

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 10, 2010**

Meeting called to order at 7:00 p.m. by President McGuigan. There was a moment of silence in memory of the passing of Mr. Charles Parker. President McGuigan offered his condolences to Mr. Parker and his to the family for their loss of Mr. Charles Parker who was a past Mayor and an important part of the community. Roll call was recorded as follows:

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

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

Absent: Parker

President McGuigan announced that Councilman-elect Dennis Tapp was in the audience as well as, Bob Watkins from the City engineer's office and the Chairman of the Planning Board, Mr. Striefsky.

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.

Ordinance No. 15 – First Reading

M/S – Triboletti, Dill

Adopted by a 5 to 2 vote with D'Adamo voting no and Parker absent.

Since a referendum was passed noting a 35' height limit, Councilman D'Adamo expressed concerns regarding the height. Additionally, he noted the Master Plan (on page 54) indicates height should be limited to two and a half stories and not to exceed 35'. Councilman D'Adamo indicated that within the same land use element there are approximately three other references showing a height of 35'. He opines that there may be inconsistencies with the definitions of height with the current code. Councilman D'Adamo's main concern is exceeding 35'. Mr. Franklin explained that the sub-committee forwarded the ordinance to the Planning Board. The Planning Board held two public meetings and forwarded recommendations, a resolution and the engineer's report that found the ordinance was consistent with the Master Plan. Mr. Franklin reported that each of the Planning Board's recommendations were accepted by City Council and were made a part of the ordinance. Bob Watkins indicated that the hospital initially indicated that the plans called for 45' to include three stories. Councilman D'Adamo motioned that the wording in the ordinance include a maximum of three stories. President McGuigan called for a second motions and hearing none; he called for a roll call vote on First Reading.

City of Somers Point

Ordinance No. 15 of 2010

An Ordinance Amending Certain Sections of Chapter 114 ("Development Regulations") of the Code of The City Of Somers Point to: 1) Amend Section 114-6 ("Zoning Map") of Article II ("Zoning Districts; Zoning Map") to Remove Three (3) Parcels as Shown on the Tax Map of Somers Point (Block 1412, Lots 5.01 and 5.02 and Block 1410, Lot 12) From the Single Family Residential - One (R-1) Zoning District and Into the Special Hospital Zoning District (SHOS) and Revise the District

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Boundaries as Shown on the Zoning Map to Reflect that Change; 2) Amend the Development Regulations of the Code of the City of Somers Point by Adding a New Article to: a) Create a Professional Medical Commercial (PMC) Zoning District Designation to Replace and Eliminate the Existing Highway Commercial - One (HC-1) Zoning District Designation and the Existing Historic Village Commercial (HVC) Zoning Designation Within That Area of the City of Somers Point Bounded by Shore Road, First Street, Connecticut Avenue and Pennsylvania Avenue; b) Amend Section 114-5 B. of Article II ("Enumeration of Districts") to add to the List of Enumerated Zoning Districts the PMC Zoning District as a Designated Commercial Zone; c) Amend Section 114-6 ("Zoning Map") of Article II ("Zoning Districts; Zoning Map") of the Development Regulations to Revise the District Boundaries as Shown on the Zoning Map to Reflect That Change; and d) Amend Such Other Sections of the Development Regulations as Necessary to Reflect The Creation and Implementation of the PMC Zoning District; 3) Amend Section 114-6 ("Zoning Map") of Article II ("Zoning Districts; Zoning Map") to Remove Four Parcels (Block 1615, Lots 5, 6, 7, and 8) From the Highway Commercial - One (HC-1) Zoning District and Into The Historic Village Commercial (HVC) Zoning District and Revise the District Boundaries as Shown on the Zoning Map to Reflect That Change; 4) Amend Section 114-9 ("Terms Defined") of Article III to Add Certain Defined Terms; and 5) Repeal All Ordinances Heretofore Adopted, the Provisions of Which are Inconsistent Herewith.

BE IT ORDAINED by the Common Council of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1: Amend Section 114-6 of Article II of the Code of the City of Somers Point to remove certain parcels from the Single Family Residential - One (R-1) Zoning District to be included within the Special Hospital (SHOS) Zoning District and Revise the Zoning Map of the City of Somers Point to reflect that change.

- A)** Upon the Effective Date of this Ordinance the following three (3) parcels as designated on the Tax Map of Somers Point shall cease to be included within the Single Family Residential - One (R-1) Zoning District and shall hereafter be included within the Special Hospital (SOSH) Zoning District:

Block 1412, Lots 5.01 and 5.02 and Block 1410, Lot 12; and

- B)** The Zoning Map of the City of Somers Point shall be revised to reflect this change and shall be filed in the Office of the City Clerk.

SECTION 2: Amend Certain Sections of Chapter 114 of the Development Regulations of the Code of the City of Somers Point by including a new Article creating a Professional Medical Commercial (PMC) Zoning District Designation to replace and eliminate a portion of the existing Highway - Commercial - One (HC-1) and Historic Village Commercial (HVC) Zoning District Designations.

- A)** Upon the Effective Date of this Ordinance there shall be created a Professional Medical Commercial (PMC) Zoning District which shall replace and eliminate that portion of the existing Highway - Commercial - One (HC-1) Zoning District

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comprising Block 1414, Lots 1, 2 and 3; Block 1415, Lots 1, 2 and 4; Block 1515, Lots 1, 2, 3, 4 and 5 and replace that portion of the existing Historic Village Commercial (HVC) Zoning District comprising Block 1514, Lots 1, 2, 3 and 6; all of which is bounded as follows:

- i) Connecticut Avenue on the North;
 - ii) Pennsylvania Avenue on the South;
 - iii) Shore Road on the East; and
 - iv) First Street on the West.
- B)** The provisions of Section 114 - 7 A shall apply in determining the boundaries of the PMC Zoning District;
- C)** From and after the Effective Date of this Ordinance that portion of the Highway Commercial - One (HC-1) Zoning District Designation and that portion of the Historic Village Commercial (HC-1) Zoning District which heretofore existed within the bounds of the area described in Section 2A hereof shall cease to exist; and the Zoning Map of the City of Somers Point shall be modified to designate the PMC Zoning District
- D)** Section 114-9 ("Terms Defined") of Article III of the Development Regulations is hereby amended to add the following terms and definitions:

Banks

An institution, usually a corporation, chartered by a state or federal government offering certain financial services such as the: safekeeping of money; conversion of domestic currency into and from foreign currencies; lending of money at interest; accepting of bills of exchange; receiving demand deposits and time deposits; honoring instruments drawn on such deposits, and payment of interest on same; discounting notes; making loans; investing in securities; collecting checks, drafts, and notes; certifying depositors' checks; and issuing drafts and cashier's checks.

Business Services

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis such as: advertising and mailing services, building maintenance, employment services, management and consulting services, and photo finishing shops.

Clinic

An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

Health Care Services

Establishments providing support to medical professionals and their patients, such as: medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies.

Health Planning Services

The study of the provision, distribution and financing of health facilities and services for present and future populations.

Hospital

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories,

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outpatient facilities, training facilities, medical offices and staff residences.

Medical Office Building

A building that contains physician or health care professional offices.

Minor Repair Operations

Establishments which provide repair or maintenance care for appliances, watches, televisions, clocks, furniture, sporting goods.

Personal Service Establishments

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel such as: laundry, dry cleaning, linen supply, beauty shops, barbershops, shoe repair, funeral services, steam baths, health clubs, clothing rental, domestic cleaning service establishments.

Retail Service Establishments

Establishments providing services to the general public for personal use such as: financial services offices, real estate and insurance offices, educational and social services offices.

Retail Shops

An establishment which sells items for consumption, (excluding alcoholic beverages) or personal use with a maximum building cover of 25% such as: bakery, delicatessen, florist/gift shop, cell phone shop, art gallery, and camera shop.

E) The following use, general regulation, area, design, and bulk requirements shall apply in the PMC Zoning District:

- i) Permitted Uses (as defined in Section 114-9):
 - Health care related uses such as Hospitals, Clinics, and Medical Practitioner's Offices;
 - Health Care Services;
 - Health Planning Services;
 - Medical Office Buildings;
 - Professional Offices;
 - Public buildings operated or occupied by the City of Somers Point;
 - Methadone Clinics;
 - Retail Service Establishments;
 - Retail Shops;
 - Fully enclosed Restaurants (but not including service of alcoholic beverages);
 - Business Services;
 - Banks;
 - Personal Service Establishments; and
 - Minor Repair Operations.
- ii) Accessory Uses – Any accessory use and building reasonably and customarily incidental to any of the principal uses permitted, provided that they do not create conditions detrimental to the health, safety and general welfare of the community.
 - 1. Parking lots and/or parking structures shall be permitted as an accessory use within this zoning district and may be permitted to be used as shared parking for the Hospital (including the Hospital facilities situated in the SOSH Zoning District). If such parking lots/parking structures are constructed within this zoning district for the use of or by the Hospital (in this Zoning District or the SHOS Zoning District) there shall be a pedestrian and traffic

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circulation plan provided in addition to other design requirements. The pedestrian and traffic plan at a minimum shall address the following:

- a. Analysis of traffic signals and traffic movements along Shore Road and intersections closest to any proposed parking lot/structure.
- b. Cross walks and traffic signals shall conform to industry standards including all state of the art safety features and in compliance with NJDOT approved mechanisms and markings (e.g. pedestrian countdowns or lighted indicators) as approved by the Atlantic County Engineer for those pedestrian or other crossings at Shore Road.
- c. Roadway improvements and alternative means of crossing Shore Road shall be included within design proposal where pedestrian or vehicular traffic will be increased substantially. A fair share cost analysis shall be determined by the Planning Board Engineer for improvements to City owned roads being affected by such traffic; and a similar analysis shall be made in consultation with the Atlantic County Engineer for those impacts of pedestrian and other crossings at Shore Road.

iii) General Regulations, Design, Area and Bulk Requirements:

1) **General Regulations** - Same as Special Hospital (SHOS) Classification set forth in Section 114-117A & B.

- Parking requirements =
 - 1 space per 200 square feet of building area for clinical space, medical office/healthcare service space, professional office space, retail service establishments, retail shops, business services, banks, personal service establishments and minor repair operations.
 - 2 spaces for every bed in hospital facilities.
 - 1 space for each three seats for fully enclosed restaurants not serving alcoholic beverages
 - Handicap parking shall conform to State requirements.
 - No parking space shall be located closer than 8 feet to any building.
 - Each use shall have one on-site loading area, 14 feet wide by 30 feet long, unless waived by the Planning Board.
 - Driveway widths shall be a minimum of 25 feet wide for 2-way, 18 feet wide for 1-way.

2) **Design and area requirements:**

- Buildings shall be designed with a minimum of three separate façade materials and various projections such as porches, decks, dormers, porticos and the like. There shall also be breaks along the facades to add visual interest. The overall architectural concept shall be generally consistent with the predominant vernacular of the existing community. There shall be no monolithic wall for buildings structures. Offsets of building façade

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shall be incorporated into the architecture at a minimum of every fifteen (15) feet or other distance which shall be determined by the Planning Board.

- Parking structures shall be architecturally designed to have at least 2 different types of materials used on the exterior facade, projections and other architectural treatments/finishes designed to break up the otherwise monolithic appearance of the exterior façade. The parking structure shall provide for a tier or “stepping” design along the First Street side. The upper two floors shall have a minimum 50 foot stepping appearance from each other to de-emphasize the size of the structure by lending it a low profile with minimal visual impact. The architectural design of the structure shall be reviewed by the Planning Board to ensure the intent of this ordinance is being met.
- Lot Width: 100 feet minimum
- Lot Size: 10,000 square feet minimum
- Maximum building height = 45 feet (may be increased by the Planning Board to 10% without necessity of obtaining a use variance approval)
Building height shall mean the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof, to the deck line of the mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof. Exempt from this definition shall be chimneys, steeples, elevator sheds and mechanical equipment, except that additional height for such facilities shall not exceed 10 feet from the ridge line, except decorative steeples which shall not exceed twice the ridge height to the highest measured point of the steeple.
- Minimum building setbacks.
 - Front yard = 20 feet
 - Side yard = 20 feet combined, 8 feet minimum on one side
 - Block 3000; Lot 1 = 20 feet
- Minimum distance between structures shall be in accordance with International Building Code (IBC) current edition.
- Maximum Parking Structure height = 50 feet (excluding mechanical equipment height)
- Minimum Parking Structure setback.
 - Front yard = 15 feet
 - Side = 10 feet
 - Block 3000; Lot 1 = 15 feet
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- Parking lot setbacks (as distinguished from Parking Structure)
 - Front yard = 10 feet
 - Block 3000; Lot 1 & Side yard = 5 feet
- Impervious coverage - CAFRA standards shall apply
- Landscaping shall conform to section 114-50.
- Signs shall conform to section 114-52.
- All proposed utility connections to existing utilities shall provide a design analysis to ensure adequate capacity is available for such proposed uses. This shall be reviewed by the proper jurisdictional agency and a letter from such agency shall be accompanied with the proposed application for review by the Board.

F) The Zoning Map of the City of Somers Point shall be revised to reflect this change and shall be filed in the Office of the City Clerk.

SECTION 3: Amend Section 114-6 of Article II of the Code of the City of Somers Point to remove certain parcels from the Highway Commercial - One (HC-1) Zoning District to be included within the Historic Village Commercial (HVC) Zoning District and Revise the Zoning Map of the City of Somers Point to reflect that change.

A) Upon the Effective Date of this Ordinance the following four (4) parcels as designated on the Tax Map of Somers Point shall cease to be included within the Highway Commercial - One (HC-1) Zoning District and shall hereafter be included within the Historic Village Commercial (HVC) Zoning District:

Block 1615, Lots 5, 6, 7 and 8.

B) The Zoning Map of the City of Somers Point shall be revised to reflect this change and shall be filed in the Office of the City Clerk.

SECTION 4: Amend Section 114 – 5 B. (“Enumeration of Districts”) of Article II by including as Commercial enumerated districts:

- i) SOSH Special Hospital
- ii) PMC Professional Medical Commercial

SECTION 5: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6: 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 7: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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FIRST READING: November 10, 2010

PUBLICATION: November 17, 2010

FINAL PASSAGE: December 09, 2010

Mayor's Report

Mayor Glasser congratulated President McGuigan on his recent re-election to City Council. The Chief of Police submitted his October report to the Mayor, which indicated the following: 1,514 complaints and investigations, 33 fire calls, 207 rescue calls, 651 emergency 911 calls, 36 accident/traffic investigations, 290 motor vehicle summonses issued, 66 criminal arrests, 3 juvenile arrests, 1 police officer assaulted and 4 DWI arrests. He also mentioned that tomorrow at 11:00 am there will be a Veteran's Day ceremony at Patriot's Park and encouraged everyone to attend. Mayor Glasser announced that Atlantic County is offering a dental discount card for residents and information can be found on their web site.

Administrator's Report

None

Communications

President McGuigan read a thank you letter dated October 28, 2010, from James Dalfonso, Chair of the Theater Collaborative of South Jersey, which indicated that structural work has begun at the Gateway Playhouse with the help of two \$50,000.00 grants.

Committee Reports

Councilman Dill reported that he attended the Zoning Board meeting Monday evening. There were two actions taken by the Board. First, they approved a second floor addition. Secondly, there was an interpretation which determined that a D variance would be required for A & R Towing on Center Street. The applicant will return at a later date to apply for the D variance. Councilman Dill indicated the Department of Public Works received a new sweeper and the leaf collection started this week. Councilman Dill mentioned they are doing an excellent job, and he appreciates their efforts.

ORDINANCES:

Ordinance No. 13 – Final Reading

M/S – Dill/Smith

Ordinance adopted by a unanimous vote of those present.

Councilman Dill recommended notifying Shore Memorial Hospital regarding the ordinance and notifying the Police Department requesting to issue warnings for the first violation.

Public Portion: Opened to the public and duly closed

Councilman Triboletti concurred with Councilman Dill regarding notifying the hospital and their employees.

City of Somers Point (As Amended)

Ordinance No. 13 of 2010

**An Ordinance Enacted Under Authority Granted by N.J.S.A. 39:4-197
Regulating the Parking of Vehicles on Certain Streets and Portions Thereof;
Amending and Supplementing the Somers Point Municipal Code Chapter 250
Vehicles and Traffic, Article I Section 250-24. Schedule 1: No Parking; and
Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are
Inconsistent Herewith**

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Ordinance No. 14 – First Reading

M/S – Dill/Smith – Approved by a unanimous vote of those present

Mr. Franklin explained that there were two changes made regarding comingles and the definitions of putrescible. The other change was the placement of leaves will not be within 10' of storm drains. Councilman D'Adamo discussed the schedule for collecting leaves with Administrator Swain.

**CITY OF SOMERS POINT
ORDINANCE NO. 14 of 2010
AN ORDINANCE AMENDING CHAPTER 216 OF THE CODE OF THE
CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY
WHICH PROVIDES FOR THE REMOVAL AND DISPOSAL OF SOLID
WASTE IN THE CITY OF SOMERS POINT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN
THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:**

Section 1. Chapter 216 of the Code of the City of Somers Point is hereby amended as follows:

1. 216-2 Add
Commingled- A combining of non-putrescible (putrescible meaning “to rot”) source-separated recyclable materials for the purpose of recycling;
Designated recyclable materials- Those materials designated within the Atlantic County District Solid Waste Management Plan to be source separated for the purpose of recycling.
Recyclable material- Those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials and products;
Source-separated recyclable materials- Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;
Source separation – The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposed of recycling.

Recycling Materials

- F.
Electronic waste- shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines; a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television and cell phones.
2. 216-3 Delete existing paragraphs D.and E.
3. 216-3 Add new

D.
All containers containing non-recyclable materials or all containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstructions to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be

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disposed or shall be placed as noted above anytime after 5:00PM of the day immediately preceding the day of collection, but no later than 6:00AM of the

day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00PM of the day of collection.

E.

Leaves may be placed in Biodegradable bags year round. Leaves in loose fashion may be placed at the curb line between November 1st and January 31st.

F.

No yard waste shall be placed closer than ten feet (10') from any storm sewer inlet along the street, unless such waste, including leaves, are bagged or otherwise containerized. To do otherwise shall constitute a violation of this Ordinance subject to the penalties set forth in Article 216-12.

G.

Grass must be in Biodegradable paper bags and will be collected year round.

4. 216-4 Add

F.

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the collection or recycling materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

G.

All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.

The arrangements for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

H.

It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is

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also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or

some other device indicating that the load of solid waste contains designated recyclable materials.

I.

It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and the recyclables to accumulate will be considered a violation of this article and the local sanitary code.

J.

Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

5. Delete existing 216-7 paragraphs A, B, E; rename paragraph C as A, paragraph D as B and paragraph F as C.
6. Delete existing 216-9
7. Add 216-9 new

Development Plans

New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c)

1. Any application to the planning board of the municipality of the City of Somers Point for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1000 square feet or more of land, must include a recycling plan. This plan must contain at a minimum, the following:
A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and
 2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- A. Prior to the issuance of a Certificate of Occupancy by the municipality of the City of Somers Point, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- B. Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.
8. Delete existing 216-11.
 9. Add 216-11 new

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Enforcement

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, and the Atlantic County Department of Health are hereby individually and severally empowered to enforce the provisions of this

Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or site, the presence of any recyclable material.

10. Delete existing 216-12

11. Add 216-12 new

Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, or more than \$1000. Each day for which a violation of this Ordinance occurs shall be considered a separate offence.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Trust Fund shall be used for the expenses of the municipal recycling program.

12. Delete existing 216-14

13. Add 216-14 new

Recycling Coordinator/Municipal Solid Waste Recycling Goal

- A. The City Council shall designate a Recycling Coordinator, who shall have the authority to administer the recycling program in the City of Somers Point. The Recycling Coordinator shall be under the jurisdiction of the Superintendent of Public Works.
- B. The City of Somers Point accepts the recycling goal of 50% to be achieved by 2019.

Section 2. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 3. Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

Section 4. This ordinance shall take effect after the first publication thereof after final adoption as provided by the Law of the State of New Jersey.

**FIRST READING: 11/10/10
PUBLICATION: 11/17/10
SECOND READING: 11/24/10**

Special Presentation by Administrator, Wes Swain, Regarding to Ordinances 17 and 18

Mr. Swain explained that the New Jersey Department of Environmental Protection administrates the storm water management program, which includes requirements for public education. Mr. Swain indicated that the quality of surface and ground waters are related to a healthy eco-systems and quality of our lives. Homeowners don't need heavy applications of fertilizer and pesticides to have a green lawn. He added that pet owners should deposit pet waste in trash cans or the toilet. When people allow motor oil, trash and pet waste to flow into storm drains, they don't realize that those pollutants end up in swimming, fishing and boating waters. Mr. Swain encouraged everyone not to litter, pick up litter and treat our town as your home.

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Ordinance No. 16 – First Reading

M/S – Dill/Smith – Approved unanimously by those present.

**CITY OF SOMERS POINT
ORDINANCE NO. 16 of 2010
AN ORDINANCE AMENDING CHAPTER 124 OF THE CODE OF THE
CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY
WHICH PROVIDES FOR THE REGULATION OF DUMPSTERS IN THE
CITY OF SOMERS POINT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS
POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:**

Section 1. Chapter 124 of the Code of the City of Somers Point is hereby amended to as follows:

14. Add new Paragraph 124-5 as follows:

124-5 Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the City.

(1.) Exceptions to Prohibition:

- (a.) Permitted temporary demolition containers
- (b.) Litter receptacles (other than dumpsters or other bulk containers)
- (c.) Individual homeowner trash and recycling containers.
- (d.) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- (e.) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

15. Existing Paragraphs 124-5 is renamed as 124-6

16. Existing Paragraph 124-6 is renamed as 124-7

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 3. Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

Section 4. This ordinance shall take effect after the first publication thereof after final adoption as provided by the Law of the State of New Jersey.

**FIRST READING: 11/10/10
PUBLICATION: 11/17/10
SECOND READING: 11/24/10**

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Ordinance No. 17-2010 – First Reading

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MAYOR AND CITY COUNCIL
November 10, 2010**

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M/S – Triboletti/Kern – Approved unanimously by those present

**CITY OF SOMERS POINT
ORDINANCE NO. 17of 2010**

**AN ORDINANCE AMENDING CHAPTER 114 OF THE CODE OF THE
CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY AND
PROVIDING REGULATIONS FOR THE RETROFITTING OF
EXISTINGSTORM DRAIN INLETS IN THE CITY OF SOMERS POINT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS
POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY THAT CHAPTER
114 OF THE CODES OF THE CITY OF SOMERS POINT IS HEREBY
AMENDED TO ADD ARTICLE XXX AS FOLLOWS:**

Article XXX

Private Storm Drain Inlet Retrofitting

Section 1 . Purpose:

An article requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the City so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Section 2. Definitions:

for the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Section 3. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

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1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section 4 below prior to the completion of the project.

Section 4. Design Standard:

Storm drain inlets identified in Section C above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section D.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

(a.) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(b.) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section 5. Enforcement:

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This article shall be enforced by the Construction Official and Code Enforcement Officer of the City of Somers Point.

Section 6 . Penalties:

Any person(s) who is found to be found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$500.00 for each storm drain inlet that is not retrofitted to meet the design standard.

Section 7. Severability:

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency. Should any section, subsection or paragraph of this ordinance be declared to be invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of this ordinance, which shall remain valid and enforceable.

Section 8. Effective Date:

This ordinance shall take effect after the first publication thereof after final adoption as provided by the Law of the State of New Jersey.

FIRST READING:	11/10/10
PUBLICATION:	11/17/10
SECOND READING:	12/09/10

Resolutions:

Public Portion on Resolutions

Opened to the public and duly closed

Resolution No. 162

M/S – Triboletti/Kern - Councilman D’Adamo recused and the remaining Councilmembers approved Resolution No. 162.

No. 162 of 2010

Subject: Authorization to prepare bids for the supply of Electricity
Introduced By: Council President McGuigan

WHEREAS, the Governing Body of the City of Somers Point has determined that it is in the best interest of the City to solicit bids for the supply of electricity.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is hereby authorized to prepare specifications for the supply of electricity.

BE IT FURTHER RESOLVED that the City Administrator is authorized to advertise for bids on or before November 19, 2010 in conformance with N.J.S.A. 40A:11-1 et seq. with said bids to be received December 3, 2010.

Resolution No. 163

M/S – Triboletti/D’Adamo - Approved unanimously by those present

No. 163 of 2010

Subject: Appropriation Transfer
Introduced By: Council President McGuigan

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WHEREAS, N.J.S. 40A:4-1 et seq. allows budget appropriation transfers after November 1st of 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:

Finance SW	0-	01	20-	130	100	17,000.00
		-		-		
Landfill Disposal OE	0-	01	32-	465	200	10,000.00
		-		-		
						27,000.00

To:

City Clerk OE	0-	01	20-	120	200	8,000.00
		-		-		
Tax Assesment OE	0-	01	20-	150	100	5,000.00
		-		-		
Water	0-	01	31-	445	281	8,000.00
		-		-		
Telephone	0-	01	31-	440	278	6,000.00
		-		-		
						27,000.00

Resolution No. 164

M/S – Dilli/D’Adamo - Approved unanimously by those present

No. 164 of 2010

Subject: Authorizing agreement with John Divel
Introduced By: Council President McGuigan and Councilman Smith

WHEREAS, after long and dedicated service to the City of Somers Point, Sergeant John Divel intends to retire from the Somers Point Police Department effective December 31, 2010; and

WHEREAS, upon retirement John Divel is entitled to certain payments and benefits in accordance with the agreement effective January 1, 2008 between the City of Somers Point and Mainland PBA Local 77; and

WHEREAS, the City of Somers Point has determined that John Divel will have an accumulated, reimbursable total of 144.97 days of unused sick leave as of the effective date of his retirement; and

WHEREAS, Sergeant Divel’s last regular day of work will be December 21, 2010 and he shall receive his last regular pay on December 31, 2010; and

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WHEREAS, pursuant to the agreement between the City of Somers Point and Mainland PBA Local #77, the City of Somers Point shall tender to John Dival a lump-sum payment for unused sick leave and authorized leave; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Mainland PBA Local #77 the City agrees to provide health benefits to John Dival for one year following his retirement.

NOW, THEREFORE, the City of Somers Point hereby authorizes the City Administrator to enter into an agreement with John Dival, which memorializes all rights and entitlements of the employment agreement attached hereto and made a part of this Resolution.

Councilman Smith congratulated Mr. Dival on his retirement; however, he will be missed. Mayor Glasser concurred with Councilman Smith, and added that he will be difficult to replace. Council President McGuigan congratulated Mr. Dival and wished him best of luck on his retirement.

On the motion of Councilman Dill, seconded by Councilman Smith to amend Resolution No. 164 where the surname of Dival should be changed to Divil and carried.

Additionally, Councilman Dill had the pleasure of working with Mr. Dival, and wished him well on his retirement.

Old Business:

Jim Franklin, Esq., reported that Councilman Smith requested an ordinance prohibiting urinating in public, and he will have it prepared for the next meeting.

Councilman Dill requested Mr. Swain to provide an update regarding selling the old Public Works equipment that will be replaced this year.

New Business: None

Discussion of Bills:

The bill list in the amount of \$1,345,222.42 was presented for discussion.

Public Portion:

Mr. Pitman, a representative from Shore Memorial Hospital, commended the storm water management educational presentation and the commitment of the City of Somers Point regarding the environment.

Payment of Bills:

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

Adjournment

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

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved:

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