

**REGULAR MEETING
MAYOR AND CITY COUNCIL
May 26, 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 following notice was read by the City Clerk at the direction of the New Jersey Superior Court:

Notice is hereby given that the Honorable James E. Isman, JTC t/a will conduct a Mount Laurel Fairness Hearing on the 16th day of June, 2011, at 9 o'clock AM in his Courtroom in the Superior Court of New Jersey, Atlantic county Courthouse located at 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401, to facilitate the resolution and dismissal of pending second and third round affordable housing litigation captioned Plantation Bay, LLC v. City of Somers Point, et als., Docket No. ATL-L-007302-06 P.W. (Mount Laurel). The property involved is known as Greate Bay country club. The Settlement Agreement and complete Public Notice is on file with the city Clerk and available for inspection by anyone who might be interested, including directions for filing written comments.

Council President McGuigan advised that Resolution No. 94 is being pulled from the agenda to be considered at a later date.

Mayor Glasser announced that the House of Representatives has passed the National Defense Authorization Act with an amendment that includes HR1497 which would have the Department of Defense bring home the remains of Richard Somers and others. Mayor Glasser also invited everyone to the Memorial Day Parade on Monday, beginning at 11:00 a.m. at the Dawes Avenue School.

Committee Reports

Councilman Triboletti updated everyone on the Vision Plan advising that there will be a meeting at Dawes Avenue School on June 1st for the east side neighborhood at 6:30 p.m. and another meeting on June 7th at the Jordan Road School for the west side neighborhood.

Minutes

There were no minutes presented for approval.

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ORDINANCES

Ordinance No. 5 – Final Reading

M/S – HD/CD

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

ORDINANCE NO. 5 of 2011

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$950,000 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

FIRST READING: May 12, 2011

PUBLICATION: May 18, 2011

FINAL READING: May 26, 2011

Ordinance No. 6 – Final Reading

M/S – CD/HD

Meeting opened to the public and duly closed. Adopted by a unanimous roll call vote of those present.

ORDINANCE NO. 6 OF 2011

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 \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

FIRST READING: May 12, 2011

PUBLICATION: May 18, 2011

FINAL READING: May 26, 2011

Ordinance No. 7 – Final Reading

M/S – DT/HD

Meeting opened to the public and duly closed. Adopted by a unanimous roll call vote of those present.

ORDINANCE NO. 7 of 2011

CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$280,000 THEREFOR.

FIRST READING: May 12, 2011

PUBLICATION: May 18, 2011

FINAL READING: May 26, 2011

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Ordinances (Continued)**

Ordinance No. 8 – Final Reading

M/S – DT/HD

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

ORDINANCE NO. 8 of 2011

**AN ORDINANCE OF THE CITY OF SOMERS POINT
AUTHORIZING THE ENTERING INTO A LEASE OF REAL PROPERTY FOR THE
USE OF SUCH PORTION OF BLOCK 175, LOT 4 AS NECESSARY FOR MUNICIPAL
PURPOSES**

**FIRST READING: 05/12/11
PUBLICATION: 05/18/11
FINAL READING: 05/26/11**

Ordinance No. 9 – First Reading

M/S – RT/DT

Ordinance was amended to state that the effective date of the ordinance would be August 31st with the licensing year from August 31st until September 1st. Ordinance was then adopted, as amended, by a unanimous vote of those present.

Ordinance No. 9 of 2011 (As Amended)

**An Ordinance Enacted Under Authority Granted by N.J.S.A. 39:4-197
Regulating the Parking of Vehicles on Certain Streets and Portions Thereof; Amending
and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic,
Article V “Residential Parking Permits” Section 250-54 through Section 250-56; and
Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent
Herewith.**

WHEREAS, N.J.S.A. 39:4-197 authorizes a Municipality, by Ordinance, to regulate the parking of vehicles on municipal streets and portions thereof; and

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

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recommended changes in traffic and parking regulations

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

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Ordinance No. 9 (Continued)

SECTION 1: Somers Point Municipal Code Chapter 250 Article V Residential Parking Permits is repealed in its entirety;

SECTION 2: Somers Point Municipal Code Chapter 250 Article V Residential Parking Permits is hereby amended as follows:

Section 250-54. Designation of Residential Parking Permit Locations:

250-54 A. Parking prohibited at all times.

There shall be no parking permitted at any time in the following designated locations except by Residential Parking Permit properly displayed which will exempt the described vehicle from the parking restriction:

Name of Street	Side	Designated Location
Bay Avenue	East	From a point 174 feet south of the Southerly curb line of New Jersey Avenue to a point 130 feet south therefrom.
West Cedar Avenue	North	Entire Length

250-54 B. Parking prohibited during certain hours.

No person shall park a vehicle between the hours of 6:00 am and 6:00 pm of any day in the following designated locations except by Residential Parking Permit properly displayed which will exempt the described vehicle from the parking restriction:

Name of Street	Side	Designated Location
Gibbs Avenue	Both	From Shore Road to Bay Avenue
Higbee Avenue	Both	From Shore Road to Bay Avenue
1 st Street	West	From Rhode Island Avenue to New Jersey Avenue

250 – 55. Violations and penalties.

A) Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this Article or any supplement thereto shall be liable to a penalty of not less than \$25.00 nor more than \$75.00; upon a second violation, a fine in an amount not less that \$75.00 nor more than \$150.00; and upon a third violation, a fine in an amount not less than \$150.00 nor more than \$300.00; and upon a fourth or subsequent violation, a fine in an amount not less than \$300.00 and not more than \$500.00; and / or, for each such violation, a period of community service not to exceed ten (10) days. Whenever such person shall have been officially notified by service of a Summons in a prosecution, or in any other official manner that said person is committing a violation, each day’s continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

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Ordinance No. 9 (Continued)

B) Fraudulent use of a Residential Parking Permit, making a counterfeit Residential Parking Permit or altering or defacing a validly issued Residential Parking Permit shall be punishable by a fine not to exceed \$300.00 and revocation of the Permit.

250 – 56. Issuance of Residential Parking Permits.

- A. Residential Parking Permits will be issued to the vehicle described and the person named in the application.
- B. A Residential Parking Permit allows a vehicle/person to be exempted from the residential – parking- permit- only parking restriction. The issuance of a Residential Parking Permit does not guarantee or reserve an on-street parking space.
- C. Residential Parking Permits will be issued only to those residents who complete an application utilized by the Somers Point Police Department which will require, at a minimum, the following information and such other information as the Somers Point Police Department may, from time to time, deem appropriate:
 - 1. Applicant information including name, address, contact numbers, driver license number and expiration date, true copy of valid driver’s license;
 - 2. Vehicle information including color, make, model, year, license plate and State of issuance, true copy of Registration, Registration expiration date, name of Insurance Company, Policy number, true copy of Insurance Certificate, name and address of registered owner, contact information for registered owner if other than applicant. If the owner of a subject vehicle is i) a leasing company or ii) the employer of the resident applicant or iii) is registered to a relative whose name is different from that of the applicant, a notarized letter from the owner, explaining the relationship between owner and applicant and confirming that the named applicant has exclusive use of the vehicle for which a permit is requested;
 - 3. Proof of residence on the side or sides of a Street which is designated as being subject to parking by Residential Parking Permit only which may be i) property deed, ii) lease agreement if a tenant or subtenant, iii) utility company bill showing applicants name as residing at the address in question.
- D. Each Residential Parking Permit shall be valid only for the vehicle listed on the application. If a resident changes vehicles, he or she must provide proof or change to the Chief of Police or his/ her designee and an updated permit will be issued for the duration of the then current term at no cost.
- E. Residential Parking Permits are valid only within the designated areas on the street where applicant resides and may not be used on any other street or restricted area.
- F. A Residential Parking Permit does not permit the parking of any vehicle which is otherwise prohibited under any other article of Section 250 of the Somers Point Municipal Code including but not limited to vehicles in excess of allowed weight.
- G. Each permanent resident within each designated Residential Parking Permit zone will be eligible to receive one (1) Resident Parking Permit for each vehicle registered to a permanent resident at that address.
- H. Each residence address within each designated Residential Parking Permit zone will be eligible to receive one (1) Annual Guest Pass which shall be limited to not more than seven (7) consecutive calendar days by each resident guest and is not to be used by a resident of the household. Abuse of this requirement will be cause for revocation of the Annual Guest Pass.

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Ordinance No. 9 (Continued)

- I. Each residence address within each designated Residential Parking Permit zone may make application for a Temporary Guest Pass which shall be valid for up to 7 consecutive calendar days for use by visitors, guests, family members, visiting repairmen and contractors and other similar visitors.
- J. Residential Parking Permits are not transferrable.

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- K. When a vehicle is parked during the restricted period the Residential Parking Permit must be visibly displayed in the registered vehicle in the manner prescribed by the Somers Point Police Department
- L. The Somers Point Police Department will investigate each application to determine if the application is accurate, complete and the applicant satisfies the criteria for issuance of the Residential Parking Permit.
- M. All Residential Parking Permits will be issued by the office of the City Clerk upon receipt of an application approved by the Chief of Police or his/her designee.
- N. The City of Somers Point will not be responsible for damaged, lost or stolen permits which must be promptly reported the City Clerk or the Chief of Police.
- O. Residential Parking Permits will be issued on an annual basis to be effective commencing on September 1, 2011 and shall expire on August 31 of each calendar year thereafter. The fees and costs of the permits shall not be prorated.
- P. The following fee Schedule shall be in effect upon the effective date of this Ordinance:
 - 1) Each Residential Parking Permit fee: \$10.00
 - 2) Each Annual Guest Pass: \$10.00
 - 3) Each Temporary Guest Pass: \$ 5.00
 - 4) Replacement of a Residential Parking Permit
or Permanent Guest Pass: \$ 50.00

SECTION 3: Any Residential Parking Permit which shall have been validly issued prior to the effective date of this Ordinance for any property on Bay Avenue designated as requiring a Residential Parking Permit shall remain in full force and effect until August 31, 2011. Prior to September 1, 2011 each such resident shall submit a new application and upon payment of Five Dollars (\$5.00) shall be issued a new Residential Parking Permit effective through August 31, 2011. Thereafter, the application process and fees will be the same as for all other Residential Parking Permits.

SECTION 4: Appropriate signage designating "Permit Parking Only" with hours specified or "No Parking" except by permit only shall be installed and placed on each designated street according to New Jersey Department of Transportation standards with standard spacing as required by Regulation.

SECTION 5: All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 6: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 7: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

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SECTION 8: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law. Enforcement of this Ordinance shall not, however, commence until September 1, 2011 in order to allow sufficient time for residents to apply for and obtain Residential Parking Permits.

**FIRST READING: May 26, 2011
PUBLICATION: June 1, 2011
FINAL PASSAGE: June 9, 2011**

Ordinance No. 10 – First Reading

M/S – HD/MK

Ordinance was amended to read the same effective date and licensing year as Ordinance No. 9. Ordinance No. 9 was then adopted, as amended, by a unanimous vote of those present.

Ordinance No. 10 of 2011 (As Amended)

An Ordinance

Regulating the Parking of Vehicles on Portions of East New York Avenue (County Route 665), an Atlantic County Road within the City of Somers Point; Amending and Supplementing the Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article V “Residential Parking Permits” Section 250-54; and Repealing All Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.

WHEREAS, N.J.S.A. 39:4-197.2 authorizes a Municipality, by Ordinance, to regulate the parking of vehicles on County roads and portions thereof; and

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

WHEREAS, East New York Avenue is a County road situated within the City of Somers Point; and

WHEREAS, the proposed regulation of parking along East New York Avenue has been given a favorable review by the Atlantic County Engineer; and

WHEREAS, the consent of the Atlantic County Board of Chosen Freeholders to the proposed regulation of parking on East New York Avenue is required by statute; and

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Ordinance No. 10 (Continued)

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recommended changes in traffic and parking regulations

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

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SECTION 1: Somers Point Municipal Code Chapter 250 Article V Residential Parking

Permits is hereby amended as follows:

250-54 B. Parking prohibited during certain hours.

No person shall park a vehicle between the hours of 6:00 am and 6:00 pm of any day in the following designated locations except by Residential Parking Permit properly displayed which will exempt the described vehicle from the parking restriction:

Name of Street	Side	Designated Location
East New York Avenue	South	From Shore Road to Bay Avenue

SECTION 2: Appropriate signage designating “Permit Parking Only” with hours specified or “No Parking” except by permit only shall be installed and placed on each designated street according to New Jersey Department of Transportation standards with standard spacing as required by Regulation.

SECTION 3: All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance including but not limited to the provisions of Section 250-55 “Violations and Penalties” and Section 250-56 “Residential Parking Permits” as same shall from time to time be supplemented and amended.

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

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

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Ordinance No. 10 (Continued)

SECTION 6: The Clerk of the Council of the City of Somers Point shall, upon the final passage of this Ordinance, send a certified copy of said Ordinance

to the Clerk of the Board of Chosen Freeholders of the County of Atlantic requesting the consent of the Board to the regulations contained herein.

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SECTION 7: This ordinance shall take effect upon final passage and publication as required by law. Enforcement of this Ordinance shall not, however, commence until September 1, 2011 in order to allow sufficient time for receipt of a Resolution adopted by the Atlantic County Board of Chosen Freeholders approving this Ordinance and for residents to apply for and obtain Residential Parking Permits.

**FIRST READING: May 26, 2011
PUBLICATION: June 1, 2011
FINAL PASSAGE: June 9, 2011**

Ordinance No. 11 – First Reading

M/S – RT/HD Councilman D’Adamo expressed concern regarding valet parking to the municipal lot. Atty. Franklin stated that there is no greater liability than what we have now. Ordinance No. 11 was then approved on first reading by a unanimous vote of those present.

ORDINANCE No. 11 OF 2011

**AN ORDINANCE AMENDING ARTICLE VI CITY OWNED PARKING LOTS OF
CHAPTER 250 OF THE MUNICIPAL CODE OF THE CITY OF SOMERS POINT**

Whereas, a constitutional challenge has been asserted against Article VI City-Owned Parking Lots of the City of Somers Point alleging that "non commercial self parking" is void for vagueness, is contrary to the equal protection clause of the United States Constitution, is discriminatory and is selectively enforced; and

Whereas, it is recognized that all City owned public parking lots within the City of Somers Point are made available to resident and visitors alike for, among other things, convenient parking to patronize local merchants which is a commercial use; and

Whereas, it is the intent of this governing body that all such City owned lots continue to be made available on a first come first served basis until such time as a comprehensive parking plan has been developed and implemented; and

Whereas, it is recognized that from time to time vehicles are not always self-parked; and

Whereas, it is the intent of the Ordinance that no private person or entity shall charge or collect a fee, gratuity, service charge or other remuneration for the privilege of parking on a City owned lot; and

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Ordinance No. 11 (Continued)

Whereas, it is the further intent of this Ordinance that no residential or business owner shall be permitted to include any City owned parking lot spaces, parking spaces on any City or County Street, or parking spaces in any private garage or parking lot which shall be open and available to the public to satisfy in whole or in part the number of parking spaces required by the Land Use and Development Ordinance of the City of Somers Point; with the single exception that the Somers Point Planning Board and / or Somers Point Zoning Board of Adjustment may in its sole discretion permit parking spaces in a private garage or lot open to the public if such spaces are under lease to applicant/owner and are specifically reserved and clearly identified as being available only for such use.

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Now, therefore, be it Ordained by the Common Council of the City of Somers Point, in the County of Atlantic and State of New Jersey:

Section 1: Article VI. City-Owned Parking Lots is amended to read

Section 250-59. City - Owned Parking Lots

The City confirms its intention and declares that City-owned Parking lots shall be available for use by the public and to provide convenient parking spaces on a first come first served basis as an accommodation to residents and visitors and to provide overflow parking for use by patrons frequenting the business establishments within the City of Somers Point.

Section 250-60. No fee or service charge may be assessed by any person or business for parking in any City-owned lot.

No parking fee or charge, rent charge, lease charge, parking spot charge, or any other type of fee, charge or gratuity may be imposed or collected by any person or entity for the parking of any vehicle in any City owned lot other than such fee, if any, as may be imposed by the City as part of a parking plan implemented by City Council.

Section 250-61. No servicing of vehicle on City-owned lots.

No person shall perform any mechanical service of any vehicle on any City-owned lot except as may be required for emergency road service.

Section 250-62. No Parking in excess of twenty-four hours.

No person shall be permitted to park any vehicle in any space on any City-owned lot for a period in excess of twenty four hours. Any such vehicle shall be subject to being ticketed and towed at the owner's expense.

Section 250-62. No City-owned parking lot space to be used in calculating required parking in satisfaction of the Land Use and Development Ordinance of the City of Somers Point.

No person, entity or applicant shall be permitted to include any City-owned parking lot or public parking space whether on a street or in a private parking garage or parking lot open and available to the public to satisfy in whole or in part the number of minimum parking spaces required for any property or use under the Land Use and Development Ordinance Standards of the City of Somers Point.

Section 250-63. Use of Parking spaces in private garages and parking lots.

Notwithstanding anything to the contrary contained in Section 250-62, in the sole discretion of the Somers Point Planning Board or Somers Point Board of Adjustment, as the case may be, an applicant / owner of a property or business may include off site parking spaces located in a private owned lot or parking garage only if such spaces are under long term lease to the owner / applicant for the exclusive use of said owner / applicant and such spaces are clearly marked and

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Ordinance No. 11 (Continued)

designated as being available only for use by patrons of such business or property; and owner / applicant shall continue to certify annually that such spaces remain available for such exclusive use. Failure to so certify will cause the owner / applicant to be in violation of any approval granted and subject owner / applicant to all penalties and consequences as may be allowed by law or regulation, including reduction in occupancy rates.

Section 250-64. Modification of rules and regulations by resolution.

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The City may from time to time and in its discretion, by resolution of the City Council, promulgate, adopt and / or amend reasonable rules and regulations regarding the use of City-owned parking lots.

Section 250-65. Violations and penalties.

Violation of the terms of this Article or of the rules and regulations promulgated, adopted and / or amended pursuant to it, shall subject the violator to a fine of not less than \$25 nor more than \$500 for each such violation, at the discretion of the Municipal Court Judge of the City of Somers Point. Violation of any Section of this ordinance by an employee of an owner / applicant shall subject the employee and the owner / applicant to separate citations for violation of said Section.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any Section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

**FIRST READING: May 26, 2011
PUBLICATION: June 1, 2011
FINAL PASSAGE: June 9, 2011**

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Consent Agenda

There were no items on the Consent Agenda for consideration.

Resolution No. 92

M/S – RT/TS

Adopted by a unanimous vote of those present.

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Resolution No. 92 (Continued)

No. 92 of 2011

WHEREAS N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

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WHEREAS The Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: **General Comments – Recommendations**, and

WHEREAS the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: **General Comments – Recommendations** as evidenced by the group affidavit form of the governing body; and

WHEREAS Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who After a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 93

M/S – RT/CD

Adopted by a unanimous vote of those present.

No. 93 of 2011

Subject: Estimated Tax Billing
Introduced by: Councilman Smith

WHEREAS, in previous years the City of Somers Point has been late in receiving State Aid figures and the Certified Tax Rate and is expecting one or both to be delayed again this year; and

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Resolution No. 93 (Continued)

WHEREAS, the Governing Body has determined that there will be insufficient cash flow to support operations in late July 2011 unless third quarter revenue is received on time, and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3,

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NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Somers Point, County of Atlantic, State of New Jersey, hereby authorizes that:

1. The Tax Collector is directed to prepare and issue estimated tax bills for the City of Somers Point for the third quarter 2011, in accordance with the provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated levy for 2011 is hereby set at \$29,294,976.00
3. The Tax Collector takes any additional steps necessary to immediately implement this resolution

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

New Business

There was no new business presented for consideration.

Old Business

There was no old business presented for consideration.

Discussion of Bills

Bills were presented for discussion in the amount of \$1,043,304.22.

Public Portion

Daniel Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body thanking them for their work with regard to the residential parking.

Rick Pitman, Shore Memorial Hospital, came forward and addressed the governing body thanking them for their work toward bringing home the crew of the Intrepid.

Public portion was then closed.

Payment of Bills

Motion was made, seconded and carried to approve the bills in the amount of \$1,043,304.22. A complete list of bills is on file in the Office of the City Clerk.

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Adjournment

There being no further business, meeting adjourned at 7:51 p.m.

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Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 01-26-12