

**REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010**

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

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

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

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

None

Mayor's Report

Mayor Glasser commended the teachers, students and staff for hosting the Red, White, and You ceremony that honored our Veterans. Atlantic County has offered to donate a tree to the City, and Mayor Glasser has plans to plant the tree on Arbor Day.

City Administrator's Report

None

Committee Reports

City Councilman Dill reported that the Zoning Board will hear the Richard Somers Inn project on April 12th at 7:00 p.m. The Board adopted a resolution regarding an addition on Ocean Avenue. Additionally, the Board adopted a resolution regarding the expanding of a non-conforming use for Sunrise Hotel on Maryland Avenue.

City Councilman Dill mentioned that the City's attendance record for the Atlantic County Municipal Joint Insurance Fund officials dinner was correct.

City Councilman Dill commended the Department of Public Works (DPW) for a great job patching the streets and with the brush removal. He applauded the DPW for the reconstruction of the Dispatch Center saving the City money by completing the project in house. City Councilman Dill indicated that currently the DPW is working on the recreational fields and rebuilding and repairing the dug outs. He praised the DPW for the fine job they performed with

**REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010**

less manpower and poor condition of vehicles during difficult winter conditions and thanked them for preparing the City for spring.

City Councilwoman Kern mentioned that she spoke to the Superintendent of Schools regarding the school budget. The School Board is working diligently on the budget and plan to present it to the public in the near future.

City Councilman Triboletti mentioned that since City Council's support is not needed, please disregard the memo from the Planning Board regarding adoption of a resolution. City Councilman Triboletti reported that Request For Proposals are on the City's website seeking a Planner. There have been meetings with the State and with Planners along with a letter forwarded to Mr. Levinson regarding the City's Master Plan. The State plan to send Planners to ensure that the City is in tune with the State's and County's Master Plans. Everyone is conscientiously working to meet the 2010 deadline and to follow with a vision strategy through 2011.

Minutes

Minutes were approved for the January 25, 2010 Executive Session minutes as to content only and the Regular minutes of February 11, 2010.

Waiver of 48-Hour Rule

City Council President McGuigan explained that at the previous meeting, this ordinance needed amending and advertised it for this meeting, but inadvertently it was left off the agenda. The 48-Hour Rule was waived unanimously to consider Ordinance No. 3 of 2010.

Ordinance No. 3 – Final

M/S – Dill/Kern

Public Hearing was duly opened and closed. The ordinance was adopted by a unanimous vote of those present. City Council President McGuigan announced the amendment changed the hours of 9:30 a.m. to 4:30 p.m. to 9:00 a.m. to 8:00 p.m. subject to daylight hours. City Councilman D'Adamo is pleased with this ordinance.

Ordinance No. 3 of 2010

**An Ordinance enacted under authority granted by N.J.S. 39:4-60
Permitting Charitable Organizations as defined by
N.J.S. 45:17A-20 to Solicit Contributions on certain Streets, Roadways
And Highways Subject to Required Application, Reviews, Authorizations,
And Approvals**

Public Portion (Resolutions)

The meeting was opened to the public with regard to the resolutions on the agenda, and duly closed.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010**

No. 66

M/S-Kern/Dill

Adopted by unanimous vote by those present

City Councilman D'Adamo questioned if Resolution No. 68 should be listed in the Consent Agenda. Administrator Swain explained that this work has been completed. It was an emergency purchase, and there will be additional costs for repaving the street and electrical pole work. City Council President announced that Resolution No. 68 will be removed from the Consent Agenda, which was motioned and seconded and carried. Resolution Numbers 66, 67, and 69 were adopted.

**No. 66 of 2010
Authorizing Execution of 2010
Municipal Aerial Mosquito Control Agreement**

WHEREAS, from time to time it may become necessary to perform aerial application of pesticides for mosquito control over certain areas of Somers Point; and

WHEREAS, such application should be performed by the Atlantic County Department of Public Works, office of Mosquito Control; and

WHEREAS, all pesticides and aircraft utilized are approved for aerial application by State and Federal governments; and

WHEREAS, the Atlantic County Department of Public Works, Office of Mosquito Control shall notify the Somers Point Police Department, the City and local news media prior to any application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Mayor John L. Glasser, Jr. is hereby authorized to execute the 2010 Municipal Aerial Mosquito Control Agreement, a copy of which is attached hereto and made a part hereof.

No. 67

M/S-Kern/Dill

Adopted by unanimous vote by those present

**No. 67 of 2010
Approving proposals – Goods and Services 2010**

Introduced By: Council President McGuigan

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposal is approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of January 1, 2010 through December 31, 2010:

Page 4

a) Excavation and Pipe Installation/Replacement

Garrison Enterprise, Inc.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010**

No. 68
M/S-Dill/Smith
Adopted by unanimous vote by those present

**No. 68 of 2010
Approving an Emergency Purchase**

Introduced by Council President McGuigan

Whereas, the collapse of a forty-eight inch storm sewer line on Woodland Avenue created a public exigency that required the immediate performance of excavation, repair and replacement services; and

Whereas, because it was sub-surface, the exact extent of the damage and required work could not be ascertained until the area was excavated and the work had proceeded; and

Whereas, N.J.S.A. 40A:11-6 permits emergency contracts to be awarded when an emergency exists that affects the public health, safety or welfare; and

Whereas, the Superintendent of Public Works recommended to the City Administrator that a contract for the necessary repairs be awarded without bidding to Garrison Enterprises, Inc. of Vineland, New Jersey, due to the urgent need to complete the work; and

Whereas the City Administrator concurred that an emergency purchase is allowed under these conditions.

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

1. The report of the Superintendent of Public Works dated February 22, 2010 that outlines the circumstances of this purchase be and is hereby attached hereto and made a part of this resolution.
2. The emergency purchase of services for the excavation, repair and replacement of the forty-eight inch Woodland Avenue storm sewer line to Garrison Enterprises, Inc. of Vineland, New Jersey, in the amount of \$65,869.93 is hereby approved pursuant to the provisions of N.J.S.A. 40A:11-6.

No. 69
M/S-Kern/Dill
Adopted by unanimous vote by those present

No. 69 of 2010

A Resolution expressing opposition to Senate Bill No. S458 regarding holding of binding statewide Referendum by County on whether responsibility for certain municipal functions should be assumed

Page 5

by County Government, repeals various sections of law concerning transfer or termination of employees of terminated local health agency

Introduced By: Councilman Smith

WHEREAS, Senator Robert Smith (D-17) of Middlesex County and Senator Joseph Kyrillos (R-13) of Monmouth County have introduced legislation, Senate Bill No. S458 that

**REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010**

calls for the consolidation of the Office of Municipal Tax Collector, as well as the Office of Municipal Tax Assessor, Municipal Health Services and Municipal Animal Control Services; and

WHEREAS, the legislation calls for the decision to be made on a county by county referendum and calls for the Commissioner of Community Affairs and the Director of the Division of Taxation to develop a comprehensive Master Plan to phase out these municipal offices and transfer them to the county within two years; and

WHEREAS, S458 directs that the plan shall effectuate long range cost savings through the consolidation of these functions with no empirical data or factual studies showing a transfer of these functions to a county authority will in any way save money, reduce property taxes or improve the delivery of service of these functions; and

WHEREAS, the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC) was approved by the legislature and established on March 15, 2007 as part of P.L. 2007, 54 of the 2007 Property Tax Relief Act for the purpose of recommending legislative changes which would encourage the more efficient operation of local government; and

WHEREAS, LUARCC, in the Executive Summary of the same March, 2009 Report, acknowledges that it will expand its focus to include the efficiency in service delivery and the methods used in the assessment and collection of taxes; and

WHEREAS, S458 would usurp the function of the LUARCC, which the legislature created in 2007 and directs the Department of Community Affairs and the Department of Treasury to perform an unrealistically brief ninety (90) day study of a very complex delivery of services and do so without public input; and

WHEREAS, the findings in the March, 2009 LUARCC do not support the premise conveyed in S458 and passage of S458 could cause irreparable damage to the delivery of services and the public's confidence in the functions of Tax Assessor and Tax Collector; and

WHEREAS, until the Commission completes their work, we cannot be sure that the arbitrary transfer of these functions makes any sense at all; let alone whether it makes sense for the tax payers of every municipality in every county; and

WHEREAS, the New Jersey League of Municipalities has informed the sponsors of this Bill that they oppose its passage; and

WHEREAS, the law establishing the Gloucester County pilot program for county wide assessment requires LUARCC to evaluate the program at the end of six (6) years; and

WHEREAS, S458 would usurp the function of the LUARCC, which the legislature created in 2007 and directs the Department of Community Affairs and the Department of Treasury to perform a brief ninety (90) day study of a very complex delivery of services and do so without public input; and

WHEREAS, the findings in the March, 2009 LUARCC do not support the premise conveyed in S458 and passage of S458 could cause irreparable damage to the delivery of services and the public's confidence in the functions of Tax Assessor and Tax Collector.
Page 6

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

1. The City Council of the City of Somers Point in the County of Atlantic opposes Senate Bill No. S458.
2. The Somers Point Clerk is instructed to forward a copy of this Resolution to Governor Chris Christie, Senate President Stephen M. Sweeney, Assembly Speaker Sheila Oliver, Senator Jeff Van Drew, Assemblyman Nelson T. Albano, Assemblyman Matthew W. Milam, Atlantic County Board of Chosen Freeholders, the New Jersey League of Municipalities, the Tax Collectors and Treasurers Association of New Jersey (TCTANJ), the New Jersey Association

**REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010**

of County Tax Boards (NJACTB) and the Association of Municipal Assessors of New Jersey (AMANJ) and all municipalities in Atlantic County.

Old Business

None

New Business

City Council President McGuigan reported that the City received correspondence requesting a donation of \$3,000.00 to Channel 2 to continue maintenance for 2010 through 2011, and to consider the Comcast franchise money to pay for it. City Councilman D'Adamo opposed the contribution. City Councilman Smith indicated that one of the purposes to use the funds received from Comcast is for a T.V. station. Mr. Swain explained that when the City entered into a franchise agreement, Comcast agreed to provide the Channel 2 access, which has been turned over to Mainland High School. The Governing Body requested Mr. Swain investigate how much other municipalities are contributing.

City Council President McGuigan reported that the Governing Body received reports from the Tax Collector that indicates the rate of collection from last year to this year, which has stayed approximately the same.

Mr. Swain reported that the extension of licensed premises for the Anchorage Tavern, Doc's Place and JR's for the Bayfest; the application for a Social Affairs Permit for the Rotary Club; and the Raffle License application for Shore Memorial Health Foundation, Inc., were officially in order. The Governing Body approved all of the above-mentioned items. Mr. Triboletti abstained with regards to the Rotary Club.

Discussion of Bills

Mr. Swain reported \$1,010,825.39 for the total amount of the bills to be paid. Additionally, Mr. Swain requested payment of a bill for \$2,496.00 payable to the State of New Jersey regarding a permit application for improvements to Kern Field, which revised the Bill List to \$1,013,321.39. City Council President McGuigan requested the bill for Parker, McKay be omitted from the Bill List, which amended the Bill List to \$1,012,008.12.

Page 7

Public Portion

Patricia Pierson of 587 Marks Road expressed her concern regarding the school budget, and City Council President McGuigan mentioned that the Governing Body has not yet received the school budget. Ms. Pierson questioned the need for a fire truck and public works equipment. City Council President McGuigan explained that last week there was a budget meeting and the capital plan was discussed for the need of a new fire truck and replacement of old public works equipment. Ms. Pierson suggested that Shore Memorial Hospital should make a contribution to the City to pay for a fire truck.

Danny Gudauskas of 18 Gibbs Avenue questioned what the Senate Bill S458 was regarding. Mr. Smith explained that it is a pending Senate Bill that seeks to allow County by County for the County to approve a consolidation of the positions of Tax Collector and Tax Assessor. Since

**REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010**

this Senate Bill would not give the City a choice, City Councilman Tom Smith opposes this Bill. Additionally, there is a detailed six year pilot program in Gloucester County evaluating the consolidation of the tax assessor. City Councilman D'Adamo opined that if there were proof of cost savings to the taxpayer, then he would support the Senate Bill. Mr. Gudauskas' concern is if the full bond of the Mainland High School is not expended, what happens to the remaining funds available. City Council President McGuigan encouraged Mr. Gudauskas to contact the school for his answers.

Samuel of Harborview has a concern with rising taxes in the City of Somers Point. City Council President McGuigan stated that he takes his responsibility as a councilmember very seriously and always keeps in mind the state of economy and the residents of the City with all City financial decisions.

Payment of Bills

Bills were approved in the amount of \$1,012,008.12.

Adjournment

There being no further business, the meeting adjourned at 9:12 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 7/26/2012

REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010

REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010

REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010

REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010

REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010

REGULAR MEETING
MAYOR AND CITY COUNCIL
MARCH 25, 2010