

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
May 13, 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

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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**

Meeting with Local Board of Education regarding their defeated budget

Superintendent Toscano addressed the governing body and the audience to explain that their budgets in the past two years have been a decrease and no increase. This year they have cut from programs and reduced employees from full time to part time. He explained that they are offering a reduction of \$35,000., which the Board is agreeable to. Council agreed that the local Board of Education has done a very nice job and were willing to accept the reduction, stating that the school is very well run.

Resolution No. 86

M/S – Parker/Smith – Unanimous roll call vote of those present. Somers Point BOE concurred.

**No. 86 of 2010**

**Subject:** Certifying Local Board of Education Budget

**WHEREAS**, the Board of Education (SPBOE) of the Somers Point School District (SPSD) submitted to the electorate on April 20, 2010, a proposal to levy \$7,851,157.00 in taxes to fund the ensuing school year 2010/2011, and

**WHEREAS**, said tax levy in the amount of \$7,851,157.00 was defeated by the electorate by 102 votes (635 to 533), and

**WHEREAS**, State statute NJSA 18A:22-37 requires the Governing Body, after consultation with the SPBOE, to conduct a "municipal review" of the defeated budget to determine whether they wish to approve the existing tax levy or reduce said levy, and to certify to the County Board of Taxation the total amount so determined; and

**WHEREAS**, we have consulted with the SPBOE, and we recognize the SPBOE budget is only \$56,420.00 above the required state minimum school tax levy and we recognize the SPBOE commitment to fiscal responsibility. However, we also recognize in a representative democracy we have a duty to represent the will of the voters expressed in the recent school election; and,

**WHEREAS**, the state statute requires that a tax levy reduction must "not adversely affect the district's ability to provide a thorough and efficient education" and,

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Resolution No. 86 (Continued)**

**WHEREAS**, the Somers Point Governing Body conducted the required "municipal review" and found the SPBOE is \$56,420.00 above the required state minimum school tax levy. The Governing Body also concluded it does not wish to recommend any program or position cuts which could adversely affect a "thorough and efficient" education, and

**THEREFORE**, the recommendation of the Governing Body of Somers Point to lower the levy and avoid any adverse impact on a "thorough and efficient education" is to:

A). Decrease Line Item # 11-000-291-270 " Health Benefits":

Original Line Item Budget Amount:	\$2,257,745
Reduction Amount: \$ 20,736	
Revised Line Item Budget Amount:	\$2,237,009

B) Decrease Line Item #11-213-100-106-00-0000 "Other Salaries for Instruction":

Original Line Item Budget Amount:	\$ 70,331
Reduction Amount: \$ 14,264	
Revised Line Item Budget Amount:	\$ 56,067

Resulting in a total tax levy reduction of Thirty Five Thousand Dollars (\$35,000.00).

**THEREFORE, BE IT RESOLVED** that for the above stated reasons, the Common Council of the City of Somers Point in the County of Atlantic hereby decreases the Somers Point School District tax levy from \$7,851,157.00 to \$7,816,157.00 thereby reducing the tax burden on our residents from 1.25 cents to 1.248 cents without negatively affecting the number of district employees or the number of programs in an already fiscally sound school district; and

**BE IT FURTHER RESOLVED** that the Somers Point City Council hereby certifies to the Atlantic County Board of Taxation the amounts necessary to be raised by taxation for school purposes by the City of Somers Point:

**Total Amount of Tax Levy for School Purposes: \$7,816,157.00**

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to: Atlantic County Board of Taxation, Somers Point Board of Education, and the Superintendent of Schools for the County of Atlantic.

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Council President McGuigan read correspondence from the County Executive inviting everyone to their Memorial Day ceremony at the Atlantic County Veterans Cemetery on May 28<sup>th</sup> at 3:00 p.m.

**Mayor's Report**

Mayor Glasser advised that Army Specialist Pete Picciano returned home after service 1 ½ years in Iraq on Monday and was escorted to the Anchorage where a celebration was held in his honor. Mayor Glasser also gave the monthly Police Department Report in full for the month of April.

**City Administrator's Report**

Administrator Swain reported that the City is preparing for summer and we have recently paved Groveland Avenue and Miriam Drive.

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**Committee Reports**

There were no Committee Reports given.

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**Minutes**

The minutes of the Executive Session on February 11, 2010 were approved as to content only. The minutes of the Regular meeting of February 25, 2010 were approved unanimously..

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**RESOLUTIONS**

**Resolution No. 85 – Pulled from Agenda and deferred to Special Mtg. 5/20/10**

M/S – D’Adamo//Smith – Approved by unanimous vote of those present.

**Public Portion on Resolutions**

A resident from Harborcove Condominiums came forward and addressed the governing body with regard to the Resolution certifying the Mainland Regional High School Board of Education Budget.

Public portion was then closed.

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**Resolution No. 80**

M/S – Parker/Triboletti

Adopted by a 5-0 vote with Councilman Dill and Councilwoman Kern abstaining.

**No. 80 of 2010**

**A RESOLUTION FOR A TAX LEVY REDUCTION IN THE MAINLAND REGIONAL HIGH SCHOOL BOARD OF EDUCATION IN THE TOTAL AMOUNT OF ONE HUNDRED NINETY THOUSAND (\$190,000.00) DOLLARS**

**WHEREAS**, a proposed budget for the Mainland Regional High School District Board of Education was presented to the voters at the Annual School Board Elections on April 20, 2010; and

**WHEREAS**, the proposed budget was defeated by the voters of certain of the sending districts; and

**WHEREAS**, a meeting was properly held by the Mainland Regional High School Board of Education with representatives of the governing bodies from the sending districts for the purpose of discussing and reviewing the budget and for the further purpose of providing sufficient information for the governing bodies of the sending districts to take action certifying a budget necessary for thorough and efficient education within the regional high school district pursuant to N.J.S.A. 18A: 13-19 and N.J.S.A. 18:22-37; and

**WHEREAS**, as a result of action taken in a meeting of the Mainland Regional High School Board of Education with representatives of governing bodies of the sending districts of Linwood, Northfield and Somers Point in attendance, held on May 10, 2010 and as a result of further investigation conducted thereafter, representation has been made on behalf of the Mainland Regional High School Board of Education, that a debt service tax levy reduction in the amount of One Hundred Ninety Thousand Dollars (\$190,000.00) can be achieved by Mainland Regional Board of Education without adversely affecting the ability of Mainland Regional High School Board of Education to provide thorough and efficient education to the students of the district; and

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Resolution No. 80 (Continued)**

**WHEREAS**, the Mainland Regional Board of Education proposes to make such a reduction if the governing bodies of the sending districts adopt resolutions at the next regularly scheduled meeting of each governing body to be held prior to the May 19, 2010 budget certification deadline agreeing to accept the proposed reduction and to Certify the reduced tax levy to the Atlantic County superintendent of Schools; and

**WHEREAS**, the Mainland Regional Board of education represents that such a reduced budget and tax levy would not be appealed by the Mainland Regional High School Board of Education to the Commissioner of Education; and that in the event an appeal shall be filed by the Mainland Regional Board of Education the Mayor and City Council of the Cities of Linwood, Northfield and Somers Point reserve the right to supplement to the Commissioners the reasons for the reduction and the areas in which the reduction has been recommended

**WHEREAS**, subject to appropriate action to be taken by each of the governing bodies of the sending districts to adopt resolutions agreeing to a debt service tax levy reduction in the Mainland Regional High School Board of Education in the total amount of One Hundred Ninety Thousand Dollars (\$190,000.00) and an approved increase in the amount of Eighty Five Thousand Dollars (\$85,000.00) be made to revenue line item 0192, Restricted Revenue, to be used for the restoration of the Freshman Sports Program as proposed by the Mainland Regional High School Board of Education, which if approved by appropriate resolutions adopted by the governing bodies of the respective sending districts would not be appealed by the Board of Education to the Commissioner of Education.

**Now THEREFORE, it is hereby RESOLVED** by the governing body of the City of Somers Point in the County of Atlantic, State of New Jersey as follows:

- 1) A debt service tax levy reduction in the amount of One Hundred Ninety Thousand Dollars (\$190,000.00) is hereby approved;
- 2) An increase in the amount of Eighty Five Thousand Dollars (\$85,000.00) be made to revenue line item 0192, Restricted Revenue, to be used for the restoration of the Freshman Sports Program is hereby approved; and
- 3) The Mainland Regional High School Board of Education 2010 - 2011 debt service tax levy is hereby decreased from \$2,808,852 to \$ 2,618,852 thereby reducing the tax burden on the residents of Somers Point, New Jersey from \$.992 cents per \$100 to \$.986 cents per \$100 (a reduction equal to \$6.00 per \$100,000 of assessed value), the substantial portion of which is attributable to debt service for projects previously approved by voter referendum presented to the voters of the sending districts; and

**It is FURTHER RESOLVED** that the Common Council of the City of Somers Point hereby certifies to the Atlantic County Board of Taxation the amounts necessary to be raised by taxation for school purposes by the City of Somers Point as

Total Amount of Tax Levy for  
School Purposes: **\$16,440,773**; and

**IT IS FURTHER RESOLVED** that certified copies of this resolution be forwarded to: Atlantic County Board of Taxation, Mainland Regional High School Board of Education, and the Atlantic County Superintendent of Schools.

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**Consent Agenda**

M/S – Dill/D’Adamo – Approved unanimously by those present.

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Consent Agenda (Continued)

**Resolution No. 81**

**No. 81 of 2010**

**Subject: Amendment to Personnel Policies & Procedures Manual**  
**Introduced By: Councilman Dill**

**WHEREAS**, it is the policy of the City of Somers Point to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964 as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Works Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act), (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters), the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meetings Act; and

**WHEREAS**, the City Council has determined that there is a need to amend the personnel and policies procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the Personnel Policies and Procedures Manual is hereby amended to include the policies, procedures and forms attached hereto and made a part hereof as follows:

<b>Item</b>	<b>PPPM Page Number</b>
General Employee Complaints Policy Procedure	VIII – 57
General Anti-Harassment Policy/Procedure	VIII – 60
Anti-Sexual Harassment Policy	I – 16, 17
Definitions	II – 1b, 1c, 1d
American with Disability Act Policy/Procedure	VIII – 62
Family Medical Act Policy/Procedure	VIII – 63, 63A
E-mail, Voice Mail, Computer & Internet usage Policy	VIII – 64, 64A

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**Resolution No 82**

**No. 82 of 2010**

**Subject: Tax overpayment refund**  
**Introduced By: Councilman Smith**

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

**WHEREAS**, the fourth quarter 2009 tax was paid by both the former owner's mortgage company and the title company 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 former 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>
1221	6	Scott Daly & Andrea Daly Purcell	\$1130.32	2009

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Consent Agenda (Continued)

**Resolution No. 83**

**No. 83 of 2010**

**Subject:** Authorizing Shared Services Agreement  
**Introduced By:** Council President McGuigan

**WHEREAS**, the City of Somers Point and the Atlantic County Utilities Authority desire to enter into a shared services agreement for solid waste disposal, and to fix the expiration date of the agreement to occur on December 31, 2013 in order to enable long term planning by both parties for the proper disposal of the City's solid waste.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that, on behalf of the City, Mayor John L. Glasser, Jr. is hereby authorized to execute the shared services agreement between the City of Somers Point and the Atlantic County Utilities Authority, a copy of which is attached hereto and made a part hereof.

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**Resolution No. 84**

**No. 84 of 2010**

**A RESOLUTION TO AFFIRM THE CITY OF SOMERS POINT'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, REGISTERED VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**Introduced by: Councilman Dill**

**WHEREAS**, it is the policy of the City of Somers Point to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the City of Somers Point has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, that:

Section 1: No official, employee, or appointee of the City of Somers Point or any registered volunteer participating in an event or activity sponsored and financed by the City of Somers Point by whatever title known, or any entity that is in any way creation of the City of Somers Point shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the City of Somers Point's business or using the facilities or property of the City of Somers Point and further subject to the limitations set forth in Section 2 of this Resolution.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization whether structured as a governmental entity or a private entity, that receives financial support from or enters into a contract with the City of Somers Point and its created boards, councils and committees for the purpose to provide services that otherwise could be performed by the City of Somers Point.

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Resolution No. 84 (Continued)**

Section 3: This Resolution shall be published once in a Newspaper of general circulation within Somers Point, shall be posted by the City Clerk in a public place within City Hall, and a copy shall be distributed by the city Administrator to each committee, board and council created or in the future created by the City of Somers Point and to the head of every volunteer organization providing services to the City of Somers Point which shall have registered with the City Clerk.

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**Public Hearing on Proposed Budget**

Auditor Garcia explained that we are below the spending cap and below the tax levy cap and the Council can adopt or make amendments.

Patricia Pierson, 587 Marks Road, came forward and addressed the governing body stating that things are really bad this year. She asked that they reduce the budget some more at their special meeting next week.

A resident of the Harborview Condominiums came forward and addressed the governing body stating that he agrees with the previous speaker that the budget needs to be cut some more.

Public portion was then closed.

**Resolution No. 87**

M/S – Dill/Triboletti – Unanimous roll call vote

An amendment was proposed by the Council and read by Auditor Garcia who explained that this amendment would cut \$291,000. out of the tax levy. Councilman Dill made a motion to make this amendment to the budget, seconded by Councilman Triboletti Resolution No. 87). The roll call vote was recorded as unanimous of those present. Auditor Garcia explained that the hearing on this amendment would be at the special meeting scheduled for May 20, 2010.

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**Old Business**

There was no Old Business presented.

**New Business**

Social Affairs Permit application was approved unanimously for the Atlantic City Ballet to be held on June 4, 2010.

**Discussion of Bills**

There were no bills presented.

**Public Portion**

Meeting was opened to the public and duly closed.

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**Payment of Bills**

There were no bills presented.

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**Adjournment**

There being no further business, meeting adjourned at 8:25 p.m.

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Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 10/28/10