

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
June 10, 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:** 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**

The representative from the MS City to Shore Ride, Jennifer Weiss was not present.

Linda Keyser from the Green Thumb Garden Club addressed the governing body regarding their first gardening contest to be held in during the month of July, with the judging taking place on July 12<sup>th</sup> of the various categories in residential and commercial. She asked if they could possibly have a presentation of the awards at a Council meeting. Council was agreeable to this.

Council President McGuigan advised that graduation ceremonies are scheduled for June 25<sup>th</sup> at 6:30 p.m. He stated that he will be attending and would like to have another representative from the governing body attend also.

**Mayor's Report**

Mayor Glasser was not in attendance to give his report

**Administrator's Report:**

Administrator Swain did not have a report to present.

**Committee Reports**

Councilman Smith advised that they have a meeting scheduled in two weeks to discuss the rental ordinance.

Councilman Dill gave the Public Works Department report stating that the paving is going well and they are currently on Groveland Avenue.

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**Minutes**

The regular meeting minutes of March 11, 2010 were approved unanimously.

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**ORDINANCES**

**Ordinance No. 6 – Final Reading**

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

**ORDINANCE NO. 6 of 2010**

**AN ORDINANCE AMENDING SECTION 114-141A 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 PROVIDE AN ADMINISTRATIVE REVIEW PROCEDURE; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.**

**FIRST READING: May 27, 2010  
PUBLICATION: May 31, 2010  
FINAL PASSAGE: June 10, 2010**

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**Ordinance No. 7 – First Reading**

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

**ORDINANCE NO. 7 of 2010**

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$950,000 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

**SECTION 1**

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,000,000 including the sum of \$50,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets or by virtue of a contribution that is in hand with the City.

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Ordinance No. 7 (Continued)**

**SECTION 2.**

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.**

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a.) Acquisition by purchase of Police Department public safety equipment including computers and including all attachments and appurtenances applicable thereto.	\$5,000	\$4,750	5 years
b.) Acquisition by purchase of dump trucks, including all attachments and appurtenances applicable thereto.	\$142,000	\$134,900	5 years
c.) Acquisition by purchase of one Quint Aerial Fire Truck, with Pump and Water Tank, including all attachments and appurtenances applicable thereto.	\$650,000	\$617,500	10 years
d.) Improvements to portions of various streets in the City including, but not limited to paving, sidewalks, curbing, drainage, signage, surfacing or resurfacing and any related work, together with all materials and work necessary therefore and incidental thereto in accordance with a list on file with the City Clerk.	\$203,000	\$192,850	10 years

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**Ordinance No. 7 (Continued)**

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

**SECTION 4.**

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

**SECTION 5.**

The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**SECTION 6.**

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 9.26 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$950,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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**SECTION 7.**

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**SECTION 8.**

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

**SECTION 9.**

The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

**SECTION 10.**

The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**SECTION 11.**

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

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Ordinance No. 7 (Continued)**

**SECTION 12.**

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

**First Reading: June 10, 2010  
Publication: June 16, 2010  
Second Reading: June 24, 2010  
Publication: June 30, 2010**

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**WAIVER OF 48-HOUR RULE**

The 48-Hour Rule was waived unanimously in order to consider Resolutions No. 101 and 102.

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**Public Portion (Resolutions Only)**

Meeting was opened to the public and duly closed.

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**RESOLUTIONS**

**Resolution No. 98**

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

**No. 98 of 2010**

**Subject: Disposition of Public Property  
Proposed by: Council President McGuigan**

Whereas, the City of Somers Point is in possession of personal property that is no longer needed for public use; and

Whereas, the property has previously been offered for public sale, through internet online auction, and no bids were received; and

Whereas, the property consists of the following:

- (1) Swintec Typewriter, auctioned August 3, 2009 through August 14, 2009
- (1) Olympia Typewriter, auctioned August 3, 2009 through August 14, 2009
- (1) Ascom Mail Machine, auctioned August 3, 2009 through August 14, 2009
- (1) Lot of cloth and wood chairs, auctioned November 9, 2009 through November 20, 2009; and

Whereas, the cost of continued storage of the property is more than the value of the property.

Now, therefore, be it resolved by the City Council of the City of Somers Point that, in accordance with N.J.S.A. 40A:11-36, the City Administrator is hereby authorized to sell at private sale or otherwise dispose of the above described property.

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Resolutions (Continued)

**Resolution No. 99 – Approved by a unanimous vote of those present.**  
M/S – Parker/Kern

**No. 99-2010**

**Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website.**

**Introduced By: Council President McGuigan**

**WHEREAS**, the City of Somers Point has determined that surplus items including but not limited to, one 2001 Crown Victoria vehicle, one 2005 Crown Victoria vehicle, one 2006 Crown Victoria vehicle, and one 2007 Crown Victoria vehicle are property no longer needed for public use; and

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

**WHEREAS**, the City of Somers Point has the property listed in schedule A, attached to this Resolution, and desires to sell this property online.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Somers Point's Governing Body that the City of Somers Point is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: [www.govdeals.com](http://www.govdeals.com)

Length of Auction: 12 Days.

Start Date: Monday, June 21, 2010 (see schedule A)

End Date: Friday, July 2, 2010 (see schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping All shipping arrangements and shipping costs are the responsibility of the purchaser.

Possession: Within 10 business days of winning bid and at pickup location.

Other Terms: All items are being sold "as is".

Payment by the bidder must be submitted to the City of Somers Point within 5 business days of winning the bid. Pickup of items auctioned must be made within 10 business days of winning bid unless other arrangements have been made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned.

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**Resolution No. 100**

M/S – Dill/Smith – Approved by unanimous vote of those present with Councilwoman Kern abstaining with regard to the Crab Trap, Ltd.

**No. 100 of 2010**

**Subject: LIQUOR LICENSE RENEWALS**  
**Introduced By: COUNCIL PRESIDENT MC GUIGAN**

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

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Resolution No. 100 (Continued)**

**NOW, THEREFORE, BE IT RESOLVED** that the below named and numbered applications are hereby renewed, effective July 1, 2010 through June 30, 2011:

0121-33-001-012	Apple New Jersey LLC
0121-33-002-003	RJM Enterprises, Inc. T/A Anchorage Tavern
0121-33-003-007	Lost Boys, Inc., T/A Carolines
0121-33-004-007	Point Pub, Inc. T/A Passion Vines Wine Bar
0121-33-005-003	Charlie's, Inc. T/A Charlies's Bar & Restaurant
0121-44-006-002	Circle Liquor Store, Inc. T/A Circle Liquor Store
0121-33-007-004	Crab Trap LTD, T/A Crab Trap LTD
0121-33-008-004	The Doc's Place, Inc.
0121-33-009-003	Alice Pearl, Inc., T/A Shangri-La
0121-33-013-002	Joe's Circle Café Inc., DiOrio's
0121-33-016-010	Plantation Bay Resort and Country Club LLC
0121-33-017-006	R A Ranalli Enterprises LLC,
0121-33-018-003	CSJ Ross LLC, JR's Tavern
0121-31-022-001	Roberts Johnson Post 2189 VFW

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**Resolution No. 101**

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

**No. 101 of 2010**

**Subject: Approving Coin drop for SP Volunteer Fire Co. No. 1, Inc.**  
**Introduced By: Council President McGuigan**

**WHEREAS**, Somers Point Volunteer Fire Company No. 1, Inc. , a non-profit Corporation as defined in N.J.S. 45:17A-20 situated in and providing services to the citizens of Somers Point has made application to the Municipal Clerk of the City of Somers Point to conduct a “coin drop” solicitation within the City of Somers Point; and

**WHEREAS**, the Application has been reviewed and approved by the Municipal Clerk and the Somers Point Chief of Police; and

**WHEREAS**, a recommendation has been made to this governing body to approve the application subject to the terms and conditions set forth on the application; and

**WHEREAS**, the “coin drop” solicitation is to be conducted on streets, roads, highways or Intersections which are under the jurisdiction of the County of Atlantic and/or the State of New Jersey; and



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Resolution No.101 (Continued)**

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey that:

- 1) The information set forth in the Preamble is hereby incorporated herein by reference;
- 2) The application of Somers Point Volunteer Fire Company No. 1, Inc. to hold a “coin drop” within the City of Somers Point is hereby approved subject to the following conditions and restrictions:
  - A. Date(s) of Coin Drop limited to: June 11, 12 and 13, 2010
  - B. Time(s) of Coin Drop limited to: Daylight hours only
  - C. Location of Coin Drop limited to: Intersection of W. Laurel Drive, Route 52 & US Rt. 9
  - D. The requirements of Ordinance No. 3 of 2010 enacted by this Governing Body.
  - E. Compliance with N.J.S. 39:4-60 and N.J.S. 45:17A-20
  - F. All additional terms and conditions shall be as set forth within the application and shall be further subject to those recommendations, if any, specified by the Chief of Police of Somers Point (or his designee) which are attached hereto and made a part hereof; and
  - G. If the “Coin Drop” is proposed to take place on or at an intersection with a County or State Road or highway and written authorization from the Atlantic County Board of Freeholders (if a County Road is involved) and the Commissioner of the Department of Transportation of the State of New Jersey (if a State Highway is involved) was not provided with the application as filed with the Municipal Clerk, then the approval herein granted is further subject to receipt by the applicant of such approval(s) which the applicant shall provide to the Municipal Clerk prior to commencing the “coin drop”.

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**Resolution No. 102** – Approved by a unanimous vote of those present.

**No. 102 of 2010**

**Subject: Authorizing Mayor John L. Glasser, Jr. to sign necessary documents on behalf of the City in connection with the Route 52 Causeway Replacement Project, Police Agreement Number PS-52-CON “A” – SP**

**Sponsor: Council President McGuigan**

**WHEREAS**, Resolution No. 96 of 2007 authorized Mayor Daniel Reilly to execute documents on behalf of the City in connection with the Route 52 Causeway Replacement Project; and

**WHEREAS**, Mayor John L. Glasser, Jr. took office effective January 1, 2008.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Somers Point that, as of January 1, 2008, Mayor John L. Glasser, Jr. is hereby authorized to execute all documents that are required to be executed by the mayor, on behalf of the City of Somers Point, in connection with the Route 52 Causeway Replacement Project, Police Agreement Number PS-52-CON “A” – SP.

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**Old Business**

Council President McGuigan asked about our contribution to Channel 2. Administrator Swain to check with the other two cities to see what they are doing and we can finalize at the next meeting.

**New Business**

There was no new business presented.

**Discussion of Bills**

The bills in the amount of \$248,339.45 and an additional bill list in the amount of \$2,500.00 were presented for discussion.

**Public Portion**

A resident from Dobbs Avenue came forward and addressed the governing body stating that the trees at the park are absolutely beautiful and Tim Lenzsch does a nice job.

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**Payment of Bills**

A motion was made and seconded to approve the bills. Motion carried. A complete list of bills is on file in the Office of the Municipal Clerk.

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**Adjournment**

There being no further business, meeting adjourned at 7:45 p.m.

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Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 09/23/10