

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

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

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

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

Absent: None

Open Public Meetings Act

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

Communications

There were no communications read.

Mayor's Report

Mayor Glasser gave the Police Department Report for the month of May in full.

Administrator's Report:

Administrator Swain reported that the last FEMA application has been filed for the storm in March; specifications to go out to bid for the Quint Aerial Fire Truck and the combination sewer vac and street sweeper are completed and we will be going out to bid on those items and receiving bids July 16th for possible award at the July meeting. He also asked for a waiver of the 48-hour rule to sell the one fire truck that we have.

Committee Reports

Councilman Dill reported on the actions of the Zoning Board of Adjustment.

Councilman Smith advised that the committee met with Atty. Franklin to go over the rental ordinance previously repealed. They will be meeting again with Administrator Swain and Code Enforcement Officer Federman.

Minutes

There were no minutes presented for approval.

ORDINANCES

**Ordinance No. 7 – Final Reading – Adopted by a unanimous roll call vote of those present.
M/S – Smith/Dill**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

Page 2
Ordinance No. 7 (Continued)

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.

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

Page 3

Ordinance No. 7 (Continued)

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

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 4
Ordinance No. 7 (Continued)**

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.

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.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 5
Ordinance No. 7 (Continued)**

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.

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**

**Ordinance No. 8 – First Reading – Approved by a unanimous vote of those present.
M/S – Parker/Triboletti**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

Page 6
Ordinance No. 8 (Continued)

Ordinance No. 8 of 2010

An Ordinance Enacted Under Authority Granted by, N.J.S.A. 54:5-54 and N.J.S.A. 54:5-97.1

**Permitting A Municipality in a Tax Foreclosure Proceeding
To Impose Certain Fees Upon Persons or Entities Entitled to Notice of Foreclosure, Parties
Entitled to Redeem a Tax Sale Certificate, and Lien Holders
and Amending Chapter 132 "FEES" of the Code of the City of Somers Point And
Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent
Herewith.**

Introduced by: Councilman Smith

WHEREAS, N.J.S.A. 54: 5- 54 authorizes a municipality to require payment of a fee not to exceed \$50 from any party entitled to redeem a tax sale certificate for each subsequent calculation of the amount required for redemption in excess of two (2) within a calendar year; and

WHEREAS, N.J.S.A. 54:5-97.1 authorizes a municipality to authorize the tax collector to charge to a lien holder a fee not to exceed \$50 for the calculation of the amount due to redeem the tax lien which fee shall not become part of the lien and shall not be passed on to any party entitled to redeem the tax sale certificate pursuant to N.J.S.A. 54:5-54:

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: Chapter 132 "FEES" of the Code of the City of Somers Point is hereby amended as follows:

Article III. Tax Collector

132 – 8. Assessment of Fees.

- A.** The Tax Collector shall provide any party entitled to redeem a tax sale certificate within a calendar year two (2) calculations of the amount required for redemption of said certificate at no cost. For each subsequent calculation requested from the Tax Collector there shall be a fee of \$50.00 imposed. Each request for a redemption calculation shall be made in writing to the Tax Collector.
- B.** The Tax Collector shall charge a lien holder of a tax lien a fee of \$50.00 for each calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97. Each request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 7
Ordinance No. 8 (Continued)**

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

**FIRST READING: June 24, 2010
PUBLICATION: June 30, 2010
FINAL PASSAGE: July 22, 2010**

Waiver of 48-Hour Rule

The 48-Hour Rule was waived unanimously in order to consider Resolutions No. 108, 109 & 110.

Public Portion (Resolutions)

Meeting was opened to the public and duly closed.

RESOLUTIONS

Resolution No. 103

M/S – Dill/D’Adamo – Adopted by a unanimous vote of those present.

No. 103 of 2010

Subject: Resolution for Renewal of Membership in the Atlantic County Municipal Joint Insurance Fund

Introduced By: Councilman Dill

WHEREAS, the City of Somers Point is a member of the Atlantic County Joint Insurance Fund (hereafter the “FUND”); and

WHEREAS, said membership terminates as of January 1, 2011 unless earlier renewed by agreement between the municipality and the FUND; and

WHEREAS, the City of Somers Point desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City of Somers Point agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, overages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. Councilman Howard Dill, Fund Commissioner, shall be and hereby is authorized to execute the “Agreement to Renew Membership” annexed hereto and made a part hereof and to deliver same to the FUND evidencing the City of Somers Point’s intention to renew its membership.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 8
Resolutions (Continued)**

Resolution No. 104

M/S – Triboletti/Smith – Adopted by unanimous vote of those present. Committee formed to look into this: Triboletti, Dill and Parker

No. 104 of 2010

Subject: Authorizing lease with Atlantic County Library

Introduced By: Councilman Triboletti

WHEREAS, the Somers Point Branch of the Atlantic County Library has been situated at 801 Shore Road; and

WHEREAS, the Atlantic County Board of Chosen Freeholders had approved a five year extension of a lease between the City of Somers Point and the County of Atlantic for lease properly situated at 801 Shore Road for use as the Somers Point Branch of the Atlantic County Library system which will expire on September 30, 2010; and

WHEREAS, the City of Somers Point desires to continue to lease the property to the County of Atlantic for the period commencing January 1, 2010 through September 30, 2010 under the terms and conditions of the Lease Agreement attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is hereby authorized and directed to execute a lease for that time period between the County of Atlantic and the city of Somers Point, a copy of which is attached hereto and made a part hereof.

Resolution No. 105

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

No. 105 of 2010

**Subject: Authorizing Agreement with
Atlantic County Improvement Authority**

Introduced By: Council President McGuigan

WHEREAS, the City of Somers Point entered into an interlocal in 2007 with the Atlantic County Improvement Authority for the administration of program income from previous housing rehabilitation grants; and

WHEREAS, that agreement is scheduled to end on June 29, 2010; and

WHEREAS, the Improvement Authority is offering the City of Somers Point another three-year interlocal service agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Mayor and City Clerk are hereby authorized and directed to sign the Interlocal Services Agreement between the City of Somers Point and the Atlantic County Improvement Authority, on behalf of the City.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

Page 9

Resolutions (Continued)

Resolution No. 106

M/S – Dill/Triboletti – After discussion, Councilman D’Adamo made a motion to remove the words “commend Governor Christie”, seconded by Councilman Parker. Motion carried by a 6-1 vote with Council President McGuigan voting no. Resolution was then adopted, as amended, by a 6-1 vote with Councilman D’Adamo voting no.

No. 106 of 2010 (As Amended)

**RESOLUTION IN SUPPORT OF LEGISLATIVE ACTION ON THE GOVERNOR’S
PROPOSED 2.5% CONSTITUTIONAL CAP ON PROPERTY TAX LEVIES, WITH
MODIFICATIONS AND CLARIFICATIONS, AND AFTER PASSAGE OF THE
GOVERNOR’S “TOOLKIT” REFORMS AND MANDATES RELIEF**

Introduced By: Councilman Dill

WHEREAS, Governor Christopher Christie has called for a Constitutional Amendment to cap annual property tax levy increases at 2.5% and another Constitutional Amendment to limit some annual State spending increases to 2.5%; and

WHEREAS, New Jersey mayors and municipal officials support such caps, as long as municipalities are also given the tools to continue to provide our citizens with high-quality, vital services life-sustaining and life-enhancing services, within that limit;

WHEREAS, Governor Christie has recognized this as an absolute necessity, both when he introduced his toolkit, and when he said about the cap, in Hoboken, "If that's all we do, what we leave for Mayor Zimmer is an impossible situation;" and

WHEREAS, there is a danger that the Legislature may advance the cap question to the voters and be delayed in acting on the other reforms; and while the Governor can delay signing a bill that would amend current law or enact a new statute, nothing can delay a proposed Constitutional Amendment, once the Legislature passes the Resolution by sufficient majorities; and

WHEREAS, it is, therefore, imperative for the other toolkit and mandates reform bills to be on the Governor’s Desk, before the Legislature votes to advance the proposed caps; now therefore be it

RESOLVED, by the City Council of the City of Somers Point that the City of Somers Point does register its support for Governor Chris Christie’s proposed 2.5% Constitutional Cap on property tax levies, with modifications and clarifications, and after the passage of the Governor’s “Toolkit” reforms and mandates relief; and

BE IT FURTHER RESOLVED, that the cap proposal must be the FINAL piece, not the centerpiece, of a well-thought-out ‘toolkit’ of reforms; and

BE IT FURTHER RESOLVED, statutory reforms relating to binding arbitration, civil service, public employee pensions and benefits, disciplinary procedures, school and special district elections and mandates relief must be enacted **BEFORE** the voters are asked to approve the Constitutional Caps; and

BE IT FURTHER RESOLVED, statutory arbitration reforms must limit the full economic impact of awards to conform to the 2.5% cap; and

BE IT FURTHER RESOLVED, statutory Health benefit reforms must conform future health benefit costs to the 2.5% cap; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 10
Resolution No. 106 (Continued)**

BE IT FURTHER RESOLVED, municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, the Administration must advance immediate mandates relief initiatives to assist municipalities in managing within the 2.5% cap; and

BE IT FURTHER RESOLVED, the cap must allow local units some flexibility to deal with pension costs, utility costs, disaster and emergency response costs and other costs imposed by factors beyond the control of local leaders, it must mirror the State cap, where possible, on exceptions and the process needed to exceed cap limits, it should include a provision allowing an exception to the cap, up to a limit of, for example, 5%, to be approved by a 2/3 vote of the governing body; and

BE IT FURTHER RESOLVED, so that the will of the majority may be allowed to prevail, the proposal could still require the voters to approve by a simple majority any increase over that level, and

BE IT FURTHER RESOLVED, a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2.5% cap or the costs of new AOC mandates should be capped at 2.5%; now therefore

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Resolution No. 107

M/S – Dill/Smith – Adopted by a 6-0 vote with Councilman D’Adamo abstaining with regard to the American Legion.

No. 107 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

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

0121-33-010-002	Gregory Hotel, Inc. T/A Gregory’s Restaurant & Bar
0121-33-011-005	101 E. Maryland Corp (Alan Gould, Receiver)
0121-33-014-005	Mac’s Restaurant, Inc.
0121-31-020-002	American Legion Clark Eliason Post 352

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 11
Resolutions (Continued)**

Resolution No. 108

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

No. 108 of 2010

**A RESOLUTION IN SUPPORT OF IMMEDIATE LEGISLATIVE ACTION
ON SENATE BILL S1 AS APPROVED BY THE SENATE, BEING
A COMPANION BILL TO ASSEMBLY BILL A2057**

Introduced by: Councilman Ralph Triboletti

WHEREAS, Senate Bill S1 sponsored by Senators Raymond J. Lesniak, Jeff Van Drew and Christopher “Kip” Bateman, an Act concerning affordable housing and amending, supplementing and repealing various parts of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) was recently approved by the New Jersey State Senate; and

WHEREAS, there is a companion Assembly Bill A2057 sponsored by Assemblymen David P. Rible and Vincent Prieto; and

WHEREAS, S1 is intended to develop a much needed new approach to affordable housing in New Jersey that will result in the creation of a realistic opportunity for a variety and choice of housing for low- and moderate-income families in each municipality of the State, without wasting the limited resources needed to fulfill local government's many functions, including public safety, health care, education and environmental protection, ensuring the affordability of mass transit, protection of civil rights, promotion of economic growth, and job creation; and

WHEREAS, S1 is further intended to replace and eliminate the complex system of regulation which has resulted in scores of lawsuits and court decisions, and the unnecessary expenditure of millions of dollars by municipalities, developers, and the State and improve a broken system which remains tied up with multiple legal challenges, preventing the creation of housing opportunities within the State; and

WHEREAS, S1 replaces a complex system with a simple system that maximizes the ability of the free market to produce a variety and choice of housing to most effectively provide housing opportunities for the low- and moderate-income residents of New Jersey to ensure that New Jersey is an affordable, appealing home for all the State's residents; and provides for municipalities much needed clear and realistic standards to guide municipal action; and

WHEREAS, S1 furthers the public policy of this State to encourage the well organized production of low- and moderate-income housing to serve the general welfare of all the State's residents by implementing a clear, intelligible regulatory system,

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and City Council of the City of Somers Point do hereby urge and encourage our Assembly representatives to support this comprehensive reform to the Fair Housing Act and to immediately prioritize enactment of S-1; and

IT IS FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our Senator Jeff Van Drew, to Senator Raymond J. Lesniak, to Senator Christopher “Kip” Bateman, to our Assemblymen [Nelson Albano](#) and Matthew W. Milam, to Assemblyman David P. Rible, to Assemblyman Vincent Prieto and to the New Jersey League of Municipalities.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 12
Resolutions (Continued)**

Resolution No. 109

M/S – Parker/Dill - After discussion, a motion was made by Councilman Smith, seconded by Councilman Dill to amend the resolution to remove “or before”. Motion carried and Resolution No. 109 was then adopted, as amended, by a unanimous vote of those present.

No. 109 of 2010 (As Amended)

Subject: Authorizing Sale of Property

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 which is no longer needed for public use; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the item of personal property set forth below will be sold in accordance with the terms set forth below:

1. The item for sale is:

One 1997 Pierce Saber 1500/1000 Custom Pumper Fire Truck

- 1) For information and an appointment to inspect the apparatus and a list of equipment being included on the apparatus please contact Fire Chief Frank Denan at (609) 927-9088 x132.
- 2) Sealed bids shall be submitted on said item to be received at the City Clerk’s Office, City Hall, 1 W. New Jersey Avenue, Somers Point,, New Jersey 08244, at or before 11:00 a.m. prevailing time on July 16, 2010.
- 3) The full purchase price shall be paid by the successful bidder upon receipt of the purchased item, which shall be on a date in 2010 mutually agreeable to the City and the bidder.
- 4) 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” condition.
- 5) 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.
- 6) The City Clerk is hereby authorized and directed to publish notification of this sale on July 7, 2010.

Waiver of 48-Hour Rule

The 48-Hour Rule was waived in order to consider the following Resolutions No. 110 and 111.

Resolution No. 110

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

No. 110 of 2010

Subject: Renewal of Liquor License No. 0121-33-015-008

Introduced By: Council President McGuigan

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

**Page 13
Resolution No. 110 (Continued)**

WHEREAS, an Application for Renewal of Plenary Retail Consumption License No. 0121-33-019-015-008 has been properly filed with the Clerk of the City of Somers Point on behalf of GMH Restaurant Enterprises LLC (t/a The Inlet); and

WHEREAS, a Tax Clearance Certificate for Sam T. Inc. has been issued by the State of New Jersey, Department of The Treasury, Division of Taxation dated June 23, 2010;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and City Council of the City of Somers Point do hereby approve the renewal of Plenary Retail Consumption License No. 0121-33-015-008 in the name of GMH Restaurant Enterprises LLC for the period of one year commencing July 1, 2010.

Resolution No. 111

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

No. 111 of 2010

**Subject: Renewal of Liquor License No. 0121-33-019-013
 Revocation and Rescission of Resolution No. 61 of 2010**

Introduced By: Council President McGuigan

WHEREAS, an Application has been filed by Alan I. Gould, Esq. Receiver in Bankruptcy for the Estate of Sam T. Inc. for Renewal of Plenary Retail Consumption License No. 0121-33-019-013; and

WHEREAS, a Tax Clearance Certificate for Sam T. Inc. has been received from the New Jersey Division of Taxation by the City Clerk of the City of Somers Point; and

WHEREAS, Plenary Retail Consumption License No. 0121-33-019-013 is what is known by the New Jersey Division of Alcoholic Beverage Control as a “Pocket License” which was last attached to premises located at 800 Bay Avenue, Somers Point, New Jersey but which is no longer utilized at any physical location; and

WHEREAS, an application had heretofore been filed by Alan I. Gould, Esq. on behalf of Sam T. Inc. seeking approval for a Place - to - Place and Person - to - Person transfer of Plenary Retail Consumption License No. 0121-33-019-013 to It’s Miller Time, Inc. to be attached to premises situate at 431 Bay Avenue; and

WHEREAS, by Resolution No. 61 of 2010 adopted by the City Council of the City of Somers Point on March 11, 2010 the application for a Place – to – Place and Person – to – Person transfer of Plenary Retail Consumption License No. 0121-33-019-013 to It’s Miller Time, Inc. at 431 Bay Avenue was approved; and

WHEREAS, subsequent to the adoption of Resolution No. 61 of 2010 the financing commitment for the purchase of Plenary Retail Consumption License No. 0121-33-019-013 was withdrawn or otherwise failed to materialize; and

WHEREAS, as a result Plenary Retail Consumption License No. 0121-33-019-013 was not endorsed by the City Clerk of the City of Somers Point and said license at all times has remained in the name of Sam T. Inc.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 24, 2010**

Page 14

Resolution No. 111 (Continued)

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and City Council of the City of Somers Point do hereby revoke and rescind the authority granted in Resolution No. 61 of 2010; and do

FURTHER approve the renewal of Plenary Retail Consumption License No. 0121-33-019-013 in the name of Sam T. Inc. for the period of one year commencing July 1, 2010.

Old Business

There was no old business discussed.

New Business

A Raffle License application for the VFW was approved unanimously.

A Social Affairs Permit Application was approved for the Upper Township Soccer Association.

Discussion of Bills

Bills were presented for discussion in the amount of \$308,743.75 and \$405.00.

Public Portion

A resident of the Harborview Condominiums came forward and addressed the governing body asking that they don't take a Constitutional Amendment lightly and thanked Councilman D'Adamo for his comments.

Elsa Surran, 646 Sixth Street, came forward and addressed the governing body with regard to the property next door to her home being cleaned up. She stated that she cannot enjoy her own yard because of it. Council asked Administrator Swain to speak with the Code Enforcement Officer and report back.

Payment of Bills

A motion was made and seconded to approve the bills in the amount of \$308,743.75 and \$405.00. Motion carried. A complete list of bills is on file in the Office of the Municipal Clerk.

Adjournment

There being no further business, meeting adjourned at 8:20 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 09/23/10