

**REGULAR MEETING
MAYOR AND CITY COUNCIL
January 13, 2011**

Meeting called to order at 7:00 p.m. by President McGuigan. Roll call was recorded as follows:

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

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

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

The Police Chief gave a presentation recognizing Sgt. John Divel and honoring him in his retirement. The City Clerk read the following proclamation which was presented to Sgt. Divel by Mayor Glasser and Council President McGuigan.

Proclamation No. 5

No. 5 of 2011

WHEREAS, John J. Divel was appointed to the Somers Point Police Department on April 14, 1980; and

WHEREAS, Officer Divel served with distinction and dedication; and

WHEREAS, Officer Divel was promoted to the rank of Sergeant effective February 9, 1995; and

WHEREAS, during his many years of service, Sergeant Divel received numerous letters of appreciation and commendations; and

WHEREAS, Sergeant Divel demonstrated devotion to duty and an excellent understanding of his profession, which has been recognized and respected by those who served with him, as well as those to whom he was sworn to serve and protect.

NOW, THEREFORE I, John L. Glasser, Jr., Mayor of the City of Somers Point on behalf of the Governing Body and the residents of this community, do hereby offer their sincere appreciation and best wishes to Sergeant John J. Divel upon his retirement on December 31, 2010.

Administrator's Report

Administrator Swain reported that the recent snow event has generated approximately \$30,000. of cost to the City which he will be submitting to FEMA and anticipating 75% reimbursement.

Committee Reports

Mayor Glasser gave the monthly Police Report for the month of December.

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Minutes

There were no minutes presented for approval.

Waiver of 48-Hour Rule

The 48-Hour Rule was waived to add Resolution No. 36 to the agenda for consideration.

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 30

Removed from the consent agenda on motion of Councilman Triboletti, seconded by Councilman Dill. Motion carried.

M/S – Triboletti/Dill

After discussion, on motion of Councilman Smith, seconded by Councilman Tapp, Resolution was amended to read \$10,000. Motion carried.

Adopted, as amended, by a unanimous vote of those present.

No. 30 of 2011 (As Amended)

Subject: AUTHORIZING THE SOMERS POINT TAX ASSESSOR IN CONJUNCTION WITH SOMERS POINT SPECIAL TAX COUNSEL TO SETTLE AND COMPROMISE CERTAIN REAL PROPERTY TAX APPEALS PENDING BEFORE THE ATLANTIC COUNTY BOARD OF TAXATION OR THE NEW JERSEY TAX COURT

Introduced By: COUNCILMAN SMITH

WHEREAS, from time to time the Tax Assessor is presented with an opportunity to compromise, settle or otherwise dispose of certain tax appeals pending before the Atlantic County Board of Taxation or the New Jersey Tax Court; and

WHEREAS, for reasons of efficiency this Governing Body has determined that the Tax Assessor should not be required to present each such settlement to this body for approval; and

WHEREAS, it is in the best interest of the City to authorize the Tax Assessor in conjunction with Special Tax Counsel to enter into and consummate such settlements,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Special Tax Counsel is hereby authorized to settle or otherwise dispose of matters pending before the Atlantic County Board of Taxation or the Tax Court of the State of New Jersey without the prior authorization of this Governing Body when the amount of the settlement results in an assessed value which will not reduce the amount of the property tax payment due to the City of Somers Point by more than Ten Thousand Dollars (\$10,000.00) for any such property in any single tax year.

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Resolution No. 30 (Continued)

IT IS FURTHER RESOLVED that any settlement in excess of that threshold shall require the prior approval of this Governing Body.

IT IS FURTHER RESOLVED that the Tax Assessor in combination with the Special Tax Counsel shall render a quarterly written report to Council and the City Administrator, or on such more frequent basis as the Administrator or Council liaison may from time to time request, identifying those cases settled, all agreed upon assessment reductions, and the aggregate impact upon the property tax revenues to be derived by the City as a result of such settlements.

Resolution No. 34
M/S – Kern/Dill
Adopted by a unanimous vote of those present

No. 34 of 2010

Subject: Hiring a Construction Official
Introduced by: Councilmen Dill and Smith

Whereas, due to the impending retirement of Burton Federman, there is a need for Construction Official in the City of Somers Point; and

Whereas, this position has been advertised, applications have been received and interviews have been conducted; and

Whereas, as the result of this procedure a committee comprised of the City Administrator, the Construction Official and the Planning and Zoning Administrative Officer / Construction and Code Enforcement Secretary have recommended James R. McBrien for the position of Construction Official; and

Whereas, Section 34-1 of the Code of the City of Somers Point delineates that the position of Construction Official in the City of Somers Point shall include the duties of Construction Official, Building Inspector, Code Enforcement Officer and Zoning Officer.

Now, therefore, be it resolved by the City Council of the City of Somers Point as follows:

1. James R. McBrien is hereby appointed to the position of Construction Official in accordance with New Jersey Civil Service Commission Code LG-06288, and, in accordance with that job specification, the appointment includes the duties of Building Inspector in accordance with New Jersey Civil Service Commission Code LG-00924.
2. This appointment is provisional, pending the results of a hiring examination to be issued by the New Jersey Civil Service Commission.
3. This appointment shall be effective February 1, 2011.
4. For the period between January 6, 2011 and the effective date of this resolution, James R. McBrien shall be appointed to the position of Temporary Building Inspector.
5. The salary established for Mr. McBrien shall be in accordance with the advertisement for the position and the Salary and Wage Ordinance of the City of Somers Point.

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Resolution No. 35

M/S – Dill/Kern

Adopted by a unanimous vote of those present.

**CITY OF SOMERS POINT
RESOLUTION NO. 35 OF 2011 (REVISED COPY3)**

RESOLUTION SUPPORTING THE CLOSURE OF THE 9TH STREET BRIDGE FOR THE PURPOSE OF EXPEDITING COMPLETION OF THE ROUTE 52 REDEVELOPMENT PROJECT FOR CERTAIN PERIODS TO BE DETERMINED BASED UPON A SERIES OF COLLABORATIVE MEETINGS HELD SUBSEQUENT TO DECEMBER 22, 2010 AND A PRESENTATION MADE TO THE GOVERNING BODY OF THE CITY OF SOMERS POINT DURING AN OPEN PUBLIC MEETING WITH DEMONSTRATION BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND ITS CONTRACTOR AS TO THE TIMING OF THE OPENING AND CLOSING, THE NECESSITY FOR SAME, AND THE TERMS AND CONDITIONS UPON WHICH THE CLOSURE WILL PROCEED

Introduced By: Council President McGuigan, Councilman Smith & Councilman Dill

WHEREAS, the State of New Jersey Department of Transportation (NJDOT) had made a unilateral decision to impose a complete and absolute closure of the 9th Street Bridge commencing on January 5, 2011; and

WHEREAS, during a meeting called by the NJDOT for that purpose on December 20, 2010 neither the NJDOT nor its contractor had demonstrated why the absolute and total closure of the 9th Street Bridge is necessary as the only option instead of a partial closure which would allow for continued but limited use of the bridge; and

WHEREAS, during the course of that meeting a representative for the NJDOT Contractor ACT Engineering offered to engage in further dialogue with representatives of the governing bodies of the City of Somers Point and the City of Ocean City; and

WHEREAS, at a meeting of this governing body held on December 22, 2010 a Resolution was adopted opposing the unilateral decision to close the 9th Street Bridge for all of the reasons set forth therein; and

WHEREAS, subsequent to the adoption of that Resolution and the announcement by the Commissioner of Transportation that the 9th Street Bridge would not be unilaterally closed on January 5, 2011, meetings have been held by representatives of NJDOT and its contractor(s), including ACT Engineering, with designated members of both governing bodies (with less than a quorum in attendance) as well as members of the respective business communities and the general public; and

WHEREAS, as a result of such further dialogue the reasonableness and necessity of a bridge closing plan have been presented and the NJDOT has modified its earlier position; and

WHEREAS, the NJDOT has agreed to certain terms and conditions under which such closing of the 9th Street Bridge will occur including but not limited to:

- i) NJDOT will arrange for waiver of the Ocean City Longport Bridge toll during all periods of closure;
- ii) The dates and times of closing and of reopening as well as the number of lanes to be closed during each such period of time will be set forth in advance and committed to by the NJDOT and its contractor(s) and the NJDOT represents that the causeway will be closed to traffic on or about January 17th and is scheduled to reopen on or about April 15th with two lanes of traffic open in each direction on or about June 24th, 2011;
- iii) The reconstruction of the Shore Road Trolley Bridge will not be undertaken at the same time as the Bridge closing and the re-routing of traffic by detour will be further agreed to

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Resolution No. 35 (Continued)

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among the City, the Atlantic County Engineer, the NJDOT and the NJDOT contractor(s) in order to minimize the adverse impacts;

iv) The traffic configuration at what had been the Somers Point Circle and which has been disrupted during an effort to coordinate utility relocation will be promptly addressed; and lane markings, detour signs and other required traffic safety precautions will be implemented consistent with the requirements of the NJDOT Roadway Design Manual and Guidelines for Traffic Control including but not limited to appropriate signage on the Garden State Parkway, Shore Road, Laurel Drive, Mc Arthur Boulevard, the Mays Landing - Somers Point Road and such other locations as may be necessary to inform the traveling public of the construction, the bridge closing, and the fact that local businesses are open during construction;

v) The contractors engaged in the construction shall comply with the Somers Point Noise Ordinance including time of construction equipment operation, or will at some future time make a request to this governing body for a waiver of same upon a showing of good cause;

vi) The NJDOT representatives and representatives of the contractor(s) will continue to meet regularly with City officials to keep them informed of the progress; and will likewise communicate with the public;

vii) The NJDOT and its contractor(s) will work with local business owners affected by the closing to minimize to the extent practicable the adverse impact upon local business operations and will provide proper signage to inform potential customers that the local businesses are open and with proper markings to follow if there is traffic diversion;

viii) During the period(s) of closure, the NJDOT and its contractor(s) agree to make subsequent appearances and reports during regularly scheduled meetings of this governing body upon reasonable timely request;

ix) The NJDOT and its contractor(s) will give timely written notice of any subsequent changes in the schedule of closing as hereinabove set forth due to acts of God or other elements of force majeure beyond the reasonable control of the NJDOT or its contractor(s) together with the reason for the adjustment and the extension of time, if any, as a result of the event;

x) The support of this proposed closure under the terms and conditions set forth herein is further subject to the adoption of a resolution by the governing body of the City of Ocean City supporting the closure; and

WHEREAS, as a result of the ongoing dialogue and clearer understanding of the planned construction timetable, subject to the conditions above set forth and relying in good faith upon the representations of NJDOT and its contractor representatives

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that the closure of the 9th Street Bridge upon the proposed schedule and subject to compliance by NJDOT and its contractors with each of the conditions above set forth is hereby supported as being reasonable and necessary and in the best interest of allowing a timely completion of the project for the benefit of the City of Somers Point, the City of Ocean City, the entire region and our vital tourist trade; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Director of the New Jersey Department of Transportation, Senator Jeff Van Drew, our two Representatives in the General Assembly, the Mayor of the City of Ocean City, the Atlantic County Executive, the Cape May County Executive, the Chief Executive Officer of Shore Memorial Hospital, and the President of the Somers Point Business Association.

Resolution No. 36

M/S – Smith/Kern

Councilman Triboletti advised that the last Master Plan was 1979 and by State Statute we must revisit it every six years and this is our year to do so.

Adopted by a unanimous vote of those present.

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Resolution No. 36 of 2011

**RESOLUTION APPROVING AWARD OF A CONTRACT TO THE CONSULTING
FIRM OF BROWN & KEENER, A DIVISION OF THE RBA GROUP, TO CREATE A
VISION PLAN FOR THE CITY OF SOMERS POINT**

Introduced By: Councilman Triboletti

WHEREAS, the City of Somers Point through the auspices of the Somers Point Planning Board issued Requests for Proposals (RFP) for the purpose of selecting a recognized consulting firm having a history of successful experience to engage in the creation of a Vision Plan for the City of Somers Point; and

WHEREAS, the responses to the RFP were reviewed by the members of the Somers Point Planning Board and, at a regularly scheduled meeting held on Wednesday, December 15, 2010 the Planning Board received presentations from the two finalists selected; and

WHEREAS, following those presentations and after careful deliberation, the Somers Point Planning Board adopted a resolution recommending that the consulting firm of Brown & Keener, a Division of The RBA Group with offices at 1315 Walnut Street, Suite 900, Philadelphia, PA be authorized to provide the scope of services to be completed by September 30, 2011 for a not to exceed services price of Forty Seven Thousand Seven Hundred Ninety Dollars (\$47,790.00) as more fully set forth within the RFP ; and

WHEREAS, Brown and Keener has successfully developed multiple major projects inclusive of: the Upper Schuylkill Open Space Master Plan for the design and implementation of a system of prioritized initiatives to improve public access along the river; a Strategic Plan for the Northeast Region for Gloucester County, NJ to create commercial centers and neighborhoods; the Revitalization of York, PA through the utilization of a city wide summit mechanism; and Asbury Park, NJ Main Street Redevelopment; and

WHEREAS, Brown and Keener has developed an expertise in envisioning futures, raising civic expectations, developing agendas to build consensus and create change while applying smart growth principles; and

WHEREAS, sufficient funds for the payment of the services intended to be rendered have been included within the Somers Point Municipal Budget and have been certified as being available to pay for the project; and

WHEREAS, as provided in Section 6.5 of the RFP the award of the contract is subject to the execution and delivery of a contract in a form acceptable to the City Administrator which shall include, among other things, a milestone payment schedule acceptable to the City of Somers Point

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that Brown and Keener, a Division of the RBA Group, the consulting firm recommended by the Somers Point Planning Board to undertake the creation of a Vision Plan for the City of Somers Point is hereby awarded the contract to perform that project subject to: 1) execution and delivery of a contract in a form acceptable to the City Administrator and the City Solicitor which shall incorporate the specifications and deliverables set forth within the RFP; 2) agreement upon a milestone payment schedule acceptable to the City of Somers Point; and 3) delivery of such other documents and materials deemed by the City Solicitor and the Planning Board Solicitor to be necessary or desirable, including but not limited to a current insurance certificate in the form and amounts of coverage as required by the City of Somers Point; and

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Resolution No. 36 (Continued)

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BE IT FURTHER RESOLVED, subject to satisfaction of the conditions precedent set forth in the preceding clause, the City Administrator is authorized to execute and deliver the agreed upon contract.

Consent Agenda

Resolutions 31, 32 & 33

M/S – Kern/D’Adamo

Adopted by a unanimous vote of those present.

No. 31 of 2011

Subject: SETTING INTEREST RATES FOR DELINQUENT TAXES

Introduced By: COUNCILMAN SMITH

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of a municipality to fix the rate of interest to be charged for the nonpayment of taxes or assessments and sewer charges;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, that:

1. In the event that payments of taxes or assessments and sewer charges are not paid on the due date, but are paid within a period of ten (10) days in the case of taxes, or thirty (30) days in the case of assessments and sewer charges, the Tax Collector is hereby authorized to charge no interest on all such delinquent payments.

2. In the event that payments of taxes or assessments and sewer charges are not paid within ten (10) days in the case of taxes, or thirty (30) days in the case of assessments and sewer charges, the Tax Collector is hereby authorized to charge interest at the rate of eight percent per annum on the first \$1,500.00 of the delinquency and 18 percent per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax or assessment was payable until the date of actual payment.

3. N.J.S.A. 54:6-67 specifically provides that a governing body may fix a penalty to be charged to a taxpayer where there is a tax and/or other municipal charge delinquency in excess of \$10,000.00 at the end of any calendar year on a given parcel of real estate; and

4. That a penalty equal to six percent of the amount of any delinquency in taxes and other municipal charges on a given parcel of real property shall be and is hereby imposed where the delinquency exceeds \$10,000.00 at the end of each calendar year.

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded to the Tax Collector.

No. 32 of 2011

Subject: AUTH. ASSESSOR TO FILE PETITION OF APPEAL(S)

Introduced By: COUNCILMAN SMITH

WHEREAS, from time to time the Tax Assessor discovers an error in calculating, transposing, measurement, or typographical errors in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the tax year; and

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WHEREAS, the governing body of the Taxing District of Somers Point is desirous that every taxpayer pay his fair share of taxes; and

WHEREAS, if the above discovered errors are not corrected the taxpayers affected would be paying more or less than their fair share of taxes; and

WHEREAS, the method for correcting such errors is to file a petition of appeal for the current tax year with the Atlantic County Board of Taxation; and

WHEREAS, the error was not caused by the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Taxing District of Somers Point that the Tax Assessor is hereby authorized to act as the agent for the Taxing District and direct the tax appeal attorney to file a petition of appeal or appeals for the tax year of 2011 with the Atlantic County Board of Taxation to correct errors and raise and/or lower such assessments to the correct value.

BE IT FURTHER RESOLVED that a copy of any Petition of Appeal filed with the Atlantic County Board of Taxation under this Resolution be filed with the Municipal Clerk.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Atlantic County Board of Taxation.

Resolution No. 33

**Proposed by Council
President McGuigan**

**Subject: Appropriation
Reserve Transfer**

Whereas, N.J.S. 40A:4-59 allows budget appropriation reserve transfers

during the first three months of the succeeding year.

Now, therefore, be it resolved that the City Council of the City of Somers Point hereby

authorizes the Chief Financial Officer to make the budget appropriation reserve

transfers as specified below in this resolution:

From:

| | | | | | | | | | |
|------------|-----|---|-----|-----|---|---|---|---|----------|
| City Clerk | S&W | 0 | - 0 | - 2 | - | 1 | - | 1 | |
| | | | 1 | 0 | | 2 | | 0 | 2,000.00 |
| | | | | | | 0 | | 0 | |

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|-----------------------|-----|---|-----|-----|-----|-----|--|----------|
| Finance | S&W | 0 | - 0 | - 2 | - 1 | - 1 | | |
| | | | 1 | 0 | 3 | 0 | | 2,000.00 |
| | | | | | 0 | 0 | | |
| Sanitation | S&W | 0 | - 0 | - 2 | - 3 | - 1 | | |
| | | | 1 | 6 | 0 | 0 | | 7,000.00 |
| | | | | | 5 | 0 | | |
| Recreation Facilities | S&W | 0 | - 0 | - 2 | - 3 | - 1 | | |
| | | | 1 | 8 | 7 | 0 | | 7,000.00 |
| | | | | | 5 | 0 | | |

To
tal \$ 18,000.0
0

To:

| | | | | | | | | |
|--------------|-----|---|-----|-----|-----|-----|----|----------|
| Police | S&W | 0 | - 0 | - 2 | - 2 | - 1 | | |
| | | | 1 | 5 | 4 | 0 | | 4,000.00 |
| | | | | | 0 | 0 | | |
| Public Works | S&W | 0 | - 0 | - 2 | - 3 | - 1 | \$ | |
| | | | 1 | 6 | 0 | 0 | | 14,000.0 |
| | | | | | 0 | 0 | | 0 |

To \$
tal 18,000.0
0

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Old Business

Mayor Glasser advised that the Somers Point Business Association is scheduled for this coming Tuesday at 6:00 p.m. at Sandy Pointe if anyone is interested in attending.

New Business

A Raffle License application for Upper Township Soccer was approved unanimously.

Discussion of Bills

There were no bills presented for discussion.

Public Portion

Meeting was opened to the public and duly closed.

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Payment of Bills

There were no bills presented for payment.

Adjournment

There being no further business, meeting adjourned at 7:52 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 02/23/12