

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 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.

\*\*\*\*\*

**Communications**

**Mayor's Report**

Mayor Glasser gave the Police Department report in full for the month of August.

Mayor Glasser announced that there will be a meeting on September 29<sup>th</sup> from 4-7 p.m. in Galloway Township regarding work to be done on the Parkway in the near future.

Mayor Glasser also announced the 9-11 remembrance ceremony on Saturday at Veteran's Park at 8:30 a.m.

Mayor Glasser also announced the Richard Somers Day Ceremony to be held at Somers Mansion on Sunday, September 12<sup>th</sup> at 3:00 p.m.

**Committee Reports**

Administrator Swain advised that we had a special meeting to authorize tax anticipation notes, however, the schools and County have been working with us and we have avoided that process which would have cost us \$10,000.

He stated that if this happens again next year we may consider estimated tax bills.

Council President McGuigan announced that everyone received their annual audit today for their review. He also advised that he received a letter from the Green Thumb Garden Club thanking the City Council for their help and encouragement with regard to their recent contest.

**Proclamation – Richard Somers Day**

Read by the City Clerk

Mayor Glasser stated that Richard Somers would have been eligible for the Congressional Medal of Honor; however, it was not started until after the Civil War. He asked that everyone be there on Sunday to honor and remember him. He stated that we are continuing our efforts to bring him and his crew home.

**No. 13 of 2010**

**WHEREAS**, Richard Somers was the great-grandson of John Somers, the Somers Family Patriarch; and

**WHEREAS**, Richard was born during the American Revolution on September 15, 1778, in Somers Point at his father's home and tavern at the corner of Bethel Road and Shore Roads, which is marked today with a small historical stone; and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

**Page 2  
Proclamation (Continued)**

**WHEREAS**, Somers first learned to sail as a boy on the Grete Egg Bay and later joined the United States Navy in 1798 and earned the rank of Lieutenant; and

**WHEREAS**, Richard Somers died a hero's death in the battle of Tripoli Harbor on September 4, 1804; and

**WHEREAS**, Richard Somers is not buried at the Somers Family Cemetery adjacent to the Grete Bay Country Club, but rather rests with twelve of his men, all volunteers, buried in an unkempt grave overgrown with weeds in the old Protestant cemetery in Tripoli, Libya, not far from where he died; and

**WHEREAS**, Richard Somers has been memorialized by the United States Navy and there have been at least six Naval warships named after him, as well as a monument which now stands at the United States Naval Academy in Annapolis, Maryland; and

**WHEREAS**, Richard's memory is honored in Somers Point with a monument at the New York Avenue School and an oil painting of him decorates the City Council Chambers as well as photos of ships named after Somers; and

**WHEREAS**, Richard Somers will be honored at a ceremony at the Somers Mansion at Shore Road and the Circle on Sunday, September 12, 2010 at 3:00 p.m.

**NOW, THEREFORE, I, John L. Glasser, Jr., Mayor of the City of Somers Point** do hereby urge everyone to attend the ceremony on Sunday honoring our heroic ancestor.

\*\*\*\*\*

**ORDINANCES**

**Ordinance No. 11 – Final Reading**

M/S – Triboletti/Dill

Meeting opened to the public and duly closed. Adopted on final reading by a unanimous vote of those present.

**AN ORDINANCE FIXING THE SALARIES, WAGES AND  
COMPENSATION OF THE OFFICERS AND EMPLOYEES  
OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC,  
STATE OF NEW JERSEY.**

<b>FIRST READING:</b>	<b>08/26/10</b>
<b>PUBLICATION:</b>	<b>09/01/10</b>
<b>FINAL READING:</b>	<b>09/09/10</b>

\*\*\*\*\*

**Ordinance No. 12 – First Reading**

M/S – Triboletti/Kern

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

**Ordinance No. 12 of 2010 (As Amended)**

**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.**

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

**Page 3**

**Ordinance No. 12 (Continued)**

**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 West Cedar Avenue 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

**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 is hereby amended and supplemented to add a Schedule 1-1 "No Parking, Stopping, Standing" at any time:

Schedule 1-A No Parking, Stopping or Standing shall be permitted at any time upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
W. Cedar Avenue	South	From Bethel Road to Easterly Terminus

SECTION 2: "No Parking, Stopping or Standing 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: Section 250-3 "Parking Prohibited At All Times" is hereby amended to add reference to Schedule 1-A.

SECTION 4: 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 5: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies

SECTION 6: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

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

**FIRST READING: September 09, 2010  
PUBLICATION: September 15, 2010  
FINAL PASSAGE: September 23, 2010  
REPUBLICATION AS AMENDED: September 29, 2010  
SECOND READING: October 14, 2010**

\*\*\*\*\*

**Resolution No. 141 – Deferred to next meeting**

M/S – Dill/Smith – to defer.

Resolution No. 141 deferred to next meeting by unanimous vote of those present.

\*\*\*\*\*

**Public Portion on Resolutions**

Meeting was opened to the public and duly closed.

**Resolution No. 142**

M/S – Triboletti/Smith

Adopted by a unanimous vote of those present.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

Page 4

Resolution No. 142 (Continued)

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF  
LOAN AGREEMENTS TO BE EXECUTED BY THE CITY OF SOMERS  
POINT, IN THE COUNTY OF ATLANTIC AND EACH OF THE NEW  
JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE  
STATE OF NEW JERSEY, ACTING BY AND THROUGH THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER  
AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW  
AGREEMENT, ALL PURSUANT TO THE 2010 NEW JERSEY  
ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING  
PROGRAM**

**WHEREAS**, the City of Somers Point (the "Local Unit"), in the County of Atlantic, New Jersey, has determined that there exists a need within the Local Unit to rehabilitate and/or replace certain sanitary sewer mains (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS**, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2010, to the Trust in an aggregate principal amount not to exceed **\$1,512,500** (the "Trust Loan Bond") and General Obligation Bonds, Series 2010, to the State in an aggregate principal amount not to exceed **\$1,512,500** (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Local Unit as follows:

**Section 1.** The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

**Page 5**

**Resolution No. 142 (Continued)**

**Section 2.** The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 3.** This resolution shall take effect immediately.

**Section 4.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Fleishman Daniels Law Offices, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

\*\*\*\*\*

**Resolution No. 143**

M/S – Dill/Kern

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 143 OF 2010**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$3,025,000 BONDS, SERIES 2010, OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.**

**WHEREAS**, the City of Somers Point (the "Local Unit"), in the County of Atlantic, New Jersey, has determined that there exists a need within the Local Unit to rehabilitate and/or replace certain sanitary sewer mains (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS**, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2010, to the Trust in an aggregate principal amount not to exceed \$1,512,500 (the "Trust Loan Bond") and General Obligation Bonds, Series 2010, to the State in an aggregate principal amount not to exceed \$1,512,500 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey,

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

**Page 6**

**Resolution No. 143 (Continued)**

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by a 2/3rds vote of the full membership of the governing body of the Local Unit as follows:

**Section 1.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed **\$1,512,500** to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed **\$1,512,500** to the State in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in Bond Ordinance No. 14 of 2009 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF SANITARY SEWER MAINS IN THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY; APPROPRIATING THE SUM OF \$3,025,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY IN THE AGREGATE PRINCIPAL AMOUNT OF UP TO

**Page 6**

**Resolution No. 143 (Continued)**

\$3,025,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING", and was finally adopted by the Local Unit at a meeting duly called and held on July 23, 2009, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

**Section 4.** The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

**Page 7**

**Resolution No. 143 (Continued)**

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

**Section 5.** The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 6.** The law firm of Fleishman Daniels Law Offices, LLC, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

**Section 7.** The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3rds of the full membership of the governing body of the Local Unit.

**Section 8.** The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

**Section 9.** This Resolution shall take effect immediately.

**Section 10.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Fleishman Daniels Law Offices, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

\*\*\*\*\*

**Resolution No. 144**

M/S – Kern/Triboletti

Adopted by a unanimous vote of those present.

**No. 144 of 2010**

**Subject: Authorizing Application for Municipal Alliance**  
**Introduced By: Council President McGuigan**

**WHEREAS**, it is the intent of the governing body of the City of Somers Point to provide a drug free environment for its citizens; and

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

**WHEREAS**, the Municipality of Somers Point is eligible to receive funding for a Municipal Alliance project, as administered by the Governor's Counsel on Alcoholism and Drug Abuse; and

**Page 8  
Resolution No. 144 (Continued)**

**WHEREAS**, to be eligible for this funding the Governing Body must submit an application.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Somers Point that the Mayor and City Administrator are hereby authorized to apply to the Governor's Counsel on Alcoholism and Drug Abuse for funding a Municipal Alliance project for the year 2011 and to execute all documentation necessary for funding of approximately \$14,355.00 for State funding and \$3,588.75 for Municipal funding.

**BE IT FURTHER RESOLVED** that the Municipality will submit to the Governor's Counsel on Alcoholism and Drug Abuse an application upon execution by the Mayor.

\*\*\*\*\*

**Old Business**

Councilman Dill thanked Administrator Swain and the Public Works Department for their speedy work regarding the circle on the bike path near the VFW. Council President McGuigan advised that the Recreation Department is considering a proposal for a veterans monument at that site and will keep everyone updated.

**New Business**

Council President McGuigan advised that he received a memo from Administrator Swain regarding the pay phone in the hallway that is out of order. He has advised that we are paying a monthly bill for this service. Councilman Smith stated that before a decision is made to remove it, to check with the Police Chief, the Judge and the Court. Administrator Swain advised that he will check with them. Council agreed to put this in Administrator Swain's hands.

Council President McGuigan announced that the Good Old Days Picnic and race is this Saturday, September 11<sup>th</sup>, with the race beginning at 9:00 am. He urged everyone to attend.

Application for the MS Bike Race on September 25 & 26 was approved by a unanimous vote of those present.

Application for membership in the New Jersey Firemen's Association for Megan Graves was approved unanimously.

**Public Portion**

Gordon Ludwick, W. Johnson Avenue, came forward and addressed the governing body advising that he would be in favor of a fire zone on Cedar Avenue rather than a no parking zone.

Jim Foreman, 17 W. Cedar Avenue, came forward and addressed the governing body with regard to the situation on Cedar Avenue. He agreed with the suggestion of a fire zone.

Rick Freed, 409 Dobbs Avenue, came forward and addressed the governing body regarding the pay phone in City Hall.

Public portion was then closed.

\*\*\*\*\*

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
September 9, 2010**

**Payment of Bills**

There were no bills presented for payment.

\*\*\*\*\*

**Page 9**

**Adjournment**

There being no further business, meeting adjourned at 7:50 p.m.

\*\*\*\*\*

Carol L. Degrassi, RMC/MMC  
Municipal Clerk

Approved: 10/28/10