

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 28, 2010**

Meeting called to order at 7:00 p.m. by President McGuigan. 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

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.

Presentation – Vietnam Veterans Association, Chapter 228, 25th Anniversary

President McGuigan turned the meeting over to Rob Cozen for their presentation. The Color Guard led the Pledge of Allegiance and the Mainland Regional High School Choir sang the Star Spangled Banner. Rob Cozen introduced Bob Frolow, Director of Veteran's Affairs who spoke and presented certificates from Congressman LoBiondo and County Executive Levinson.

Mayor Glasser spoke stating that the City is very proud of our Veterans from all wars and added that those who serviced in Vietnam did not get the welcome home that they deserved. He stated that he is happy to see that this has changed now and thanked the Veterans on behalf of a grateful City and Country. The Mayor's Proclamation was then read in full by the City Clerk and presented by the Mayor.

PROCLAMATION

No. 14 of 2010

WHEREAS, the Vietnam Veterans Association, Chapter 228 is an organization that represents and supports Veterans of the Vietnam War, as well as those who served in the Armed Forces during the Vietnam era; and

WHEREAS, the current Commander of the Vietnam Veterans Association, Chapter 228 is Al Becker; and

WHEREAS, this month marks the 25th anniversary of the Vietnam Veterans Association, Chapter 228; and

WHEREAS, the Vietnam Veterans returned home and were caught up in the confusion, anger and turbulence of the 1960's and 1970's, and never received the proper respect and honor that they deserved; and

WHEREAS, this is a small opportunity for our Community to recognize our Vietnam Veterans for their dedication, loyalty and selfless service to our Country.

NOW, THEREFORE, I, John L. Glasser, Mayor of the City of Somers Point, on behalf of the City and the residents of our Community do hereby congratulate the Vietnam Veterans Association, Chapter 228 on their 25th anniversary and ask everyone to join us in honoring and recognizing our Vietnam Veterans who have made so many sacrifices to protect and preserve our freedom and democracy.

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Presentation – Vietnam Veterans Association, Chapter 228, 25th Anniversary (Continued)

Assemblyman Nelson Albano and Assemblyman Matthew Milam also spoke and presented a certificate from the Assembly.

President McGuigan thanked all of the Veterans as well as Rob Cozen for putting the ceremony together.

Communications

Mayor Glasser reminded everyone of the Veteran's Day ceremony on November 11th at 11:00 a.m. and urged everyone to attend. He also advised that on Saturday, November 6th, Troop 55 will be having an eagle court in honor of Eric Seckinger.

Committee Reports

Councilman Dill reported that he received the ACMJIF annual inspection of Municipal properties. He reported that they found nothing wrong and this is a credit to the people who maintain our buildings and fields.

Minutes

The following minutes were approved by a unanimous vote of those present: Regular Meetings of 5/13/10, 5/27/10, 7/22/10, 8/26/10, 9/9/10, 9/23/10 & 10/14/10. Special Meetings of 4/29/10, 8/18/10 & 8/18/10, and Executive Session minutes as to content only: 4/29/10 & 5/20/10.

ORDINANCES

Ordinance No. 13 – First Reading

M/S – Dill/Smith – M/S to amend RT/HD to correct First Street. Amendment carried unanimously. Ordinance adopted, as amended, by a unanimous vote of those present.

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.**

WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by Ordinance, to regulate the parking of vehicles on municipal streets and portions thereof; and

WHEREAS, a recommendation has been made by the Somers Point Police Department to regulate the parking of vehicles on the east side of First Street from Pennsylvania Avenue to Bethel Road in the interest of public safety and for the proper access by Fire and Rescue vehicles; and

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recommended change in parking regulations

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Ordinance No. 13 (Continued)**

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: Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article I Section 250-24. Schedule 1: No Parking is hereby amended and supplemented to add the following:

Name of Street	Side	Location
First Street	East	From Pennsylvania Avenue to Bethel Road

SECTION 2: “No Parking This Side” signage shall be installed and placed according to New Jersey Department of Transportation standards with standard spacing as required by Regulation.

SECTION 3: All other provisions of Chapter 250 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: 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 6: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

***FIRST READING:* October 28, 2010
PUBLICATION: November 3, 2010
FINAL PASSAGE: November 10, 2010**

Ordinance No. 14 – Deferred to the next meeting.

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

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Resolutions (Continued)

Resolution No. 156 – Removed from Consent Agenda.

Consent Agenda

M/S – RT/MK – Approved by a unanimous vote of those present, with Councilman D’Adamo abstaining from Resolution No. 141.

**RESOLUTION NO. 152 of 2010 (Corrected Copy)
AUTHORIZING EXECUTIVE SESSION**

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that One (1) topic which involves thirty-nine (39) matters pending before the Tax Court of New Jersey and, as a group, the status of local tax appeals pending at the County level permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings is necessary to be discussed with Tax Counsel and the City Tax Assessor without the public in attendance during an Executive Session to be held on October 28, 2010 during a public meeting to be held commencing at 7:00 P.M, and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the **number of issues** to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

☐ **“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.”** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is N/A _____;

☐ **“(2) Any matter in which the release of information would impair a right to receive funds from the federal government.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is N/A _____;

☐ **“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is N/A _____;

☐ **“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body”** The collective bargaining contract(s) discussed are between the City and N/A _____;

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Resolution No. 152 (Continued)

“(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

N/A

“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

N/A

—

1 “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”

The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and the nature of the discussion, described as fully as possible without undermining the need for confidentiality is:

A report by the Somers Point Special Tax Counsel and the Somers Point Tax Assessor on the status of certain tax appeals filed or pending against the City of Somers Point, an analysis of the merits of such matters and the strategy to be utilized in the defense thereof including the use of experts for that purpose. The list of the thirty-nine (39) matters pending before the Tax Court of New Jersey and, as a single group, the status of those local tax appeals pending at the County level, which may be discussed is:

CAPTION and TAX COURT DOCKET NO. WHERE KNOWN; OR BY TAX YEAR IF NO DOCKET NUMBER ASSIGNED:

1) Wachovia Bank 010046-2009;

2-5) Verizon NJ Inc 0005131-2007;
003237-2008; 004760-
2009; 003080-2010;

6-8) L. Brahini / CVS 002854-2008; 003961-
2009; 001240-2010;

9-10) Acme Markets 2009; 010422-2010;

11) Brahini/Kovnot 010853-2010;

12-13) Related Somers Point
LLC
005764-2009; 005295-2010;

14-15) 519 Shore Road 012885-2009; 013295-2010;

16-17) DiMaria / Slaughter 000369-2009; 000369-2010;

18-19) Egi Fin Part, LP 000163-2009; 011194-2010;

20-21) Harbor Cove / Harbor Cove Marina 000752-2010; 008997-2010;

22-23) K-Mart 003959-2009; 00415-
2010;

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24-25) Kiejdan Estate 017393-2009; 014502-2010;

26) Free Man of SP c/co
McNaughtons -007405-2010;

27-28) M&J At Somers Point,
LLC
013797-2009; 014726-2010;

29) Plantation Bay, LLC - 2010;

30-31) Rite Aid/Provco 005339-2009; 001411-
2010;

32-33) Shore Health
Services
006081-2008; 010058-2009;

34-35) Village Plaza LLC 008060-2009; 007326-2010;

36) West America LTD 003059-2010;

37) Garden State Yacht 012828-2010;

38) Sun Oil 014373-2010;

39) Stumpo's 009783-2010.

40) The status of all tax appeals pending at the County level
will be discussed as a group.

☐ **“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.”** Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is: N/A

☐ **“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is: N/A

WHEREAS, the length of the Executive Session is estimated to be approximately 45 - 60 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

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Resolution No. 152 (Continued)**

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8,2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See #7 above Attorney Client conference	Upon Completion of the pending matters	Final Court Order / Final Resolution of each such tax appeal matter.

Resolution No. 141 of 2010 – Pulled at 9/9/10 meeting

Subject: Authorize Execution and Delivery of a Right of Way Agreement between the City of Somers Point and Fiber Technologies Networks, L.L.C. (“Fibertech”) to Permit the Installation, Use and Maintenance of Telecommunications Facilities Utilizing Existing Utility Poles and Underground Conduits within Public Rights of Way within the City of Somers Point for the Purpose of Providing Telecommunications Services Pursuant to a Joint License Agreement between Verizon New Jersey Inc and Fibertech.

Introduced By: Council President McGuigan

WHEREAS, Fiber Technologies Networks, L.L.C. (“Fibertech”), a New York limited liability company authorized to do business in the State of New Jersey, with principal offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order of Public Convenience and Necessity entered by the New Jersey Board of Public Utilities (“NJBPU”) in Docket No. T050683 dated September 14, 2005; and

WHEREAS, Fibertech has entered into a Joint Use License Agreement with Verizon New Jersey Inc. (“Verizon”) dated August 30, 2007 granting to Fibertech the right to place and maintain aerial and underground cables, equipment and utilities on Poles and in the Conduits and Right of Ways of Verizon within the State of New Jersey including the Verizon Poles, Conduits and Right of Ways of Verizon situated within the City of Somers Point (“Somers Point”, “Municipality” of “City”); and

WHEREAS, the NJBPU has determined that the proposed build out of a competitive telecommunication service system within the State of New Jersey will provide New Jersey customers with access to new technologies and service choices and will permit customers to achieve increased efficiencies and cost savings; and

WHEREAS, this governing body deems it to be in the best interest of the City of Somers Point and its citizens to grant a municipal consent to Fibertech to occupy the public rights-of-way within the Municipality pursuant to the terms and conditions of the Joint Use License Agreement between Verizon and Fibertech) the “Joint Use Agreement”) granting Fibertech the right to use and maintain the Verizon facilities within said rights-of-way; and

WHEREAS, Fibertech has requested the consent of this Municipality to occupy said rights-of-way within the City of Somers Point for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing its telecommunication system in accordance with the terms of this Resolution and the terms and conditions of an Agreement to be executed and delivered between Fibertech and Somers Point; and

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Resolution No. 141 (Continued)

WHEREAS, the granting of such consent is and shall be conditioned upon Fibertech's continued compliance with all existing and future ordinances of Somers Point, any and all Orders of the NJBPU or successor agency or other state or federal agency having jurisdiction, the terms and conditions of the Joint Use Agreement and the terms and conditions of the Agreement between Somers Point and Fibertech including, but not limited to, the obligation of Fibertech to indemnify and defend Somers Point and hold it harmless from and against any and all claims and liability resulting from or alleged to result from the construction, installation, operation, repair, maintenance, disconnection, replacement or removal of its telecommunications system within said public rights-of-way; and to provide at all times during the entire term of the contract a certificate or certificates evidencing liability insurance in types and amounts acceptable to the City issued by Insurance Carriers licensed to do business in the State of New Jersey, and naming the City of Somers Point as an additional insured under such policy(ies) of insurance;

NOW, THEREFORE, IT IS HERBY RESOLVED BY THE GOVERNING BODY OF THE CITY OF SOMERS POINT:

- 1) A non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the City of Somers Point for the purpose of constructing, installing, operating, maintaining, and replacing a telecommunication system using Poles and Conduits of Verizon New Jersey Inc. in accordance with a Joint Use License Agreement between Fibertech and Verizon New Jersey Inc for a period of fifty (50) years subject to the terms and conditions set forth in the preamble to this Resolution and the terms and conditions of an Agreement between Fibertech and the City of Somers Point;
- 2) The grant of the non-exclusive consent is conditioned upon Fibertech executing and delivering to the City of Somers Point the Agreement attached hereto and continuing to comply with the terms and conditions thereof throughout the term of the Agreement;
- 3) The Mayor and the Somers Point City Clerk are hereby authorized to execute and deliver the attached Agreement to Fibertech; and
- 4) A copy of this Resolution and the Agreement shall be maintained on file in the Office of the Somers Point City Clerk upon execution of same by all parties.

No.157 of 2010

Subject: Chapter 159 Resolution
Introduced By: Council President McGuigan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$88,564 for FY2003 and wishes to amend its 2010 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$4,000 which item is now available as a revenue from:

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Resolution No. 157 (Continued)

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the
Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:
Division of Highway Safety

Click it or ticket Grant \$4,000.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$88,564 be and the same is hereby
appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Click it or Ticket Grant \$4,000.00

BE IT FURTHER RESOLVED that two (2) copies of this resolution be certified and
submitted to the Director of Local Government Services for approval.

No.158 of 2010

Subject: Chapter 159 Resolution
Introduced By: Council President McGuigan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local
Government may approve the insertion of any special item of revenue in the budget of any
municipality when such item shall have been made available by law and the amount thereof was
not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of an item of appropriation for
equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$5,000.00 and wishes to
amend its 2010 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers
Point hereby requests the Director of the Division of Local Government Services to approve the
insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000.00 which
item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the
Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:
Division of Highway Safety

Over the Limit Grant \$5,000.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$88,564 be and the same is hereby
appropriated under the caption of:

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Resolution No. 157 (Continued)

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Over the Limit Grant \$5,000.00

BE IT FURTHER RESOLVED that two (2) copies of this resolution be certified and submitted to the Director of Local Government Services for approval.

No.158 of 2010

Subject: Chapter 159 Resolution
Introduced By: Council President McGuigan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$5,000.00 and wishes to amend its 2010 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000.00 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

Division of Highway Safety

Over the Limit Grant \$5,000.00

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$88,564 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Over the Limit Grant \$5,000.00

BE IT FURTHER RESOLVED that two (2) copies of this resolution be certified and submitted to the Director of Local Government Services for approval.

No.159 of 2010

Subject: Chapter 159 Resolution
Introduced By: Council President McGuigan

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Resolution No. 159 (Continued)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of 10,857.45 and wishes to amend its 2010 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$10,857.45 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

Drunk Driving Enforcement Grant	\$10,857.45.
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pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$88,564 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Drunk Driving Enforcement Grant	\$10,857.45
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BE IT FURTHER RESOLVED that two (2) copies of this resolution be certified and submitted to the Director of Local Government Services for approval.

No.160 of 2010

Subject: Chapter 159 Resolution
Introduced By: Council President McGuigan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$2,707.72 and wishes to amend its 2010 budget to include this amount as a revenue.

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Resolution No. 160 (Continued)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$2,707.72 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

Police 2010 Body Armor Grant	\$2,707.72
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pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$88,564 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Police 2010 Body Armor Grant	\$2,707.72
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BE IT FURTHER RESOLVED that two (2) copies of this resolution be certified and submitted to the Director of Local Government Services for approval.

No.161 of 2010

Subject: Chapter 159 Resolution

Introduced By: Council President McGuigan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$4,000.00 and wishes to amend its 2010 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$4,000.00 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

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Resolution No. 161 (Continued)

Pedestrian Safety Mobilization Grant	\$4,000.00
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pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$88,564 be and the same is hereby appropriated under the caption of:

General Appropriations	
(A) Operations - Excluded from "CAPS"	
Public and Private Programs Offset by Revenues:	
Pedestrian Safety Mobilization Grant	\$4,000.00

BE IT FURTHER RESOLVED that two (2) copies of this resolution be certified and submitted to the Director of Local Government Services for approval.

RESOLUTIONS

Resolution No. 153

M/S – RT/CD – Approved by a unanimous vote of those present.

No. 153 of 2010

Subject: Recreation Commission Appointment

WHEREAS, Ordinance No. 1 of 1975 has authorized the establishment of a Board of Recreation; and

WHEREAS, the Mayor of the City of Somers Point may appoint not less than three (3) nor more than seven (7) members as Commissioners to said Board of Recreation; and

WHEREAS, a vacancy exists due to the resignation of Brenda Bullard, said term expiring December 31, 2012; and

WHEREAS, Mayor John L. Glasser, Jr. wishes to appoint Christopher Hutton to fill the unexpired term of Brenda Bullard, said term expiring December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED that the above appointment is hereby confirmed by the City Council.

THE RECREATION COMMISSION, as of this date, consists of the following members with their expiration dates noted:

MEMBER	EXPIRATION OF TERM
Jay Turcotte	December 31, 2010
Cindy Kazmarski	December 31, 2011
Al Becker	December 31, 2011
Christopher Hutton	December 31, 2012
Dennis Tapp	December 31, 2012
Jeanette Cellucci	December 31, 2012
Brenda Klock	December 31, 2013

Resolution No. 154

M/S – HD/TS – Approved by a unanimous vote of those present.

No. 154 of 2010

Subject: Change Order – 2008 & 2009 Community Development Block Grant Road Program

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Resolution No. 154 (Continued)

WHEREAS, in accordance with Resolution 55 of 2010, Arawak Paving Co., Inc., of Hammonton, NJ was awarded the contract for the 2008 & 2009 Community Development Block Grant Road Program for the sum of \$264,000.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities and the removal and replacement of two inlets on Colwick Avenue ; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$264,000.00
Change order 1	\$6,053.74
Revised Contract Amount	\$270,053.74

Total Deduction: \$0 Total Additional: \$6,053.74 Net Change: 2.29%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the 2008 & 2009 Community Development Block Grant Road Program is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 155
M/S – HD/TS – Approved by a unanimous vote of those present.

No. 155 of 2019

Subject: Change Order – 2009 Road Program

WHEREAS, in accordance with Resolution 54 of 2010, Arawak Paving Co., Inc., of Hammonton, NJ was awarded the contract for the 2009 Road Program for the sum of \$146,900.00; and

WHEREAS, during the course of construction changes were made due to emergency sinkhole repairs at Woodland Avenue and Decatur Avenue; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$146,900.00
Change order 1	\$10,318.07
Revised Contract Amount	\$157,218.07

Total Deduction: \$0 Total Additional: \$10,318.07 Net Change: 7.68%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the 2009 Road Program is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolutions (Continued)

Resolution No. 156
M/S – HD/TS – Approved by a unanimous vote of those present.

No. 156 of 2010

Subject: Change Order – FY 2010 Municipal Aid for Groveland Avenue

WHEREAS, in accordance with Resolution 58 of 2010, Arawak Paving Co., Inc., of Hammonton, NJ was awarded the contract for the FY 2010 Municipal Aid Program for Groveland Avenue for the sum of \$221,600.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$221,600.00
Change order 1 (to reflect as-built quantities)	-\$2,806.22
Revised Contract Amount	\$218,793.78
Total Deduction: \$2,806.22 Total Additional: \$0 Net Change: -1.27%	

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the FY 2010 Municipal Aid for Groveland Avenue is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

New Business

Councilman Smith asked Atty. Franklin to look into an ordinance that would handle things such as public urination and things of this nature that we sometimes have a problem with on Bay Avenue.

Old Business

Mayor Glasser gave the Planning Board report stating that the ordinance was found to be in compliance with the Master Plan and we should be able to introduce the ordinance at the November 10th meeting.

Discussion of Bills

Bills were presented for discussion in the amount of \$1,866,133.50 and additional bills lists in the amounts of \$19,243.77, \$14,051.76 and \$8,981.88.

Public Portion

John Hill, 413 Dobbs Avenue, came forward and addressed the governing body regarding the tolls on the Parkway, stating that these should be shared with the City for maintenance of Rt. 52.

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Public Portion (Continued)

He also spoke about deregulation of the utility companies, stating that the City should look into this to save money.

Basil Atomaicus, 168 Jordan Road, congratulated the Council on an excellent job, but stated that he is disappointed in the judicial system.

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 recessed to go into Executive Session, reconvening at 9:55 p.m. to adjourn.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: