

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
January 25, 2010 (REVISED COPY)**

**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**

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**Open Public Meetings Act**

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

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**Communications**

There were no communications read.

**Mayor's Report**

There was no report given.

**Administrator's Report:**

Administrator Swain advised that the date for filing the 2010 Budget has been pushed back to March 31, 2010 with final adoption by May 15, 2010.

**Committee Reports**

Councilman Triboletti gave the Planning Board Meeting report for the month of January

Councilman Dill reported on the Joint Insurance Fund for the month of January.

Councilman D'Adamo advised that the Budget Committee will be attempting to meet this week.

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**Minutes**

There were no minutes presented for approval.

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**Public Portion (Resolutions)**

Dan Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body asking what the Executive Session is about.

Public portion was then closed.

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**RESOLUTIONS**

**Resolution No. 33 – Appropriation Transfer**

M/S – Triboletti/Dill – Approved unanimously.

**WHEREAS**, N.J.S. 40A:4-1 et.seq. allows budget appropriation reserve transfers during the first three months of the year succeeding the budget year.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Somers Point hereby authorizes the Chief Financial Officer to make the following budget transfer as specified in this resolution.

**Current Fund**

From:

Legal Department OE	9-01-20-155-200	\$ 8,000
Mayor and Council OE	9-01-20-110-200	<u>12,000</u>
	Total	\$20,000

To:

Fire Hydrants	9-01-31-445-283	\$ 4,000
Electric	9-01-31-430-275	4,000
Municipal Services Act	9-01-26-325-200	<u>12,000</u>
	Total	\$20,000

**Sewer Utility**

From:

Current Year Sewer S&W	9-07-55-501-014	\$ 10,000
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To:

Current Year Sewer OE	9-07-55-502-013	\$ 10,000
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**Resolution No. 34 – Tax overpayment refund**

M/S – Parker/Triboletti – Approved unanimously.

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

**WHEREAS**, a portion of the third quarter and the fourth quarter 2009 tax was paid by both the mortgage company and the property owner resulting in an overpayment; and

**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.

<b>Block</b>	<b>Lot</b>	<b>Mortgage Company</b>	<b>Amount</b>	<b>Year</b>
1319	7	Richard, Mildred & Andrew Traa	\$950.24	2009

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Resolutions (Continued)

**Resolution No. 35 – Sewer Balances cancelled**

M/S – Parker/Kern – Approved unanimously.

**WHEREAS**, the below listed balances for the years designated are held in reserve by the City of Somers Point; and

**WHEREAS**, the balances are under \$1.00

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the following balances be cancelled.

**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	Qual	Location	Amount	Year
	39	1	C0007 Parkshore Plaza 1G	\$ 0.77	2009
	39	1	C0052 Parkshore Plaza 7D	\$ 0.01	2009
	120	4	115 W Ocean Ave	\$ 0.14	2009
	314.01	12	209 W Wilmont	\$ 0.19	2009
	412	9	215 Shore Rd	\$ 0.01	2009
	511	13	22 E Dawes Ave	\$ 0.02	2009
	513	9	121 W Pierson Ave	\$ 0.02	2009
	514	12	114 W Dawes Ave	\$ 0.01	2009
	517	1	21 Chapman Blvd	\$ 0.01	2009
	521	19	31 Chapman Blvd	\$ 0.47	2009
	525	24	33 Defeo Lane	\$ 0.11	2009
	810	4	414 Sunny Ave	\$ 0.01	2009
	1012	2	516 Sunset Ave	\$ 0.44	2009
	1114	10	24 W Maryland Ave	\$ 0.29	2009
	1116	6	441 Bethel Rd	\$ 0.01	2009
	1122	9	557 Seventh St	\$ 0.22	2009
	1126	4	14 Jefferson Ave	\$ 0.55	2009
	1131	5	105 Haddon Rd	\$ 0.02	2009
			1024 W Groveland Ave		
	1136	11	Ave	\$ 0.51	2009
	1211	3	C7601 601 Harbour Cove	\$ 0.01	2009
	1212.03	12	Harbour View 536C	\$ 0.10	2009
	1318	5	615 Third St	\$ 0.04	2009
			515 W Connecticut Ave		
	1320	4	Ave	\$ 0.02	2009
			1210 Harbour Cove		
	1408.01	1210	South	\$ 0.40	2009
			1408 Harbour Cove		
	1408.03	1408	South	\$ 0.43	2009
	1408.08	6	6 Paul Clark Dr	\$ 0.28	2009
	1419	15	415 Fox Terrace	\$ 0.90	2009
	1433	4	5 Ambler Rd	\$ 0.01	2009
	1512	34	10 E New York Ave	\$ 0.02	2009
	1513	8	39 Higbee Ave	\$ 0.01	2009
	1515	3	715 Centre St	\$ 0.03	2009
	1524	2	909 Pennsylvania Ave	\$ 0.04	2009
	1530	3	113 Colwick Dr	\$ 0.92	2009
	1531	3	123 Colwick Dr	\$ 0.01	2009
	1620	14.01	748 Sixth St	\$ 0.34	2009
	1631	13	140 Bala Dr	\$ 0.03	2009
	1813	5	15 George St	\$ 0.26	2009
	1915	13	108 Woodland Ave	\$ 0.07	2009

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1924	14		12 Village Dr	\$ 0.01	2009
1937	35		26 Gulph Mill Rd	\$ 0.75	2009
1938	2		21 Gulph Mill Rd	\$ 0.22	2009
1941	5.02	C0022	22 Greate Bay Dr	\$ 0.10	2009
2031	11		1231 Atkinson Ave	\$ 0.94	2009
			65 Dockside/11		
2043	6		Woodlawn	\$ 0.01	2009
			Island-Gr Egg Harbor		
2900	1		Bay	\$ 0.45	2009
				\$ 10.21	

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**Resolution No. 36 – Executive Session Resolution**

M/S – Dill/Kern – Approved unanimously.

**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 \_\_\_\_\_ (insert number) issues are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance shall be discussed during an Executive Session to be held on January 25, 2010 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 \_\_\_\_\_;

**“(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 \_\_\_\_\_;

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Resolution No. 36 (Continued)

**“(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 COAH litigation pending in the New Jersey Superior Court or with issues remaining to be addressed in Docket Nos ATL-L-7302-06 PW and ATL – L-3204-05 and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is status of pending litigation/negotiation; transition and assignment of counsel; strategy for proceeding with litigation and settlement; potential impacts of changes in legislation/regulation.

**“(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 are \_\_\_\_\_

**“(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 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 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.

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Resolution No. 36 (Continued)**

**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 [DATE] 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)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
See Item 7 above	Unknown	Final resolution of litigation/settlement

**Discussion of Bills**

Bills were presented in the amount of \$928,319.07 and an additional bill list in the amount of 451,313.65.

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**Public Portion**

Meeting was opened to the public and duly closed.

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**Executive Session**

Council moved to go into Executive Session and reconvened at 8:38 p.m.

**Payment of Bills**

A motion was made and seconded to approve the bills in the amount of \$928,319.07 and an additional bill list in the amount of \$51,313.65. Motion carried. A complete list of bills is on file in the Office of the Municipal Clerk.

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Council President McGuigan announced that during the Executive Session Council gave direction to Atty. Lafferty to pursue several items relative to COAH litigation matters.

**Adjournment**

There being no further business, meeting adjourned at 8:40 p.m.

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Carol L. Degrassi, MMC  
Municipal Clerk

Approved: 03/11/10