

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 26, 2012**

Meeting called to order at 7:00 p.m. by President McGuigan with a salute to the flag. A moment of silence was held in memory of one of our firemen, Jack Guckes, who recently passed away. Roll call was recorded as follows:

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

Also Present: Mayor Glasser, Administrator Swain, 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

Council President pulled Resolution No. 81 up on the agenda. Meeting was opened to the public and duly closed for discussion regarding Resolution No. 81.

Resolution No. 81

M/S – Triboletti/Dill

Council President McGuigan stated that in a perfect world we would not be naming streets after young men we have lost in foreign lands. He stated that we are fortunate that we have people like Anthony to stand up and defend our freedom, and he is proud to support this resolution and looks forward to seeing these signs placed on Tenth Street. Resolution was adopted by a unanimous vote of those present. Mayor Glasser asked Councilmembers Dill and Triboletti to join him in presenting a framed copy of the below resolution to the family of Private Second Class Anthony Sausto, noting that he has copies for the various veterans organizations as well.

**THE CITY OF SOMERS POINT
RESOLUTION NUMBER 81 OF 2012**

**A RESOLUTION HONORING THE LIFE OF PRIVATE SECOND CLASS ANTHONY
SAUSTO, A NATIVE OF OUR CITY WHO SACRIFICED HIS LIFE
IN THE SERVICE OF OUR COUNTRY ON MAY 7, 2007,
AND DECLARING 10TH STREET TO BE HEREAFTER GIVEN THE HONORARY
DESIGNATION OF
PRIVATE ANTHONY J. SAUSTO WAY**

Introduced By: The Mayor and Council of the City of Somers Point

WHEREAS, Anthony J. Sausto was a native of Somers Point living for many years on 10th Street and attended Jordan Road School; and

WHEREAS, following a long and honored tradition of service to God and Country, an example set by Commander Richard Somers, Anthony entered the service of his Country becoming a member of the 1st Battalion, 38th Infantry Regiment, 4th Brigade Combat Team, 2nd Infantry Division, Stryker Brigade stationed at Fort Lewis, Washington from which he was deployed in April 2007; and

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Resolution No. 81 (Continued)

WHEREAS, on May 10, 2007 in Baghdad Private Anthony J. Sausto willingly made the greatest sacrifice protecting our country and our democracy when he was killed by small-arms fire; and

WHEREAS, wherever he was in this world Anthony always considered Somers Point to be his home; and

WHEREAS, Private Second Class Anthony J. Sausto will always be fondly remembered by his many friends and neighbors who knew him as a boy growing up on 10th Street; and

WHEREAS, in recognition of the fine example set by this young man who was taken from us in his prime, and in honor of his service to our community and our Country

The Mayor and Council hereby declare and **RESOLVE** that 10th Street shall hereafter bear the designation "Private Anthony J. Sausto Way" in his memory; and

It is further **RESOLVED** that street signs shall be placed on 10th Street bearing that name and rank on behalf of a grateful community so that Private Sausto's name and sacrifice shall always be remembered; and

It is further **RESOLVED** that a certified copy of this Resolution and a memorial Street Sign is hereby presented to the family of Private Second Class Anthony J. Sausto with sincerest thanks and condolences.

Communications

Acknowledgement of two Police Officers with letters of commendation for exceptional duty – K-9 Officer Rick Dill and Patrolman Joseph Scioli

Chief Boyd thanked the Mayor and Council for allowing them to acknowledge two of our Police Officers for outstanding duty. He stated that the two officers responded to a noise complaint and found two subjects in the hallway, and recovered a loaded 9mm hand gun. Office Dill and Officer Scioli were both presented with a plaque in recognition of outstanding police work.

Resolution No. 80

M/S – Triboletti/Kern

Councilman Dill stated that he will be recusing himself from voting on this resolution, but would like to speak after it is passed. Councilman Smith stated that this should be introduced by the entire Council as they are all committed to this Police Department. Resolution No. 80 was then adopted by a 6-0 vote with Councilman Dill recusing himself. Chief Boyd stated that she is being hired off of the Rice List and is coming to us with five years experience and very qualified. Mayor Glasser then administered the oath of office stating that he is always honored to do so.

No. 80 of 2012

A Resolution Authorizing the Chief of Police of the City of Somers Point to Hire One Additional Police Officer from the Rice List Maintained by the State of New Jersey and to Appoint Same to the Position of Patrolperson Within the Somers Point Police Department; and Authorizing the Mayor of the City of Somers Point to Swear in Said Patrolperson Following Acceptance of Her Appointment

Proposed By: Mayor Glasser
Introduced by: Councilman Smith

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Resolution No. 80 (Continued)

WHEREAS, as part of the commitment of the Mayor and Council to safeguarding the safety and wellbeing of the residents, businesses and visitors to our City and their property, Chief Michael Boyd of the City of Somers Point Police Department requested the hiring of one (1) additional Police Officer for the Police Department to hold the position of Patrolwoman; and

WHEREAS, Mayor John L. Glasser, Jr. supports the request and has submitted the request to this Governing Body with his full support; and

WHEREAS, New Jersey Law authorizes a municipality to appoint a police officer who has been laid off subject to the following conditions:

1. The officer served in good standing in any state, county, or municipal law enforcement department or agency;
2. Completed working a test period (or the equivalent of a non civil service municipality);
3. Was not a Special or Seasonal Officer; and
4. Was laid off for reasons of economy within the preceding sixty (60) months; and

WHEREAS, the State of New Jersey compiles and maintains a list of such officers known as the Rice List which, by law, a municipality may utilize over eligibility lists and appointment lists that are currently in existence and where the municipality has no active special re appointment list; and

WHEREAS, seniority is not carried over to the new position and any officer so hired is not required to be re certified, undergo a training at the New Jersey State Police Academy or undergo a working test period; and

WHEREAS, the Chief of Police of the City of Somers Point has contacted Civil Service to obtain the most current Rice List;

WHEREAS, a qualified candidates has been selected by Chief Boyd from the current Rice list of officers available for duty who has five years of experience, most recently serving as a Police Officer with the Medford New Jersey Police Department from which she was recently laid off due to budgetary cuts and who will immediately be available for street duty upon completing FTO Program and shall commence full time active duty after being sworn in as a Patrolman of the Police Department of the City of Somers Point; and

WHEREAS, appointing from the Rice List will result in an economic saving to the City of Somers Point and its citizens by eliminating the need for a course of training at the New Jersey State Police Academy,

WHEREAS, hiring of the additional officer will enhance the public safety of this City, its residents and its visitors; and

WHEREAS, the hiring of the additional officer will have no impact upon the employment or status of any current police officer within the Department; and

WHEREAS, the starting salary of forty-two thousand dollars (\$42,000) per annum and benefits to be paid to the hired officer will be in compliance with the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement; and

WHEREAS, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation.

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Resolution No. 80 (Continued)

NOW, THEREFORE, IT IS Hereby **RESOLVED** that the Chief of Police of the City of Somers Point is hereby authorized and empowered to hire from the Rice List Ms. Gina Sambucci and to appoint her to the position of Patrolwoman in the Somers Point Police Department to be duly sworn into office; and

It is **FURTHER RESOLVED**, that the salary for the position shall conform to the Somers Point Salary Ordinance and the terms and conditions of the current Collective Bargaining Agreement; and

It is **FURTHER RESOLVED**, that the Mayor of the City of Somers Point shall proceed to swear into office Officer Sambucci immediately following the adoption of this Resolution; and

FURTHER RESOLVED that the City Clerk is hereby authorized to process the necessary documents with the New Jersey Department of Personnel, as may be required to certify said appointment.

Communications

Mayor Glasser gave the Mayor's Report in full for the month of March. He also reminded everyone that this weekend is Bayfest and we are hoping for good weather.

Committee Reports

Councilman Dill gave the Budget Committee report stating that the budget is on the agenda tonight as are two bond ordinances. He also gave the Public Works report and reported that the Laurel Drive project will begin on Monday and asked Greg Schneider from the Engineer's Office to explain the traffic changes for the public during this project.

Minutes

Minutes of the regular meetings of January 12, 2012 and January 26, 2012 were approved unanimously.

Public Hearing on Budget

Meeting was opened to the public and duly closed. Administrator Swain noted that packages of budget information are available in the Clerk's Office as well as here at the meeting.

Waiver of 48-Hour Rule

The 48-Hour Rule was waived unanimously in order to consider Resolutions No. 90 and 91.

Resolution No. 90

M/S – Tapp/Kern

Adopted by a unanimous vote of those present.

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Resolution No. 90 (Continued)

No. 90 of 2012

Subject: Read Budget by Title

WHEREAS, N.J.S 40A:4-8 provides that the budget be read by title only at the time of the public hearing if the resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing a complete copy of the approved budget as advertised has been posted in City Hall and copies have been made available by the City Clerk to persons requiring them; and

WHEREAS these two conditions have been met;

NOW THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Resolution No. 91

M/S – Tapp/Kern

Adopted by a unanimous roll call vote of those present.

No. 91 of 2012 (As Amended) (See Old Business)

Subject: Resolution to Amend Budget

WHEREAS, the local municipal budget for the year 2012 was approved on the 22nd day of March, 2012; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, County of Atlantic that the following amendments to the approved budget of 2012 be made:

| | | | |
|----------------------|--|-------------------|---|
| Recorded Vote | (D'Adamo (Dill (Kern (Smith (Tapp (Triboletti (McGuigan | Nays (None | Abstained (None Absent (None |
|----------------------|--|-------------------|---|

DEDICATED SEWER UTILITY BUDGET

| | <u>From</u> | <u>To</u> |
|---|--------------------|------------------|
| 11. Appropriations for Water and Sewer Budget | | |
| Operating: | | |
| Other Expenses | 286,000 | 281,625 |
| Debt Service | | |
| Interest on Notes | -0- | 4,375 |
| | _____ | _____ |

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| | | |
|----------------------------|-----------|-----------|
| Total Sewer Appropriations | 2,310,944 | 2,310,944 |
| | | |

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Resolutions (Continued)**

Resolution No. 92

M/S – Tapp/Dill

Adopted by a unanimous roll call vote of those present.

No. 92 of 2012

BE IT RESOLVED by the City Council of the City of Somers Point, County of Atlantic that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$8,904,294.00 for municipal purposes.

RECORDED VOTE

| | | | |
|-------------|--------------|--------------------|-------------------------|
| | (D’Adamo | | Abstained (None |
| | (Dill | | |
| | (Kern | | |
| Ayes | (Smith | Nays (None | |
| | (Tapp | | |
| | (Triboletti | | Absent (None |
| | (McGuigan | | |

ORDINANCES

Ordinance No. 5 – Final Reading

M/S – D’Adamo/Kern

Atty. Franklin advised that we have received a copy of the Planning Board’s acceptance. Meeting was opened to the public and duly closed. Adopted by a unanimous vote of those present.

ORDINANCE No. 5 of 2012

AN ORDINANCE SUPPLEMENTING CHAPTER 114 "DEVELOPMENT REGULATIONS" OF THE CITY OF SOMERS POINT TO ESTABLISH CONSISTENT REGULATIONS AND GUIDELINES FOR OUTDOOR RESTAURANT DINING

FIRST READING: April 12, 2012
PUBLICATION: April 18, 2012
FINAL PASSAGE: April 26, 2012

Ordinance No. 6 – Final Reading

M/S – Tapp/Smith

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Councilman Dill and Mayor Glasser recused themselves from this portion of the meeting and left the room. Council President McGuigan sat as acting Mayor and President Pro-Tempore Kern chaired the meeting. Meeting was opened to the public as follows:

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Ordinance No. 6 (Continued)

A resident from Second Street came forward and addressed the governing body stating that he is surrounded by rental properties on three sides of his property. He stated that they should keep in mind that it is not just the large complexes that have problems. He stated that he is in favor of this ordinance.

A resident from Meyran Avenue came forward and addressed the governing body stating that the large complex landlord should be held accountable in the same way as a single apartment.

Frank Denan, Code Enforcement and Inspector for the City of Somers Point, came forward and addressed the governing body seeking clarification with regard to rooming houses.

Public portion was then closed.

Councilman Tapp stated that he will be voting in favor and feels this is a very well written ordinance and thanked the Committee for their work. Council President McGuigan stated that this has been worked on for some time and feels it will be effective and it will continue to be monitored by this Administration. Councilman D'Adamo stated that this is a long time coming and is glad to see it being brought forward. Councilwoman Kern thanked the Committee stating that many long hours were put into this and feels they did a good job. Ordinance No. 6 was then adopted on final reading by a 6-0 vote with Councilman Dill and Mayor Glasser recusing themselves.

Ordinance No. 6 of 2012

**An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point by Adding an Article V to Chapter 169 To Establish a
Registration Requirement for Rental Units, Apartment Units and Certain Dwelling
Units, Specifying Information to be Provided in the Registration Form, Establishing a
Registration
Fee Schedule, and Deleting from Article III of Chapter 169 all references to Multiple
Occupancy Dwellings**

***FIRST READING:* April 12, 2012**

***PUBLICATION:* April 18, 2012**

***FINAL PASSAGE:* April 26, 2012**

Councilman Dill and Mayor Glasser returned to their seats at the meeting.

Ordinance No. 7 – First Reading

M/S – Kern/Triboletti

Ordinance No. 7 was approved on first reading by a unanimous vote of those present.

ORDINANCE NO. 7 of 2012

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS
AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT,**

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**IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING
\$1,268,000 THEREFOR AND AUTHORIZING THE ISSUANCE
\$1,204,600 OF BONDS OR NOTES OF THE CITY TO FINANCE PART
OF THE COST THEREOF.**

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Ordinance No. 7 (Continued)

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS
POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all
members thereof affirmatively concurring) AS FOLLOWS:**

SECTION 1

The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,268,000 including the sum of \$63,400 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets or by virtue of a contribution that is in hand with the City.

SECTION 2.

In order to finance the cost of the improvements or purposes not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,204,600 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3.

The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| Purpose | Appropriation and Estimated Cost | Estimated Maximum Amount of Bonds or Notes | of | Period Usefulness |
|---|--|--|----|----------------------|
| a.) Acquisition by purchase of Police Department public safety equipment including computers, and including all attachments and appurtenances applicable thereto. | \$6,000 | \$5,700 | | 7 years |
| b.) Acquisition by purchase of a leaf machine, a truck-mounted knuckle boom crane , and a rotary | | | | |

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shop vehicle lift including
all attachments and
appurtenances applicable
thereto.

\$125,000

\$118,750

15 years

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Ordinance No. 7 (Continued)

c.) Acquisition by purchase
of self-contained breathing
apparatus, turn-out gear
and other Fire Department
public safety equipment,
including all
attachments and
appurtenances applicable
thereto.

\$84,000

\$79,800

15 years

d.) Improvements to
communication devices
for a narrow band radio
upgrade together with all
materials and work
necessary therefore and
incidental thereto.

\$32,000

\$30,400

10 years

e.) Improvements to various
recreational facilities in the City
including: Fehrle Field irrigation system,
well, fencing and landscaping;
Kern filed pond; irrigation, fencing,
lighting and electrical upgrades;
together with all materials and
work necessary therefore
and incidental thereto.

\$116,000

\$110,200

15 years

f.) Acquisition by purchase
of a four wheel drive
vehicle for public safety use
together with all appurtenances
and attachments necessary therefore
and incidental thereto.

\$30,000

\$28,500

5 years

g.) Improvements to
portions of various
streets in the City including,
but not limited to paving, sidewalks,
curbing, drainage, signage, surfacing or
resurfacing and any related work,
together with all materials and work
necessary therefore and incidental thereto
in accordance with a list on
file with the City Clerk.

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\$875,000

\$831,250

10 years

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Ordinance No. 7 (Continued)

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose.

SECTION 4.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser. If so designated by the Chief Financial Officer, the City Administrator may act on behalf of the Chief Financial Officer in any or all capacities described in this section.

SECTION 5.

The City hereby certifies that it has adopted a capital budget. The applicable capital budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

SECTION 6.

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 11.15 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the

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City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,204,600 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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Ordinance No. 7 (Continued)

- (d) An aggregate amount not exceeding \$190,200 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 7.

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8.

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 10.

The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

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Ordinance No. 7 (Continued)

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

SECTION 11.

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 12.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

**First Reading: April 26, 2012
Publication: May 2, 2012
Second Reading: May 10, 2012
Publication: May 16, 2012**

Ordinance No. 8 – First Reading

M/S – Dill/Kern

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

**CITY OF SOMERS POINT
ATLANTIC COUNTY
NEW JERSEY**

ORDINANCE NO. 8 OF 2012

**BOND ORDINANCE PROVIDING FOR
VARIOUS SEWER UTILITY CAPITAL
IMPROVEMENTS IN AND BY THE
CITY OF SOMERS POINT, IN THE
COUNTY OF ATLANTIC, NEW JERSEY,
APPROPRIATING \$309,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$309,000
BONDS OR NOTES OF THE CITY FOR
FINANCING THE COST THEREOF.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1.

The acquisitions or improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Somers Point, New Jersey. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$309,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City,

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as more fully explained in Section 6(e) of this ordinance.

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Ordinance No. 8 (Continued)

SECTION 2.

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$309,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3.

The several acquisitions or improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each acquisition or improvement, and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each acquisition or improvement and the period of usefulness of each are as follows:

| Purpose | Appropriation and Estimated Cost | Estimated Maximum Amount of Bonds or Notes | Period of Usefulness |
|--|--|--|----------------------------|
| a.) Acquisition by purchase of a service truck with crane and including all attachments and appurtenances applicable thereto. | \$37,000 | \$37,000 | 5 years |
| b.) Acquisition by purchase of a dump truck including all attachments and appurtenances applicable thereto. | \$57,000 | \$57,000 | 5 years |
| c.) Replacements, improvements and renovations to various pump stations, mains, and other system components together with all materials and work necessary therefore and incidental thereto . | \$121,000 | \$121,000 | 40 years |
| d.) Improvements to the DeFeo Lane facility by means of a new roof and the installation of an emergency generator together with all materials and work necessary therefore and incidental thereto. | \$94,000 | \$94,000 | 10 years |

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Ordinance No. 8 (Continued)

SECTION 4.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser.

SECTION 5.

The capital budget of the City of Somers Point is hereby amended to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

SECTION 6.

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20.23 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$309,000, and that the net debt of the City determined as provided in the Local Bond Law is not increased by this Bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$46,350 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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Ordinance No. 15 (Continued)

SECTION 7.

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this ordinance and shall be deemed to have been taken pursuant to this ordinance.

SECTION 8.

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 9.

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 10.

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended.

SECTION 11.

This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**FIRST READING: April 26, 2012
PUBLICATION: May 2, 2012
FINAL READING: May 10, 2012
PUBLICATION: May 16, 2012**

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

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Resolutions (Continued)

Resolution No. 82

M/S – D’Adamo/Tapp

Councilman Triboletti stated that the Planning Board and other Boards are all very enthusiastic about this plan. Council President McGuigan thanked Councilman Triboletti and the Planning Board for all of their work on this. Resolution No. 82 was then adopted by a unanimous vote of those present.

Resolution No. 82 of 2012

**RESOLUTION ACCEPTING A VISION PLAN FOR THE CITY OF SOMERS POINT
PREPARED BY THE CONSULTING FIRM OF BROWN & KEENER, A DIVISION
OF THE RBA GROUP AS PRESENTED TO THE SOMERS POINT PLANNING
BOARD ON FEBRUARY 2, 2012 AND AS EMBODIED IN A FORMAL MOTION BY
THE SOMERS POINT PLANNING BOARD ACCEPTING THE 2012 VISION PLAN
REPORT AND RECOMMENDATIONS ON MARCH 21, 2012**

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, 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 (now known as Brown & Keener Urban Design) (hereinafter referred to as “B&K”) with offices at 1315 Walnut Street, Suite 900, Philadelphia, PA be authorized to provide the scope of services to prepare a Vision Plan for the City of Somers Point; and

WHEREAS, B&K had 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, B&K had demonstrated an expertise in envisioning futures, raising civic expectations, developing agendas to build consensus and create change while applying smart growth principles; and

WHEREAS, by Resolution No. 36 of 2011 the Governing Body of the City of Somers Point unanimously accepted the recommendation of the Somers Point Planning Board to retain B&K to prepare a Vision Plan for the City of Somers Point; and

WHEREAS, on February 12, 2011 the Somers Point Planning Board entered into a consulting Agreement with B&K (the “Agreement”); and

WHEREAS, in discharging their obligations under the Agreement B&K conducted a lengthy, extensive and expansive analysis of the City, its historic significance, its areas in need of investment and planned development, the unique character of our neighborhoods, the opportunities for ordered smart growth through combined public and private investment and initiatives, and actively sought input from our residents, our businesses, and all other stakeholders having an interest in sustaining growth into the twenty-first century while preserving the unique character and historical significance of our City; and

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Resolution No. 82 (Continued)

WHEREAS, this input was achieved using various outreach tools, including the preparation and distribution of numerous Community surveys and questionnaires, multiple focus group and public forum meeting, study circles and workshops, tours of the communities within the City, newsletters, a Vision Plan Open House, periodic presentations to the Somers Point Planning Board during open public meetings, and other milestone and benchmark public activities as more fully set forth in the Resolution adopted by the Somers Point Planning Board on March 21, 2012; and

WHEREAS, in the preparation of the Vision Plan B&K identified policies and development regulations which were positive and contribute to the Vision Plan as well as those which are in need of modification or supplementation in order to satisfy the Vision Plan goals for the betterment of our City, our residents, our businesses and our significant number of seasonal visitors which help to sustain our local economy and are a significant economic engine; and

WHEREAS, through their efforts B&K has presented a Vision Plan which suggests focus should be placed upon the enhancement of certain existing neighborhoods and facilities such as the golf course area, the Bayfront district, the Somers Mansion which now has a much more prominent presence as a result of the Rt. 52 reconstruction, Kennedy Park, and the Bridge Landing Circle, together with certain areas which have not been developed to their full potential due to lack of development regulations which would encourage private investment; and

WHEREAS, the Somers Point Planning Board has determined that B&K has “taken the initiative to understand and address the wishes and needs of current Somers Point residents and businesses, and has fully incorporated the public’s opinions into the 2012 Vision Plan” and further found that “the Somers Point Planning Board has been involved with every step of the process to develop the 2012 Vision Plan that will meet the collective needs and desires of residents, businesses and visitors for decades to come”; and

WHEREAS, the Somers Point Planning Board did, by unanimous vote, accept and adopt the 2012 Vision Plan prepared by B&K with the recommendation that this Governing Body formally accept the 2012 Vision Plan; and

WHEREAS, this Governing Body recognizes the obligation of the City to undertake a complete and extensive Master Plan Review; and

WHEREAS, this Governing Body appreciates the foresight of the Somers Point Planning Board in engaging B&K to undertake the 2012 Vision Plan report as an essential prerequisite to the Master Plan Review in order to undertake that review armed with the extensive input which has been obtained from our residents, our businesses and other key constituents so that the Master Plan Review will be undertaken using the 2012 Vision Plan as the framework against which to develop meaningful regulations

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point that the recommendation of the Somers Point Planning Board to this Governing Body to accept and adopt the 2012 Vision Plan is hereby accepted; and

BE IT FURTHER RESOLVED, that the 2012 Vision Plan prepared by B&K is hereby accepted; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Somers Point Planning Board Administrative Officer, the Somers Point Building Department, the Somers Point Planning Board Solicitor, and to B&K Urban Design.

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**Page 18
Resolutions (Continued)**

Resolution No. 83

M/S – D’Adamo/Kern

Adopted by a unanimous vote of those present.

RESOLUTION No 83 of 2012

Subject: Sewer Balances Cancelled (Correcting Resolution)

Sponsor: Councilman Smith

WHEREAS, on April 12, 2012, the Governing Body of the City of Somers Point adopted Resolution No. 72 of 2012 to cancel certain sewer charge balances in individual amounts less than Ten Dollars (\$10.00); and

WHEREAS, it was subsequently determined that the list of sewer charge balances to be cancelled was not accurate; and

WHEREAS, the Tax Collector has provided the City Clerk with the accurate list which is attached hereto and incorporated herein by reference

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Resolution No. 72 of 2012 adopted on April 12, 2012 is hereby rescinded in its entirety; and

BE IT FURTHER RESOLVED the sewer charge balances set forth in the attached list [each of which is less than Ten Dollars (\$10.00)] are hereby cancelled; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Resolution No. 84

M/S – Kern/Tapp

Councilman Dill advised that he will be recusing himself from voting on this resolution and also will not be attending the Executive Session for the same reasons. Resolution No. 84 was then adopted by a 6-0 vote with Councilman Dill recusing himself.

**RESOLUTION NO. 84 of 2012
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** topic which involves a report and recommendations by Special Labor Counsel and the Contract Negotiation Committee regarding the terms and conditions of a proposed Employment Contract between the City of Somers Point and the Chief of Police and which requires the advice and counsel of the Special Labor Counsel to the City of Somers Point is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings as necessary to be discussed without the public in attendance during an Executive Session to be held on April 26, 2012 during a public meeting to be held commencing at 7:00 P.M, and

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Resolution No. 84 (Continued)

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

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

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

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

“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body” The terms and conditions of a negotiated Employment Contract between the City and Police Chief Michael Boyd are to be discussed _____;

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

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

“(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.”

Advice and counsel to be received from the Special Labor Counsel to the City of Somers Point regarding the current status of the terms and conditions of a negotiated Employment Agreement between the City of Somers Point and Police Chief Michael Boyd [See Exception (4) above] which, upon completion of negotiations, will remain subject to approval by Council during an open public meeting as required by law prior to execution .

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“(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 30 – 45 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 reasons;

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 #4 and #7 above: Attorney Client conference | Upon Completion of Negotiations and Preparation of a Resolution to review and approve an Employment Contract | Completion of negotiations and preparation of an employment contract to be presented for consideration in an open public meeting. |
| | | |
| | | |
| | | |

Resolution No. 85
M/S – Dill/Kern
Adopted by a unanimous vote of those present.

No. 85 of 2012 (Corrected Copy)

**REGULAR MEETING
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A RESOLUTION SUPPORTING A-2027 and S-642 THE JESSICA LUNSFORD ACT WHICH IMPOSES A MANDATORY PRISON TERM OF 25 YEARS TO LIFE FOR AGGRAVATED SEXUAL ASSAULT AGAINST A CHILD UNDER THE AGE OF 13 AND INCREASES PENALTIES FOR HARBORING CERTAIN SEX OFFENDERS

Sponsored By: Councilman Dill and Councilman Smith

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Resolution No. 85 (Continued)

WHEREAS, Assembly Bill No. 2027 was introduced on January 10, 2012 sponsored by Assemblypersons Nancy F. Munoz, Jerry Green, Mary Pat Angelina, and Alison Littel McHose and co-sponsored by Assemblymen John F. Amodeo and Honorable Chris Brown, among others and has been referred to the Assembly Judiciary Committee; and

WHEREAS, a companion Senate Bill No. S-642 sponsored by Senators Thomas H. Keane, Jr. and Diane B. Allen was introduced on January 12, 2012 and has been referred to the Senate Judiciary Committee; and

WHEREAS, the proposed legislation would supplement and amend N.J.S. 2C:14- 2 and N.J.S. 2C:29-3 to impose a mandatory term of imprisonment of between 25 years to life on persons convicted of aggravated sexual assault against a child under the age of 13 to be served without eligibility of parole until serving the minimum sentence of 25 years; and would further impose mandatory terms on certain persons convicted of harboring or concealing another person who is required to register under Megan's Law; and

WHEREAS, the bills are named for Jessica Lunsford, a nine year old Florida child who was kidnapped, sexually assaulted and murdered by a registered sex offender; and

WHEREAS, the companion bills are modeled on legislation which was enacted by the State of Florida; and

WHEREAS, New Jersey is one of only 8 states which has failed to enact similar legislation; and

WHEREAS, S-294 sponsored by Senators Diane B. Allen and Steven V. Oroho was introduced pending Technical Review by the Legislative Counsel contained similar provisions and would have created a 2,500 foot Child Protection Zone around an elementary or secondary school, a playground or a child care center and lifetime electronic monitoring requirements; and

WHEREAS, the New Jersey State Supreme Court has ruled that municipalities cannot designate child safety zones

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Somers Point urges our State Legislators to support and approve Assembly No. 2027 and the companion bill Senate No. 642; and

It is further **RESOLVED**, that the Mayor and Council urge the Senate and Assembly Judiciary Committees to release the legislation for a vote; and

It is further **RESOLVED**, that the City Clerk shall forward a copy of this resolution to Governor Chris Christie, Lieutenant Governor Kim Guadagno, the Hon. Nancy F. Munoz, the Hon. Jerry Green, the Hon. Mary Pat Angelini and the Hon. Alison Littell McHose, the sponsors of A-2027 and co-sponsors the Honorable John F. Amodeo and Honorable Chris Brown, the Honorable Thomas H. Keane, Jr. and the Honorable Diane B. Allen, sponsors of S-642, the Chair of the Assembly Judiciary Committee, the Chair of the Senate Judiciary Committee, the Honorable Don Purdy, Mayor of Galloway Township, the New Jersey State League of Municipalities, and the Committee United for Family Safety ("CUFFS").

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Resolution No. 86

M/S – Triboletti/D’Adamo

Adopted by a unanimous vote of those present.

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Resolution No. 86 (Continued)

RESOLUTION No. 86 of 2012

Subject: Ratification of An Agreement between the City of Somers Point, Shore Memorial Hospital and Shore Health Services Corporation

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

WHEREAS, In 2007, 2008 and 2009, Shore Health Services Corp. (“SHS”), a non-profit subsidiary of Shore Memorial, filed tax appeals with the City of Somers Point appealing the denial of a tax exemption on the former Shore Memorial Nursing Home which was located on Block 1212, Lot 2.01 in the City of Somers Point; and

WHEREAS, the New Jersey Tax Court entered a judgment in favor of SHS and against Somers Point for the 2007 tax year in the amount of one hundred ninety two thousand fifty dollars (\$192,050.00) which is subject to interest calculated using the statutory annual rate of five percent (5%); and

WHEREAS, SHS had filed an action in the New Jersey Tax Court appealing the designation of the same property for tax years 2008 and 2009 asserting that the property should be exempt from taxation; and

WHEREAS, the Tax Assessor for the City of Somers Point restored the tax exempt designation for the subject property for tax year 2010, which continues at this time; and

WHEREAS, SHS erroneously made a first quarter tax payment in the amount of fifty thousand one hundred twenty five dollars (\$50,125.00) for which a refund has been requested; and

WHEREAS, SHS has dismissed with prejudice the 2008 tax appeal and, upon payment to SHS of the 2007 judgment with interest calculated through December 31, 2011 and refund to SHS of the first quarter 2010 tax payment, SHS shall dismiss with prejudice the 2008 tax appeal; and

WHEREAS, Shore Memorial Hospital (now Shore Medical Center) (collectively “SMC”) as a good corporate citizen has from time to time made a voluntary contribution to the City of Somers Point which has been deposited into the General Fund to be utilized by the City of Somers Point to reduce the burden upon the City infrastructure and support services inclusive of Fire, Police, Rescue, Department of Vital Statistics, Public Works and other essential services which are utilized by the hospital which has a significant presence within the City; and

WHEREAS, SMC and the City have agreed to memorialize this understanding regarding the payment of the Tax Court Judgment, the refund of the 2010 tax payment and the commitment of SMC to make a voluntary contribution to the City of Somers Point in the annual amount of one hundred thousand dollars (\$100,000.00 commencing in 2012 and for a period of four subsequent years thereafter, which contributions shall be deposited annually into the General Fund of the City; and

WHEREAS, the agreement provides for payment to SHS of the agreed upon amounts of:

| | |
|----------------------|-------------------------|
| 2007 appeal | \$192,050.00 |
| Interest to 12/31/11 | 40,997.34 |
| Total due to appeal | \$ 233,047.34 |
| 2010 overpayment | <u> \$50,125 </u> |
| Total | \$283,172.34 |

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Now, therefore, it is hereby **RESOLVED**, that the form of Agreement Attached hereto is hereby approved, ratified, and affirmed; and

It is further, **RESOLVED**, that the Mayor is authorized to execute and deliver the Agreement on behalf of the City and the Clerk is authorized to attest to the signature of the Mayor; and

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Resolution No. 86 (Continued)

It is further, **RESOLVED**, that the Chief Financial Officer and Administrator are authorized to deliver a check in the aggregate amount of two hundred eighty three thousand one hundred seventy two dollars and thirty four cents (\$283, 172.34) to Shore Health Services Corporation following execution of the Agreement and upon delivery to the City of Somers Point of a check from Shore Medical Center in the amount of one hundred thousand dollars (\$100,000.00) representing the 2012 contribution, which shall be deposited into the General Fund; and

It is further, **RESOLVED**, that the Mayor and Council of the City of Somers Point do hereby express their appreciation to Shore Health Services Corporation and Shore Medical Center for dismissal with prejudice of appeals filed with the Tax Court of New Jersey for tax years 2008 and 2009 which, if prosecuted, would have exposed the City and our taxpayers to a significant adverse economic impact; and

It is further, **RESOLVED**, that the Mayor and Council of the City of Somers Point do hereby express their appreciation to Shore Medical Center for agreeing to resume its annual voluntary contribution to the City of Somers Point and to memorialize that commitment in an Agreement with the City.

It is further, **RESOLVED**, that this Resolution supersedes and replaces Resolutions No. 75 and No. 76 of 2012.

Resolution No. 87

M/S – Kern/Dill

Councilman Dill thanked Mott Engineering and Greg Schneider from the Engineer's Office for their efforts in obtaining this grant. Resolution No. 87 was then adopted by a unanimous vote of those present.

No. 87 of 2012

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 \$225,000.00 and wishes to amend its 2012 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 2012 in the sum of \$225,000.00 which

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item is now available as a revenue from:

Miscellaneous Revenue

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

Public and Private Revenue Offset with Appropriations:

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Resolution No. 87 (Continued)

| | |
|---|--------------|
| NJDOT Fiscal Year 2012 Municipal Aid Program for Chapman Boulevard | \$225,000.00 |
|---|--------------|

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$225,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

© Capital Improvements

Public and Private Programs Offset by Revenues:

| | |
|---|--------------|
| NJDOT Fiscal Year 2012 Municipal Aid Program for Chapman Boulevard | \$225,000.00 |
|---|--------------|

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

Consent Agenda

M/S – Triboletti/Kern

Consent agenda was approved by a unanimous vote of those present.

No. 89 of 2012

WHEREAS, Somers Point Street Hockey 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, 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 Street Hockey to hold a “coin drop” within the City of Somers Point is hereby approved subject to the following conditions and restrictions:

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- A. Date(s) of Coin Drop limited to: May 25-27, 2012
- B. Time(s) of Coin Drop limited to: 9:00 am – 2:00 pm
- C. Locations of Coin Drop limited to: Intersection of MacArthur Blvd. & Rt. 9
- 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

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Resolution No. 89 (Continued)

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 reeholders (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”.

Resolution No. 88 of 2012

Subject: **Approving proposals – Goods and Services 2012**
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 proposals are 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, 2012 through December 31, 2012:

- a) **Influent Grinders for Sewer Pump Stations**
Watermark Environmental Systems
Deltronics Corp.
- b) **Sewer Pump Station Maintenance**
Deltronics Corp.
- c) **Sewer Pump Stations, Electrical & Electronics**
Deltronics Corp.
- d) **Sewer Pump Station Parts & Supplies**
Deltronics Corp.
- e) **Sewer System Coating, Lining & Restoration**
S.W.E.R.P. Inc.
- f) **Vactor Parts & Supplies**
Jet Vac Inc.
- g) **Heavy Duty Truck Mechanic Services**

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Clegg's Garage Inc.
Point Auto Repair

h) Automobile Mechanic Services

Point Auto Repair

i)

Radio Base Stations, Mobile and Portable Parts and Service
Birch's Communications

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Resolution No. 88 (Continued)

j)

Misc. Fire-Fighting Equipment
Continental Fire & Safety Inc.

k) City Hall Custodial Services

Home Office Cleaning

l) Misc. Employee Uniforms

This & That Uniforms

m) **Tax Assessment Hardware, Software and Internet Packages**

Vital Communications

n) Ceilings, Flooring, Wall Covering and Partition Material, Materials & Installation

Erco Ceilings of Somers Point Inc.

o) Excavation and Pipe Installation and/or Replacement

Seashore Associated Mechanical Inc.

F.W. Shawl & Sons Inc.

Garrison Enterprise Inc.

p) **Cellular Communications & Mobile Broadband Services**

Verizon Wireless

Old Business

Amendment to Resolution No. 91

Administrator Swain explained that he just noticed an error in the amendment to the budget, Resolution No. 91 of 2012. He explained that the figure of \$5,262,185 is not correct and the correct figure should be \$2,310,944 and that there is no bottom line change. Councilman Dill made a motion to correct Resolution No. 91 to reflect the correct figure of \$2,310,944, seconded by Councilwoman Kern. Motion carried by a unanimous roll call vote of those present.

Mayor Glasser reminded everyone that the Sausto Street Name dedication is scheduled for Saturday, May 5th at 10:00 am at Tenth and New York Avenue. He invited everyone to attend the unveiling of the street sign.

New Business

An application for membership in the New Jersey Firemen's Association was approved for Andrew Yhlen.

Discussion of Bills

REGULAR MEETING MAYOR AND CITY COUNCIL

April 26, 2012

Administrator Swain asked to have the bill for Ford Motor Credit Co. in the amount of \$22,820.07 removed from the bill list, making the total bill list in the amount of \$380,517.41. There was also an additional bill list in the amount of 2,029,464.30.

Public Portion

Jim Foreman, 17 W. Cedar Avenue, came forward and addressed the governing body stating that he would like to take this opportunity to thank the Mayor and Council and Clerk Degross for making it possible for the Juvenile Conference Committee to meet in City Hall.

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Public Portion (Continued)

A gentleman who resides at the Gates came forward and addressed the governing body stating that he would like to point out that there are also good people living there who are responsible. He stated that it is unfortunate that the landlord is not fixing things in the apartments. He also stated that people with children who live there can't let their children go out and play. He also mentioned that they have a bed bug problem and hopes something can be done about this complex.

Brian Hartley, 12 Jefferson Avenue, came forward and addressed the governing body stating that the Gates advertises that they are bed bug free. He stated that he hopes this ordinance will make a difference in some of these apartments.

A resident residing at 180 W. Meyran Avenue came forward and addressed the governing body asking if anyone has seen the improvements that were made. President McGuigan stated that the Council will continue to try and make change.

Frank Denan, Code Enforcement and Inspector, came forward and addressed the governing body explaining that if there are any problems they should contact the Code Enforcement Office and leave a message. He stated that he guarantees that he will respond to the call. He also, as Deputy Fire Chief, thanked Administrator Swain and the Budget Committee and Council who approved the capital budget and regular budget this year. He stated that he is happy to report that the Fire Department is 75 people strong right now and that is amazing.

Public portion was then closed.

Payment of Bills

A motion was made and seconded to approve the bills in the amount of \$380,517.41 and the additional bill list in the amount of \$2,029,464.30. Motion carried. A complete list of bills is on file in the Office of the City Clerk.

Adjournment

There being no further business, Council recessed to go into Executive Session at 9:25, reconvening to adjourn at 10:09 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 26, 2012**

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 06-28-12