the Administrative Procedures Act which shall control.

Section 48 – 7.7 Youth Protection Program Appeal Panel.

A. In order to monitor and supervise the enforcement of this article as well as hear appeals, a three (3) member Youth Protection Program Appeal Panel shall be established which shall be comprised of the Chief of Police, the Mayor of the City of Somers Point and the Director of CER.

B. In the event the designated member shall be unable to participate in an appeal, the following designated alternate representatives shall appear and participate:

(1) For the Chief of Police, the second highest ranking officer appointed to serve in the Police Department;

(2) For the Mayor, the Council President Pro Tem; and

(3) For the Director of CER, the Chairperson of the Somers Point Board of Recreation.

C. All members or designated alternates shall serve without additional compensation.

Section 48 – 7.8. Appeal Process.

A. All current and prospective employees or volunteers whose criminal history background check disqualifies such person from employment or from volunteering may appeal his or her disqualification on the basis that the person has been rehabilitated. Such person may appeal the disqualification determination by filling a written notice of appeal with the Director of CER together with all supporting documentation evidencing the rehabilitation.

B. Such appeal must be filed in writing by the disqualified individual within twenty (20) calendar days following the date set forth on the Notice of Disqualification. There shall be no extensions granted and failure to comply with the time period shall constitute a waiver of the right of appeal.

C. All appeal requests shall be held before the Youth Protection Program Appeal Panel not later than thirty (30) calendar days after receipt of the written notice of appeal together with the complete appeal application materials provided by the appellant; and a written determination shall be made and mailed to applicant advising whether, in the opinion of the Appeal Panel the employee or volunteer qualifies for service. The decision of the Appeal Panel must be unanimous in order to be approved. The decision of the Appeal Panel shall be final and not subject to further appeal or challenge.

D. At the hearing the employee or volunteer shall have the right to appear and be heard, to be represented by an attorney, and present witnesses in his or her own behalf, Rules of Evidence shall not apply and the proceeding is not adversarial. The burden to convince is solely upon the Appellant.

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E. The Youth Protection Program Appeal Panel may overturn a disqualification determination if the employee or volunteer is able to demonstrate by clear and convincing evidence that they have been sufficiently rehabilitated so as to make them eligible to serve the organization.

F. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee may consider the following factors:

- (1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the person committing the offense when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social or environmental conditions which may have contributed to the offense; and
- (8) Any other evidence of rehabilitation, including a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-7 et seq., good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

G. If the Appeals Committee determines in its sole discretion based upon the information provided that the disqualified person has been successfully rehabilitated, it shall direct that that person's name be entered on the list of qualified employees and volunteers maintained by the Director of CER.

H. A person shall not under any circumstances be eligible for a certificate of rehabilitation or approval as a qualified employee or volunteer pursuant to N.J.S.A. 2A:168A-7 if that person has been convicted of:

- (1) A first degree crime;
- (2) An offense to which N.J.S.A. 2C:43-7.2 (eligibility for parole; persons convicted of certain violent crimes) applies;
- (3) A second degree offense defined in Chapters 13 (kidnapping and related offenses; coercion); 14 (sexual offenses); 15 (robbery); 16 (bias crimes); 24 (offenses against the family, children and incompetents); 27 (bribery and corrupt influence); 30 (misconduct in office; abuse of office); 33 (riot, disorderly conduct and related offenses); and 38 (September 11th, 2001 Anti-Terrorism Act - See N.J.S.A. 2C:1-1 et seq. );
- (4) A violation of N.J.S.A. 2C:24-4a or of N.J.S.A. 2C:24-4b(4) (endangering the welfare of children);



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(5) A crime requiring registration pursuant to N.J.S.A. 2C:7-2 (Megan's Law);

(6) A crime committed against a public entity or against a public officer;

(7) A crime enumerated in N.J.S.A. 43:1-3.1b(2) (theft by deception) committed by a public employee, which involves or touches upon the employee's office, position or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;

(8) Any crime committed against a person 16 years of age or younger, or a disabled or handicapped person; or

(9) A conspiracy or attempt to commit any of the crimes described in this Section 48-7.8 (H).

I. Restriction Upon Dissemination of Confidential Information.

Members of the Appeals Committee and their designees shall limit their use of the criminal history record information provided by Appellant solely to the authorized purpose for which it was obtained. Criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes; and shall not be disseminated to any unauthorized persons. This record, in whatever form it exists, including electronically or via computer, shall be destroyed immediately by the Appeals Committee after it has served its intended and authorized purpose. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**Section 48 – 7.9. Certification by Affidavit by Other Responsible Person as an Essential Element of Application to Utilize Any Facility or Park owned by the City of Somers Point and as a Precondition for Such Use.**

A. The President, Director, Sponsor, Leader, or other responsible person in charge of any nonprofit organization or program which provides recreational, cultural, charitable, social or other activities or services principally involving minors under

B. The age of eighteen (18) years which is not sponsored, financially supported or endorsed by the City of Somers Point or the Somers Point Board of Recreation Commissioners, and which requests the use of any facility or park owned by the City of Somers Point or under the jurisdiction of the Somers Point Board of Recreation Commissioners, shall, as an essential part of each Application submitted to the Somers Point Board of Recreation Commissioners for such use submit a certification by Affidavit that the organization or program has subjected each of its employees and volunteers to a criminal background check in compliance with N.J.S.A 15A:3A-1 et. seq. and has disqualified any person which the Somers Point Board of Recreation Commissioners shall be entitled to rely upon and which shall be maintained on file by the Somers Point Board of Recreation Commissioners. Failure to submit the required Affidavit shall render the Application incomplete and shall make the organization or program ineligible to use any such facility or field until the condition shall have been satisfied.

C. The requirement set forth in Subsection A shall not apply to any program, activity or service which is sponsored or engaged in by a public or nonpublic school.

D. The Somers Point Board of Recreation Commissioners shall include the requirements of this Section of the Ordinance within its Rules and Procedures for

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use of City owned facilities and parks and shall make the Affidavit requirement a part of its Application Form.

SECTION 2: 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 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: 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 5: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

**FIRST READING: January 26,2012  
PUBLICATION: February 1, 2012  
FINAL PASSAGE: February 9, 2012**

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**Public Portion on Resolution Numbers 46, 47**

The meeting was opened to the public and duly closed.

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**Resolution No. 46**

M/S – Kern/Smith

Adopted by a unanimous vote of those present

**No. 46 of 2012 (Corrected Copy)**

**Subject: Approving Amendment to Recreation Commission Regulations, Policies and Procedures**

**Introduced by: Councilman Tapp**

WHEREAS, on October 27, 2011 the governing body of the City of Somers Point adopted Resolution Number 152 of 2011 approving and ratifying the Regulations, Policies and Procedures promulgated by the Somers Point Board of Recreation; and

WHEREAS, Ordinance 1 of 2012 has been enacted by this governing body establishing a mandatory Criminal Background Check for volunteers and employees who participate in youth activities; and

WHEREAS, it is necessary to add an article 6 to Section I of the Recreation Board Regulations, Policies and Procedures under “General Policies for all Recreation Facilities Governed by the Somers Point Recreation Commission” in order to incorporate and comply with the requirements imposed upon the Board of Recreation by Ordinance 1 of 2012; and

WHEREAS, the Somers Point Recreation Commission has prepared a proposed Article 6 which has been submitted to the City Council requesting review and approval as being consistent with the intent and purpose of Ordinance 1 of 2012 and which reads in its entirety:

“6. The Recreation Commission requires Criminal Background checks for all adult volunteers (18yrs and older) from all groups and leagues operating on the Recreation Commission facilities and/or through direct or indirect subsidies (Somers Point Baseball, Somers Point Babe Ruth,

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-A listing of all approved volunteers will be posted on the Community/Education and Recreation office website.

-These background checks are required of:

a. The elected, appointed or volunteer members of the Executive Board of each Recreation Commission directly/or indirectly subsidized organization.

b. All Members of the volunteer Coaching staffs' of the above referenced organizations.

Coaching staff is defined as all adult volunteers from an organization who:

-Manage, direct or administrate a youth sports team

-Assist in the management, direction or administration of a youth sports team

-Conduct specialized skill or sport training to a youth sports team

-Conduct a specific sport camp, pre or off season training for a youth sports team

-Any adult volunteer who regularly interacts with the participants of a youth sports team

c. Concession Stand Supervisor/Manager. Each Recreation Commission directly/or indirectly subsidized organization, in the event they do not have such a position in their existing Executive Board make-up will create and fill this role to oversee all Concession Stand activity (i.e appropriate, responsible handling of stand finances and staffing). At any time that the concession stand is open for business there must be at least one approved volunteer present in the stand.

d. Fund Raising Coordinator/Manager. Each Recreation Commission directly/or indirectly subsidized organization, in the event they do not have such a position in their existing Executive Board make-up will create and fill this role to oversee all Fundraising activity (i.e appropriate, responsible management and direction of the fund-raising programs and their finances)

e. Other Volunteers. The Recreation Commission shall periodically review the category of volunteers required to submit to a criminal background check and reserves the right to modify these regulations to expand the categories of individuals who shall be subject to this requirement.

f. Each certified adult volunteer will visibly and outwardly display their approved (Morpho) Identification card at all times.

g. Each organization will be required to submit a list of authorized volunteers two weeks prior to any interaction with youth players. (i.e-prior to pre season camps/ pre season player evaluations or tryouts.)”

NOW, THEREFORE, it is hereby RESOLVED that Article 6 to be added to Section I of the Recreation Board Regulations, Policies and Procedures under “General Policies for all Recreation Facilities Governed by the Somers Point Recreation Commission” is hereby approved, ratified and accepted as being consistent with the intent and purpose of Ordinance 1 of 2012.

City Councilman Triboletti commended everyone involved for a good plan that most importantly protects the children of Somers Point. City Council President McGuigan stated that this ordinance will increase safety and quality of life.

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**Resolution No. 47**

M/S – Dill/Triboletti

Adopted by a unanimous vote of those present.

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James Franklin, Esq., mentioned that he sent a copy of this resolution to the business that is interested in the license; however, he did not receive any response.

**CITY OF SOMERS POINT  
RESOLUTION  
No. 47 of 2012**

**RESOLUTION AUTHORIZING THE ISSUANCE OF A SECTION 36 HOTEL / MOTEL ALCOHOLIC BEVERAGE LICENSE AND AUTHORIZING THE AWARD OF SUCH LICENSE BY OPEN PUBLIC BIDDING**

**INTRODUCED BY: Council President McGuigan and  
Councilman Tapp**

**WHEREAS**, pursuant to N.J.S.A. 33:1-12.20 any municipality within the state of New Jersey is authorized to issue one or more retail consumption licenses to the operator of a hotel or motel containing one hundred (100) guest sleeping rooms; and

**WHEREAS**, the right to issue such a license is not subject to the limitation upon licenses by population as set forth in N.J.S.A. 33:1-12.14; and

**WHEREAS**, there exists within the City of Somers Point a hotel or motel which satisfies the number of sleeping rooms criteria; and

**WHEREAS**, the Governing Body of the City of Somers Point is empowered by N.J.S.A. 33:1-19.1 et seq. to authorize the issuance of such a Section 36 Hotel / Motel Consumption License by public sale to the highest qualified bidder; and

**WHEREAS**, it has been determined that it is in the public interest to authorize the issuance of a Section 36 alcoholic beverage consumption license by public sale.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Somers Point, in the County of Atlantic and State of New Jersey, as follows:

1. The City of Somers Point hereby authorizes the issuance of one additional Section 36 Hotel/ Motel Consumption License and directs the City Clerk to offer for sale this license to the highest qualified bidder by sealed bids.
2. The City of Somers Point hereby further directs the City Clerk to publish an invitation to bid in the Mainland Journal by not less than two insertions which are not to be published less than one week apart, the second notice to be published not less than thirty-days prior to the date of sale. The notice to be published by the City Clerk shall contain all information required pursuant to N.J.S.A. 33:1-19.4.
3. The public sale shall take place at the City of Somers Point City Hall, 1 West New Jersey Avenue, Somers Point, New Jersey 08244, on Tuesday, April 4, 2012, at 2:00 p.m. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.
4. The public sale, if not canceled, shall take place by sealed bids.
5. Bidders must meet the qualifications for a liquor license holder established by the Alcoholic Beverage Control Act, N.J.S.A.33:1-1 et seq., the Rules and Regulations promulgated thereunder, any municipal ABC ordinances, and all requirements as set forth herein. Every

bidder has a duty to be aware of and informed as to all of the foregoing and whether or not the bidder satisfies each of the qualifications.

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6. All bidders must file an Affidavit of Qualification for Ownership Interest In Or Association With A New Jersey Alcoholic Beverage License Or Permit (the "Qualifying Form"). The qualifying form shall be available in the office of the City Clerk with bid packages during regular business hours between 9:00 a.m. and 4:30 p.m., prevailing time.

7. All qualifying forms shall be returned to the City Administrator with and outside of the sealed bid package no later than five (5) business days prior to the opening of bids. The City Clerk shall publicly announce qualified applicants five (5) days prior to opening the bids. Such public announcement shall be by way of posting the list of qualified bidders in that area of City Hall where public announcements are posted. No bid shall be opened from or on behalf of any prospective bidder who does not qualify. No bid will be considered which does not have proof of qualification.

8. In addition to any and all qualification or qualifying forms as required herein, all sealed bids must contain a guarantee in the amount of 10% of the amount bid, and such guarantee may be given to the City at the option of the bidder, by certified check or cashier's check. The failure of any bidder to include the guarantee as set forth herein along with the submitted bid shall cause the bid to be rejected.

9. The City reserves the right to reject all bids where the highest bid is not accepted, or where otherwise permitted by law. A sale may be postponed or cancelled at any time prior to the opening of the bids.

10. The full purchase price of the license must be paid to the City, together with any applicable license fees, within five (5) business days of the acceptance of the bid by the City Council by Resolution. Such funds shall be kept in escrow until the successful bidder has submitted a completed Liquor License Application and has submitted to and satisfactorily completed all other requirements for the issuance of the license including, but not limited to, finger printing and applicable background checks by the police department. Upon payment of the full purchase price, and the satisfactory completion of all other requirements, the City shall issue the Section 36 Hotel / Motel Consumption License to the successful bidder. Failure to remit the balance of the purchase price to the City in the time set forth herein will result in the forfeiture of the guarantee to the City. The City will retain the option of either awarding the license to the next highest bidder, or rejecting all bids.

11. In the case of tie bids, all tie bidders shall have the opportunity to re-bid for the license. The minimum bid shall be the amount of the tie bid. All tie bidders shall submit their sealed re-bids within five (5) days. On the sixth day the re-bids shall be opened in accordance with the process previously set forth herein. Any further tie bids shall repeat the process as established herein. The City shall retain the right to reject all bids in the case of tie bids.

12. A minimum bid of **thirty thousand dollars (\$30,000.00)** is hereby established as authorized by N.J.S.A. 33:1-12.20.c(1).

13. The Section 36 Hotel / Motel Consumption License if issued, shall be issued only as a hotel exception license for a facility containing 100 or more sleeping rooms and may only be used in connection with a hotel and motel and shall not be eligible for transfer to any other type of facility.

**Old Business:** None

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**New Business:**

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The raffle license application for Ocean City Upper Township Rotary Charities, Inc., was duly approved by City Council.

**Discussion of Bills:**

There was no Bill List presented.

**Public Portion:**

The meeting was opened to the public and duly closed.

Mark Hymen, owner of 4 North Bethel, indicated that a local newspaper published information regarding improved entrances to Somers Point and open space. He believes that he has fulfilled those items with his business located at the entrance of the City. He worked diligently to have true open space at his place of business. Additionally, he respectfully requested that the Governing Body and Mr. Swain solicit outlet vendors to fill the empty stores near Shop Rite. Mr. Hymen complimented the Governing Body for adopting the criminal background check ordinance regarding recreational volunteers. Lastly, he expressed his concern regarding individuals scrapping valuable recycles before the City of Somers Point removes them. Mr. Swain indicated that currently there is an ordinance in place regulating scrapping. Mayor Glasser mentioned that Chief Boyd has started a community policing initiative, which will encourage the public to be more aware of their neighborhood and to call the police when they see anything suspicious.

Jim Martindale of 737 Centre Street expressed his concern regarding a parking problem in front of his home. Mayor and City Council discussed his issue. City Council President McGuigan assured Mr. Martindale that the parking subcommittee will review his concerns and call him with the results.

**Payment of Bills:**

There was no Bill List presented.

James Franklin, Esq., reported that the Hickory Point matter complaint has been resolved. The developer is cleaning the other inlets, re-seeded the retention basin and cleaned the weeds. There is just one more piece of equipment that must be removed.

**Adjournment**

There being no further business, the meeting adjourned at 7:55 p.m.

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Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: