

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag. Council President McGuigan asked for a moment of silence in memory of the Mainland Regional High School students who recently passed away in a car accident.

Roll call was recorded as follows:

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

**Also Present:** Mayor Glasser, Administrator Swain & City Clerk Degrossi

**Absent:** None

\*\*\*\*\*

**Open Public Meetings Act**

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

\*\*\*\*\*

**Communications**

Proclamation – Historic Preservation Appointment

**No. 10 of 2011**

**Subject: Appointment to Historic Preservation Commission**

**WHEREAS**, the City Council by Ordinance has established a Historic Preservation Commission in accordance with N.J.S.A. 40:55D-107 et seq., and

**WHEREAS**, the Commission can consist of five, seven or nine members; and

**WHEREAS**, it is the jurisdiction of the Mayor to make said appointments to the Commission; and

**WHEREAS**, a vacancy exists in the Class C Category for the position of Alternate No. 2; and

**WHEREAS**, Mayor John L. Glasser, Jr. wishes to appoint Sydney Perkins to the Alternate No. 2 position, said term expiring December 31, 2012.

**BE IT PROCLAIMED** THAT the Historic Preservation Commission consists of the following members with their terms of office noted:

**CLASS A**

**EXPIRATION OF TERM**

Tara McGinnis – Regular Member

December 31, 2012

**CLASS B**

Donna Mohr – Regular Member

December 31, 2012

**CLASS C**

Patricia Pierson – Regular Member

December 31, 2012

Marian McVeigh – Regular Member

December 31, 2012

Greg DiSabatino – Regular Member

December 31, 2013

Bill Reinert – Regular Member

December 31, 2013

Leanne Hehre Gray – Regular Member

December 31, 2013



**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 3**

**Committee Reports**

Mayor Glasser thanked all of our Emergency Response Personnel for all of their efforts over the weekend dealing with Hurricane Irene.

Mayor Glasser advised that he received a letter from the State regarding the grant for the resurfacing of Laurel Drive. Greg Schneider from the Engineer's Office advised that we hope to go out to bid this fall during the off season.

Mayor Glasser advised that the Richard Somers Day event will be held here at City Hall on September 17<sup>th</sup> at 11:00 a.m. Mayor Glasser also gave the Police Department report in full for the month of July. Mayor Glasser also announced that the 9-11 remembrance ceremony will be held on Saturday at 8:30 a.m. at Patriot's Park.

Administrator Swain reported that the 2011 Road Program has begun as well as the work on the sewer system upgrade. He also reported that the CFO has all of the bank accounts tied together through July 31<sup>st</sup> and the change in banking services has begun with a transitional period through October. He also reported that there was an unexpected delay in the re-staffing of the Finance Office, but should be complete by the end of the first week of September. He further reported that the upgrade of the Finance Office software should be complete by the second week of September.

\*\*\*\*\*

**Minutes**

There were no minutes presented for approval.

\*\*\*\*\*

**ORDINANCES**

**Ordinance No. 14 – First Reading**

M/S – Dill Kern

Approved on first reading by a unanimous vote or those present.

**ORDINANCE NO. 14 OF 2011  
VACATING A SECTION OF SUNNY AVENUE WITH CONDITIONS**

WHEREAS, Sunny Avenue is a public street in the City of Somers Point; and

WHEREAS, Shore Memorial Hospital has been engaged in an ongoing program of substantial expansion of its medical and hospital facilities; and

WHEREAS, Shore Memorial Hospital is designated as a third party beneficiary in an agreement to settle builders remedy litigation captioned "Bay Avenue Redevelopers, LLC, et al, v. City of Somers Point, et al" in Docket No. ATL-L-3204-05 P.W. (The "Settlement Agreement"); and

WHEREAS, the Settlement Agreement was approved by the Superior Court, Law Division, Atlantic County, in a judgment entered on July 7, 2007; and

WHEREAS, the Settlement Agreement was approved by the Superior Court of New Jersey, Law Division, Atlantic County, on July 7, 2007 following a full and thorough Fairness Hearing; and

WHEREAS, a provision of the Settlement Agreement recognized that a portion of Sunny Avenue should be vacated in order to accommodate the hospital plan of expansion; and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 4**

**Ordinance No. 14 (Continued)**

WHEREAS, by Ordinance No. 15 of 2008 the Governing Body of the City of Somers Point determined that the vacation of that portion of Sunny Avenue described in Section 1 of said Ordinance would provide additional parking to accommodate the needs of the Hospital expansion, would reduce the parking and traffic congestion in the area of the intersection of Sunny Avenue and Brighton Avenue, and would promote the free flow of traffic; and

WHEREAS, the Shore Memorial Hospital program of expansion within its East Campus bounded by Bay Avenue, New York Avenue, Shore Road, and Connecticut Avenue has been the subject of ongoing applications and hearings before the Somers Point Planning Board; and

WHEREAS, at a special meeting of the Somers Point Planning Board held on June 15, 2011 the Planning Board recommended that an additional section of Sunny Avenue be vacated by the Governing Body as a condition of approval since the entire project, as approved including the area set aside for valet parking, could not be completed without the vacation of the additional segment of Sunny Avenue; and

WHEREAS, in a Decision and Resolution Granting Amended Preliminary and Final Major Site Plan Approval dated July 20, 2011 the following condition was adopted by the Somers Point Planning Board:

I. Recommend approval by the Governing Body of the City of Somers Point of Sunny Avenue Street Vacation as proposed."; and

WHEREAS, the Planning Board Engineer has confirmed that Shore Memorial Hospital is the record owner of the parcels of real estate which abut each side of the segment of Sunny Avenue to be vacated; and

WHEREAS, the City Engineer and the Planning Board Engineer have reviewed the description of the segment of Sunny Avenue to be vacated as set forth in Section 1 of this Ordinance; and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

WHEREAS, for the reasons set forth herein, and based upon the recommendation from the Somers Point Planning Board, the Governing Body of the City of Somers Point has determined that the vacation of the additional segment of Sunny Avenue described in Section 1 of this Ordinance would provide additional parking to accommodate the needs of the Hospital expansion, would promote the free flow of traffic, and would allow for the completion of the planned program of expansion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

Section 1: The segment of Sunny Avenue described below is hereby vacated, except that the City hereby reserves and retains all rights to access, reconstruct and repair existing public water, sewer and other public utilities;

BEGINNING at the point at the intersection of the southerly right of way line of Connecticut Avenue (70 feet wide) and the westerly right of way line of Sunny avenue (60 feet wide); and extending thence

1. South 59 degrees 57 minutes 48 seconds East along the projected right of way line of Connecticut Avenue, 30.00 feet to the centerline of Sunny Avenue; thence

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 5**

**Ordinance No. 14 (Continued)**

2. North 30 degrees 02 minutes 12 seconds East along said centerline, 11.32 feet to the projected division line of Lot 12 and Lot 13.02 in Block 1410; thence
3. South 59 degrees 57 minutes 48 seconds East along said line, 30.00 feet to the easterly line of Sunny Avenue; thence
4. South 30 degrees 02 minutes 12 seconds West along said line, 111.32 feet to the southerly line of herein described street vacation, also being the northerly line of previously vacated Sunny Avenue; thence
5. North 59 degrees 57 minutes 48 seconds West along said line, 60.00 feet to the westerly line of Sunny Avenue; thence
6. North 30 degrees 02 minutes 12 seconds East along said westerly line of Sunny Avenue, 100.00 feet to the point and place of the BEGINNING.

Containing an area of 6340 Square Feet, 0.15 Acre.

Section 2. Vacation of the aforementioned section of Sunny Avenue shall be conditioned on the use of the vacated portion as a parking facility for those working for or using the Hospital and shall not be used for other than hospital service use.

Section 3. Should the vacated segment of Sunny Avenue cease to be used for such purpose the segment vacated shall automatically revert to a public right of way.

Section 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

<b>FIRST READING:</b>	<b>09/01/11</b>
<b>PUBLICATION:</b>	<b>09/07/11</b>
<b>FINAL READING:</b>	<b>09/22/11</b>

\*\*\*\*\*

**Ordinance No. 15 – First Reading**

M/S – Triboletti/Tapp

Approved on first reading by a unanimous vote of those present.

**CITY OF SOMERS POINT  
ORDINANCE NO. 15 OF 2011**

**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 Ordinance 9 of 2011; and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article V “Residential Parking Permits” By Adding Section 250-56. Q; 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

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 6**

**Ordinance No. 15 (Continued)**

WHEREAS, a recommendation had been made by the Somers Point City Engineer and by the Somers Point Police Department to regulate the flow of traffic and the parking of vehicles on certain streets in the interest of public safety, for the elimination of parking congestion which prevents residents of this City from being able to park on their streets and in proximity to their property, for the proper parking of vehicles, and for the proper passage of emergency vehicles, and as an essential element of a review and overhaul of the plan of parking within the City of Somers Point; and

WHEREAS, in response to those recommendations and concerns expressed by residents within the congested areas the Governing Body enacted Ordinance 9 of 2011 expanding the locations within the City of Somers Point where parking by Residential Parking Permit will be permitted and required in order to eliminate the long standing parking problems which have plagued the residents of those areas; and

WHEREAS, Ordinance No 18 of 1999 had established a Residential Parking Permit Zone on Bay Avenue from a point 174 feet south of the northerly curb line of New Jersey Avenue to a point 130 feet south therefrom; and

WHEREAS, the purpose of the Ordinance was to allow for the parking of vehicles owned by residents of four (4) specific properties situated within a commercial zone where parking would otherwise be impossible; and

WHEREAS, Sub-paragraph D of Section 250-56 specifically stated "Only one permit will be issued to any single street address and for a single vehicle from that address"; and

WHEREAS, in enacting Ordinance 9 of 2011 the Governing Body increased the number of Residential Parking Permits which may be applied for and issued in any such zone; and

WHEREAS, that result is contrary to the intent and purpose of Ordinance 18 of 1999 and was not an intended result; and

WHEREAS, the long standing procedure in place for Residential Parking Permits on the section of Bay Avenue intended for the benefit of properties situated at 812, 814, 816 and 820 Bay Avenue is intended to continue in full force and effect with a one permit per residence limit on the number of Residential Parking Permits authorized to be issued; and

WHEREAS, concerns have been expressed by certain residents within the new Residential Parking Permit zones established by Ordinance 9 of 2011; and

WHEREAS, it is necessary to further amend and supplement Chapter 250 of the Code of the City of Somers Point in order to restore the Bay Avenue Residential Parking Permit limitation established by Ordinance 18 of 1999;

WHEREAS, the members of the Governing Body of the City of Somers Point have acknowledged a willingness to review the terms and conditions of the expanded Residential Parking Permit after it has been in effect for a period of one year and the benefits of the program have been assessed

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

SECTION 1: Chapter 250 of the Municipal Code of the City of Somers Point, Section 250-56 is hereby amended to add a sub-paragraph Q

Q. Notwithstanding anything elsewhere contained within this Section 250-56, within the designated area of Bay Avenue described in Section 250-54A: (i) only one (1) Residential Parking Permit will be issued to any single street address and only for a single vehicle from that address in compliance with Ordinance 18 of 1999; and (ii) the four (4) residential properties for which such Residential Parking Permits may be issued are designated as 812, 814, 816 and 820 Bay Avenue.

SECTION 2: The Governing Body of the City of Somers Point shall review the provisions of the expanded Residential Parking Permit Program annually to assess the benefits and the effectiveness of the Program in eliminating traffic congestion and facilitating the availability of parking spaces to residents.

SECTION 3: All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 7

Ordinance No. 15 (Continued)

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

<b>FIRST READING:</b>	<b>September 1, 2011</b>
<b>PUBLICATION:</b>	<b>September 7, 2011</b>
<b>FINAL PASSAGE:</b>	<b>September 22, 2011</b>

\*\*\*\*\*

**RESOLUTIONS**

**Public Portion on Resolutions**

Gregory Gregory, 900 Shore Road, came forward and addressed the governing body regarding the Recreation Commission Policies and Procedures stating that they have sponsored many teams over the past 65 years and agrees that the Policies need to be looked at, however, usage should be looked at case by case.

Barbara Carney, Connecticut Avenue, came forward and addressed the governing body stating that she has been a resident for over thirty years and is President of the Jersey Shore Powder Puff League. She expressed concerns about the 66% residency requirement to use the fields, as she only has fifty percent. She stated that they raise a lot of money for charity.

Jay Turcotte, Chairman of the Somers Point Recreation Commission, came forward and addressed the governing body explaining that other cities require 75% and that their goal is to protect their facilities as the volume of out of town usage has magnified.

Daniel Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body regarding the 66% requirement for use of our fields stating that our largest employer, Shore Memorial Hospital wouldn't be able to use the facilities if they had a softball league. He also pointed out that the out of town users also go to our businesses.

Public portion was then closed.

\*\*\*\*\*

**Resolutions**

**Resolution No. 132**

M/S – Tapp/Dill

Councilman Smith stated that there should be a way to balance this. Councilman Tapp pointed out that some of these have been policies for years. Mayor Glasser stated that he felt there should be some kind of flexibility built in to assist groups like the Powder Puff League. Atty. Franklin suggested that the exception be based on organizations being not for profit. He also suggested changing the preamble in #3 if the intent is only to apply to the fields. Council President McGuigan stated that possibly we need to table this and fix the wording. Councilman Triboletti stated that he has a problem with the 66% and the fact that there is no way around that for certain circumstances. After discussion, Councilman Dill made a motion to table, seconded by Councilwoman Kern. Motion carried by a unanimous vote of those present.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 8  
Resolution No. 132 (Continued)

No. 132 of 2011

**A Resolution Approving General Policies, Rules and Regulations Promulgated by the Somers Point Recreation Commission For the Use of Certain Properties and Recreational Facilities Owned by the City of Somers Point**

**Proposed by: Councilman Tapp**

**Whereas**, the Recreation Commission of the City of Somers Point has been given oversight responsibility for the operation and maintenance of certain City owned properties and recreational facilities; and

**Whereas**, from time to time the Recreation Commission undertakes a review of the General Policies, Rules and Procedures which apply to the use of those properties and those facilities by residents and others; and

**Whereas**, the most recent review has been completed, and the proposed General Policies, Rules and Procedures have been submitted to this Council for consideration and approval: and

**Whereas**, this Governing Body, having reviewed the proposed General Policies, Rules and Procedures in the form attached hereto as Exhibit 1 hereby accepts the recommendations made by the Recreation Commission as set forth in the attached General Policies, Rules and Procedures

**Now, Therefore, Be It Resolved** by the City Council of the City of Somers Point that the form of General Policies, Rules and Regulations promulgated by the Somers Point Recreation Commission in the form attached hereto are hereby approved and ratified by the City Council of the City of Somers Point.

\*\*\*\*\*

**Resolution No. 116**

M/S – Dill/D’Adamo

Councilman Smith motioned to change the dates to 9/1/11 – 8/31/12. Resolution No. 116 was then adopted, as amended, by a unanimous vote of those present.

**No. 116 of 2011 - Tabled at 7/28/11 meeting (As Amended)**

**Subject: Appointment of Health Insurance Broker/Health Benefits Consultant**

**WHEREAS**, the City of Somers Point has identified a need for a Health Insurance Broker for 2011/2012; and

**WHEREAS**, this contract is being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

1. Professional Benefits Consultants, LLC be and hereby is appointed as Health Insurance Broker/Benefits Consultants for the City of Somers Point for the period September 1, 2011 through August 31, 2012, inclusive.
2. This agreement is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because public bidding is not required for said service.



**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 10**

**Resolution No. 126 (Continued)**

**WHEREAS**, the County of Atlantic has received grant funding from the NJ Division of Elections to be used to make improvements to various polling locations to make the locations compliant with the Americans with Disabilities Act; and

**WHEREAS**, the County will use said funding to acquire temporary products requested by municipalities to facilitate compliance;

**WHEREAS**, the Board of Elections intends to distribute these products to municipalities for use at the polling locations;

**WHEREAS**, the County and the City of Somers Point desire to enter into an agreement regarding purchase and transfer of the products to be used for ADA compliance.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby authorizes the Mayor and City Clerk to sign said contract with the County of Atlantic.

\*\*\*\*\*

**Resolution No. 127**

M/S – Kern/Tapp

Adopted by a unanimous vote of those present.

**No. 127 of 2011**

**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 \$12,217.32 and wishes to amend its 2011 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 2011 in the sum of \$12,217.32 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:

2009 Recycling Tonnage Grant \$12,217.32

pursuant to the provision of Statute; and

**BE IT FURTHER RESOLVED** that a like sum of \$12,217.32 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:

Recycling Tonnage \$12,217.32

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 11  
Resolution No. 127 (Continued)**

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

\*\*\*\*\*

**Resolution No. 128**

M/S – Tapp/Kern

Adopted by a unanimous vote of those present.

**No. 128 of 2011**

**WHEREAS**, Somers Point Volunteer Fire Co. No. 2, Inc., a non-profit Corporation as defined in N.J.S. 45:17A-20 situated in and providing services to the citizens of Somers Point has made application to the Municipal Clerk of the City of Somers Point to conduct a “coin drop” solicitation within the City of Somers Point; and

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

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

**WHEREAS**, the “coin drop” solicitation is to be conducted

\_\_\_\_\_ on streets and roads which are under the exclusive jurisdiction of the City of Somers Point

Or

  X   on streets, roads, highways or Intersections which are under the jurisdiction of the County of Atlantic and / or the State of New Jersey; and

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

- 1) The information set forth in the Preamble is hereby incorporated herein by reference;
- 2) The application of Somers Point Volunteer Fire Co. No 2, Inc. to hold a “coin drop” within the City of Somers Point is hereby approved subject to the following conditions and restrictions:

- A. Date(s) of Coin Drop limited to: Sept. 2,3,4 & 5, 2011
- B. Time(s) of Coin Drop limited to: Daylight Hours only
- C. Locations of Coin Drop limited to: Rt. 9 & Rt. 52
- D. The requirements of Ordinance # 3 of 2010 enacted by this Governing Body
- E. Compliance with N.J.S. 39:4-60 and N.J.S. 45:17A-20
- F. All additional terms and conditions shall be as set forth within the application and shall be further subject to those recommendations, if any, specified by the Chief of Police of Somers Point (or his designee) which are attached hereto and made a part hereof; and
- G. If the “coin drop” is proposed to take place on or at an intersection with a County or State road or highway and written authorization from the Atlantic County Board of Freeholders (if a County Road is involved) and the Commissioner of the Department of Transportation of the State of New Jersey (if a State Highway is involved) was not provided with the application as filed with the Municipal Clerk, then the approval herein granted is further subject to receipt by the applicant of such approval(s) which the applicant shall provide to the Municipal Clerk prior to commencing the “coin drop”.

\*\*\*\*\*

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 12  
Resolutions (Continued)**

**Resolution No. 129**

M/S – Tapp/Dill

Adopted by a unanimous vote of those present.

**No. 129 of 2011**

**Subject: Authorizing Purchase on State Contract  
Introduced By: Councilman Dill**

**WHEREAS**, the City of Somers Point may by resolution and without advertising for bids purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

**WHEREAS**, the City of Somers Point has identified a need to purchase a vehicle for use by the Office of Emergency Management; and

**WHEREAS**, the Director of the Office of Emergency Management has researched the vehicles available and recommends the purchase of a four-wheel-drive Chevrolet truck with accessories as indicated in the quotation of Mall Chevrolet of Cherry Hill, New Jersey dated July 23, 2011 which is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point authorizes the purchase from Mall Chevrolet of one four-wheel-drive Chevrolet truck for the sum of \$21,179.00, State Contract # A78844, with accessories totaling \$7,171.00, State Contract # A79162, for the total cost of \$28,350.00.

\*\*\*\*\*

**Resolution No. 130**

M/S – Kern/D'Adamo

Adopted by a unanimous vote of those present.

**No. 130 of 2011**

**Subject: Contract for Gasoline and Diesel Fuel  
Introduced By: Council President McGuigan**

**WHEREAS**, the City of Somers Point is a member of the Atlantic County Cooperative #41-ACC for purchasing; and

**WHEREAS**, pursuant to the Lead Agency of the Atlantic County Cooperative #41-ACC advertising for sealed bids, bids were received on May 26, 2011 for furnishing and delivering gasoline and diesel fuel; and

**WHEREAS**, Petroleum Traders of Fort Wayne, Indiana was the lowest bidder willing to provide the items to the members of the Cooperative System; and

**WHEREAS**, the bid of Petroleum Traders is based on the Newark Harbor District Tank Car Posted Price plus a freight and delivery charge of .0641 per gallon for gasoline and a freight and delivery charge of .0782 per gallon for diesel fuel.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 13

Resolution No. 130 (Continued)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes contract acceptance by the City Administrator of the proposal of Petroleum Traders for furnishing and delivering gasoline and diesel fuel for the period of July 1, 2011 through June 30, 2014.

\*\*\*\*\*

**Resolution No. 131**

M/S – Triboletti/D'Adamo

Adopted by a unanimous vote of those present.

**RESOLUTION No. 131 of 2011**

**A Resolution Amending Resolution No. 102 of 2011 Authorizing the City Administrator of the City of Somers Point to Enter into an Agreement with the Owner of Groveland Apartments in the City of Somers Point to Arrange for a Pilot Program for the Pickup of Solid Waste under the Terms and Conditions set forth Therein which Include Compliance by Owner and Tenants with the Recycling Ordinance of the City of Somers Point and all other Applicable Ordinances and Regulations, in Partial Settlement of a Disputed Claim and Further Authorizing Payment in the Amount of Thirteen Thousand Five Hundred Forty Dollars and Ninety Nine Cents (\$13,540.99) being an Amount in Dispute since 2010 and Payment of an additional Amount to be Determined for 2011 upon receipt of a Proper Invoice and Documentation and upon review and Approval of Same Without Prejudice to the Rights of the City of Somers Point in This or any Other Matter and In an Effort to Avoid the Costs of Litigation; and Authorizing the City Administrator and City Solicitor to Execute any and All Documents Necessary to Effectuate this Settlement  
Sponsored by: Councilman Triboletti and Councilman Smith**

**WHEREAS**, a claim has been made against the City of Somers Point by the owner of Groveland Apartments arising out of a prior Settlement of a Disputed Claim and a course of dealing pertaining to the reimbursement for the cost of solid waste disposal which has been outstanding since 2009; and

**WHEREAS**, the claim is based in part upon a prior agreement and settlement arrangement entered into by the parties and a continuous course of dealing; and

**WHEREAS**, the City of Somers Point has disputed the amount of and basis for the claim; and

**WHEREAS**, a settlement arrangement has been reached between the parties in order to avoid the expense and disruption of extended litigation; and

**WHEREAS**, Resolution No. of 2011 authorized the City Administrator to Execute and Deliver a Settlement Agreement which specified a frequency of solid waste pick up; and

**WHEREAS**, Subsequent thereto a determination has been made by the City Administrator and the Department of Public Works that a smaller size and lesser number of dumpsters shall be required and that the schedule of solid waste pick up is best determined by the City Department of Public Works in consultation with the City administrator; and

**WHEREAS**, this is intended to be a settlement of disputed claims based upon the special and unique circumstances applicable to this matter and is not intended to be either an admission of liability or responsibility on the part of the City of Somers Point, which liability and responsibility are disputed and denied nor is this action intended to create a precedent or establish any responsibility on the part of the City of Somers Point except as applied to this specific matter; and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 14**

**Resolution No. 131 (Continued)**

**WHEREAS**, the Governing Body of the City of Somers Point has concluded that it is in the best interests of the City to enter into this settlement thereby concluding this dispute and avoiding any further expenses and other potential risks of litigation which would be incurred by the City of Somers Point;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, County of Atlantic and State of New Jersey, that the City Solicitor and the City Administrator shall be and are hereby duly authorized, empowered and directed to enter into the proposed Settlement Agreement on behalf of the City of Somers Point in accordance with the terms set forth herein, and that payment in the amount of Thirteen Thousand Five Hundred Forty Dollars and Ninety Nine Cents (\$13,540.99) shall be paid within fifteen (15) days following the commencement of solid waste collection from the premises by the Somers Point Department of Public Works; and an additional payment in an amount to be determined based upon presentation of proper invoice and documentation and review and approval by the City Administrator shall be presented to this Governing Body for approval and payment; and

**IT IS FURTHER, RESOLVED**, that all other provisions of Resolution No. 102 of 2011, except as modified herein shall remain in full force and effect.

\*\*\*\*\*

**Resolution No. 133**

M/S – Triboletti/Kern

Adopted by a unanimous vote of those present.

**Resolution No. 133 of 2011**

**Sponsored by: Council persons Smith, McGuigan and Tapp**

WHEREAS, pursuant to the terms Order entered in that exclusionary zoning litigation captioned “Plantation Bay, LLC. Plaintiff vs City of Somers Point; City of Somers Point City Council; and City of Somers Point Planning Board” (Superior Court of New Jersey Docket No.: ATL - L - 007302-06 P.W.) dated February 25, 2011 Granting Summary Judgment so as to Modify Deed Restriction (see Attachment 1) and an Order of Final Judgment dated June 30, 2011 (see Attachment 2) Judge James E. Isman, JTC t/a following a thorough and comprehensive Fairness Hearing upon proper notice to all interested parties as required by law, determined that that certain Settlement Agreement of Litigation dated July 29, 2008 (the “Settlement Agreement”) is "fair, reasonable, and adequately protects the interests of lower - income persons on whose behalf the affordable units proposed by the settlement are to be built" subject to the following conditions:

- a. The Settlement Agreement shall be amended between the parties to provide, within Section 3.3.1 that "in any event, the affordable housing units shall be built in accordance with the schedule set forth in the COAH (Council on Affordable Housing) rules at N.J.A.C. 5:97-6.4(d)"; and
- b. The Settlement Agreement shall be amended by and between the parties to provide that "Plantation Bay shall take such steps as necessary so as to ensure in perpetuity, that there is a restriction upon alienation of the Golf course support service area, consisting of approximately 5.5 acres, from the approximate 120 acre golf course property; and
- c. The draft zoning ordinance amendment (Exhibit A to the Settlement Agreement) shall be amended in accordance with the recommendation of the Special master within the Master's Report dated May 16, 2011 (the excerpt from pages 25 through 28 containing those recommendations is attached hereto as Attachment 3); and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 15**

**Resolution No. 133 (Continued)**

d. Paragraph 3.3 of the Settlement Agreement shall be amended to delete the existing reference to "an RCA to provide affordable housing in the South-Southwest Housing Region or", (in recognition of the fact that Regional Contribution Agreement which were allowed by law at the time the Settlement Agreement was executed but are no longer legally permissible) and to add this language: "It is understood by and between the parties hereto that there is a preference of the Court in approving a modification of the golf course deed restriction for on-site construction of the affordable housing provided the same is feasible..."; and

e. The Settlement Agreement shall be amended so as to reflect that 13% of the total number of restricted units shall be affordable to very low-income households (defined as having income levels at 30% of the region's median income; and

WHEREAS, the recommendations of the Special Master set forth in the Report referenced in "c" above, and which are not otherwise specifically set forth in the Order of Final judgment dated June 30, 2011 are:

a. A revision to the draft ordinance amendment (Exhibit A to the Settlement Agreement) to:

- 1) Change Section 1. E.1 to modify the Gross Density from 2.5 units per acre to 2.7 units per acre; change Section 1.E.2 to modify the Net Density from 16 units per acre to 17 units per acre; to increase the maximum number of market rate and affordable housing units from 360 to 375 (to correct an error in calculation in establishing the low and moderate income set aside);
- 2) Change Section 1.B.5 of the draft ordinance to add an additional sentence: "There must also be a restriction in perpetuity upon alienation of the Golf course support service area, consisting of approximately 5.5 acres from the approximate 120 acre golf course property which shall be recorded simultaneous with the conservation easement and deed restriction specified in a Settlement Agreement dated July 29, 2008, as supplemented and amended and as approved in an Order of the New Jersey Superior Court in Docket No.: ATL-L-7302-06 P.W. captioned "Plantation Bay, LLC, Plaintiff vs City of Somers Point; City of Somers Point City Council; and City of Somers Point Planning Board" dated June 30, 2011 and the Settlement Agreement between the City of Somers Point and Plantation Bay, LLC dated July 29, 2008 as supplemented and amended;
- 3) Add a new Section G., and reletter existing sections G and H to H and I. Eliminate existing Section H.9 Affordable Housing. New Section G to read as follows: "Section G. Affordable Housing Requirements. At least twenty percent (20%) of the total number of dwelling units shall be affordable family rental units affordable to very low-, low- and moderate-income households. The affordable family rental units shall not be age-restricted. All affordable units must be developed, administered and maintained consistent with the Council on Affordable Housing's ("COAH's) rules at N.J.A.C. 5:97 et seq. (or their successor) and with the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq. including, but not limited to, affordability controls, deed restrictions, low/moderate income split, very low income requirements, range of affordability, bedroom distribution, phasing, affirmative marketing and administration." ; and
- 4) Make certain minor changes to Section 1.A., Section 1. C.3., Section 1.F (ROW clarification, Maximum Tract Coverage clarification, Between Building Spacing clarification), and Section 1. H.6.ii (masonry materials clarification) as recommended by Leah Furey Bruder, the Somers Point Planner and as accepted and approved by the Special Master under the authority granted to the Special Master in the Court Order Dated June 30, 2011.

b. In Paragraph 3.3.1 of the Settlement Agreement, in addition to the citation to the COAH rules, add "and the Uniform housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq.";

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 16**

**Resolution No. 133 (Continued)**

c. In Section 7.2 of the Settlement Agreement change the business address of the Special Master to "100 Barrack Street, Trenton, NJ 08608"; and

d. At the direction of the Special Master, Plantation Bay, LLC prepared a "Concept Plan" which is attached hereto as Attachment 4 and which shall be incorporated into the Settlement Agreement by reference; and

WHEREAS, the "Settlement Agreement" referenced by the Court refers to a Settlement Agreement of Litigation dated July 29, 2008 heretofore approved by this Governing Body by Resolution 142 of 2008 (see Attachment 4); and

WHEREAS, in order to accommodate the changes to the Settlement Agreement and the attachments, including the draft ordinance amendment as Exhibit A, it is necessary for this Governing Body to authorize the execution and delivery of an Amendment to the Settlement Agreement and Exhibit A to reflect the modification ordered by the Court in the Final Judgment; and

WHEREAS, the City of Somers Point Planning Board had been dismissed and released by Plaintiff as a defendant in the subject litigation and is no longer a party thereto; and

WHEREAS, pursuant to the requirements of NJS 40:55D - 26 the proposed amendment to the Land Use and Zoning Ordinance is required be delivered to the Somers Point Planning Board with the request that the Planning Board review the provisions of the Ordinance to determine if the terms are consistent with the overall intent of the Somers Point Master Plan; and

WHEREAS, in order to satisfy the further terms set forth in the Order of the Court fixing the time for adoption of the Amendment to the Zoning and Land Use Ordinance of the City of Somers Point, a copy of the draft amendment to the Zoning Ordinance (together with a copy of this resolution and all attachments hereto) has been sent to the Secretary of the Somers Point Planning Board and the Planning Board Engineer with the request that the review required by statute be commenced; and with the further request that the Planning Board complete its review and render its report to this Governing Body prior to the regularly scheduled meeting of this body to be held on September 22, 2011 in order to allow for introduction and first reading of the Ordinance on that date, to be followed by publication and mailing of Notice of Public Hearing with a copy of the Ordinance to those persons at the addresses set forth in the Certified List to be provided by the Somers Point Tax Collector; and

WHEREAS, it is necessary and desirable to proceed with each of the actions set forth herein, with the intent of holding the second reading and Public Hearing on the adoption of the Zoning Ordinance Amendment not later than October 30, 2011 to fall within the 120 day period ordered by the Court

NOW, THEREFORE, it is hereby RESOLVED by the Common Council of the City of Somers Point that the Somers Point City Solicitor is hereby authorized and directed to prepare an Amendment to the Settlement Agreement dated July 28, 2008 to incorporate each of the modifications to said Settlement Agreement as hereinabove set forth for execution by the parties thereto; and

It is further RESOLVED, that the Somers Point City Solicitor is hereby authorized and directed to prepare a revised Exhibit A to the Agreement, modifying the draft Zoning Ordinance Amendment to incorporate the modifications directed by the Court and as requested by the Special Master; and

It is further RESOLVED, that the Somers Point City Administrator is hereby authorized and directed to execute and deliver the Amendment to the Agreement; and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 17

Resolution No. 133 (Continued)

It is further RESOLVED, that the authorization herein granted is conditioned upon the mutual execution and delivery of the Amendment to the Settlement Agreement by the authorized representative(s) of Plantation Bay, LLC having the full power and authority to bind that entity to the terms of the Settlement Agreement as amended.

\*\*\*\*\*

**Resolution No. 134**

M/S – Triboletti/Kern

Adopted by a unanimous vote of those present.

**RESOLUTION No. 134 of 2011**

**RESOLUTION OPPOSING S-2950 AND A-4128,  
WHICH WOULD ALLOW FOR MODIFICATION TO LAND USE  
APPROVALS BECAUSE OF CHANGED ECONOMICS**

**Sponsored By:**

**Councilman Dill**

**Councilman Triboletti**

**WHEREAS**, S-2950 and A-4128 provide a two-year window in which any development approval granted before 2006 or now in foreclosure or subject to a deed in lieu can apply for, and receive approval for, a use which is not permitted by ordinance, without the need for a use variance or otherwise complying with the zoning ordinance of the municipality; and

**WHEREAS**, a fundamental premise of land use law and sound planning is that land use decisions, including approvals of development applications and zoning, are made on the basis of the characteristics of the land, its environment, any unique characteristics, and what is in the best interest of the public, and not based on who happens to own the land; and

**WHEREAS**, S-2950 and A-4128 also establishes an expedited approval process, requiring the land use board to determine completeness of the application within 30 days, and then 60 days from the determination of completeness to rule on the application; and

**WHEREAS**, this time frame is insufficient considering what may be proposed, and it is inequitable to require an expedited process for a proposed “adaptive application” while other pending applications are accorded lower priority; and

**WHEREAS**, S-2950 and A-4128 establish no standards for the local land use board to apply, other than proof that the approval is no longer economically viable, which is inadequately defined; and

**WHEREAS**, the lack of standards would expose any approval or denial by the municipality to possible legal challenge;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Somers Point that enactment of S-2950 and A-4128 would usurp, undermine, and overturn local zoning by effectively rescinding all applicable zoning of the property, and provide no adequate public safeguards; and

**BE IT FURTHER RESOLVED**, the Governing Body of the City of Somers Point strongly opposes enactment of S-2950 and A-4128; and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 18

Resolution No. 134 (Continued)

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Senator James Whelan, Assemblyman John Amodio, Assemblyman Vince Polestina, members of the Senate Community and Urban Affairs Committee, the members of the Assembly Housing and Local Government Committee, Senator Steven Oroho, Assemblyman Albert Coutinho and the New Jersey State League of Municipalities.

\*\*\*\*\*

**Resolution No. 136**

M/S – Triboletti/Kern

Adopted by a unanimous vote of those present.

**No. 136 of 2011**

**Subject:                   Awarding Bid for the South Laurel Drive Reconstruction Project**  
**Introduced by:         Councilman Dill**

**WHEREAS**, on August 18, 2011 the City of Somers Point received bids for the South Laurel Drive Reconstruction Project; and

**WHEREAS**, Arawak Paving Co., Inc. of Hammonton, NJ was the lowest responsible bidder; and

**WHEREAS**, the City Engineer's office has recommended that the City award the contract to Arawak Paving Co., Inc. of Hammonton, NJ in the amount of \$377,700.00 for the base bid and three supplemental bids.

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

- 1.) The Contract for the 2011 Road Program is hereby awarded to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$377,700.00, based on the following:

South Laurel Drive	\$298,900.00
Public Works Parking Lot (north)	\$19,400.00
Somers Avenue Parking Lot	\$29,400.00
Higbee Ave. Beach Parking Lot	\$30,000.00.

- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

\*\*\*\*\*

**Resolution No. 137**

M/S – Kern/D'Adamo

Adopted by a unanimous vote of those present.

Resolution No. 137 of 2011

**Resolution:**       Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Somers Point Bikepath Extension Phase II project.

**NOW, THEREFORE, BE IT RESOLVED** that Council of Somers Point formally approves the grant application for the above stated project.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 19**

**Resolution No. 137 (Continued)**

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as Bike-2012-Somers Point City-00004 to the New Jersey Department of Transportation on behalf of the City of Somers Point.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council  
On this 1st day of September, 2011

\*\*\*\*\*

**Resolution No. 138**

M/S – Dill/D’Adamo

Adopted by a unanimous vote of those present.

Resolution No. 138 of 2011

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Chapman Boulevard Reconstruction project.

NOW, THEREFORE, BE IT RESOLVED that Council of Somers Point formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Somers Point City-00039 to the New Jersey Department of Transportation on behalf of the City of Somers Point.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

\*\*\*\*\*

**Resolution No. 139**

M/S – Dill/D’Adamo

Councilman Dill had Greg Schneider from the Engineer’s Office explain that this is an increase, however, we are getting a lot for our money. Resolution No. 139 was then adopted by a unanimous vote of those present.

**No. 139 of 2011**

**Subject: Change Order – 2011 Road Program**

**WHEREAS**, in accordance with Resolution 105 of 2011, Arawak Paving Co., Inc., of Hammonton, NJ was awarded the contract for the 2011 Road Program for the sum of \$324,000.00; and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 20

Resolution No. 139 (Continued)

**WHEREAS**, due to a reduction in the price of oil and corresponding Asphalt Price Adjustment and Fuel Price Adjustment in the contract, it has become more favorable for the City to fully repave Osborne and Nassau Roads from Bala Drive to Massachusetts Avenue instead of patching those roads.

**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	\$324,000.00	
Change order 1	\$11,620.00	
Revised Contract Amount	\$335,620.00	
Total Deduction: \$0	Total Additional: \$11,620.00	Net Change: 3.59%

**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 2011 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. 140**

M/S – Kern/Triboletti

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 140 of 2011  
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 a claim which have been asserted against the City which require the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings is necessary to be discussed without the public in attendance during an Executive Session to be held on August 25, 2011 during a public meeting to be held commencing at 7:00 P.M, and

**WHEREAS**, due to an unexpected power failure which occurred on the evening of August 25, 2011 it was necessary to open the meeting and adjourn the meeting and the agenda under consideration until 7:00 P.M. on September 1, 2011 at which time the subject matter set forth herein is to be considered, 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.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 21

Resolution No. 140 (Continued)

- “(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 \_\_\_\_\_;
- “(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 \_\_\_\_\_;
- “(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:

- 7.1) Report from City Solicitor concerning a Civil Action in lieu of Prerogative Writ filed in the Superior Court of New Jersey, Atlantic County in Docket No. ATL-L-004603-10 captioned “Jersey Outdoor Media, LLC. v The City of Somers Point and the Board of Adjustment of the City of Somers Point”;

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

Page 22

Resolution No. 140 (Continued)

“(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 20 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.

**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 or Resolution of the pending matters	Final Court Order / Final Resolution, Settlement or other final disposition of such matter.

\*\*\*\*\*

**New Business**

Councilman Dill commended the Public Works Department and the Office of Emergency Management for their work during the hurricane. He stated that we are opposed to the State taking power from local government and making decisions that they should not have made, one being the evacuation of everything East of Route 9. He stated that in our town there are many roads on the western side of town that should have been considered for evacuation and feels that the State and County should allow cities to make their own determinations as to what is best for

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 1, 2011  
Adjourned Meeting of 8-25-11**

**Page 23**

**New Business (Continued)**

their city. He thanked the Public Works Dept., OEM and the Police for keeping the interest of our citizens first in their decisions.

Council President McGuigan asked regarding Ordinance No. 9 (Residential Parking Ordinance) if Council would consider holding off on the enforcement for thirty days when the Hospital Garage is open. Council agreed. Councilman Triboletti stated that he would not approve more than thirty days.

Raffle license application for the Ruth Newman Shapiro Cancer and Heart Fund was approved unanimously.

**Old Business**

Atty. Franklin reported that the Comcast Application Committee is working to set up a meeting and hopefully will be getting some negotiations going soon. He also reported that he submitted a draft Solicitation Ordinance for everyone's review.

**Discussion of Bills**

Bills were presented for discussion in the amount of \$1,160,822.74 with an additional list in the amount of \$3,000.

**Public Portion**

Rick Pitman, Shore Memorial Hospital, came forward and addressed the governing body regarding the effectiveness of the Office of Emergency Management during the Hurricane.

\*\*\*\*\*

**Payment of Bills**

A motion was made and seconded to approve the bills in the amount of \$1,160,822.74 and an additional bill list in the amount of \$3,000. Motion carried. A complete list of bills is on file in the Office of the City Clerk.

\*\*\*\*\*

**Adjournment**

There being no further business, meeting recessed at 8:20 p.m. to go into Executive Session, reconvening at 9:32 p.m. to adjourn

\*\*\*\*\*

Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: