

REGULAR MEETING MAYOR AND CITY COUNCIL June 9, 2011

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

Present: Dill, Kern, Smith, Tapp, Triboletti & McGuigan

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

Absent: D'Adamo (arrived at 7:09 pm)

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.

Public Portion regarding Resolution No. 95

Meeting was opened to the public and duly closed.

(Councilman D'Adamo arrived)

Resolution No. 95

M/S - RT/MK

Adopted by a 6-0 vote with Councilman Dill recusing himself.

Mayor and Council welcomed the new officers and they were sworn in by Mayor Glasser.

No. 95 of 2011

A Resolution Authorizing the Chief of Police of the City of Somers Point to Hire Two Police Officers from the Rice List Maintained by the State of New Jersey and to Appoint Same to the Position of Patrolman Within the Somers Point Police Department; and Authorizing the Mayor of the City of Somers Point to Swear in Said Patrolmen as Soon as Practicable Following Acceptance of their Appointment

Introduced by: Councilman Smith

WHEREAS, the City of Somers Point is desirous of hiring two police officers to replace existing vacancies and to restore the complement of patrol officers; and

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Resolution No. 95 (Continued)

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

WHEREAS, the status of individual officers appearing on the Rice list is in a constant state of flux; and

WHEREAS, proceeding to fill the vacancies 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, will allow the patrol officers to be promptly assigned to duty on the streets of Somers Point without delay, and will enhance the public safety of this City, its residents and its visitors; and

WHEREAS, the salary and benefits to be paid to the selected officers 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

NOW, THEREFORE, IT IS RESOLVED that the Chief of Police of the City of Somers Point is hereby authorized and empowered to select from the Rice List two (2) police officers and to appoint each to the position of Patrolman in the Somers Point Police Department to be duly sworn into office; and

It is FURTHER RESOLVED, that the salary for each such 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 Chief of Police will report to the City Clerk and the City Administrator the names and prior employment position of each such Patrolman upon hiring and swearing in; and

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Resolution No. 95 (Continued)

It is FURTHER RESOLVED, that the Mayor of the City of Somers Point shall proceed to swear into office each such Patrolman as soon as practicable following appointment to the position.

Mayor Glasser updated everyone on the National Defense Authorization Act bill stating that he is trying to get support and has not received a commitment for sponsorship yet. He asked that everyone please call and ask for their support in bringing Richard Somers and the crew of the Intrepid home. He added that he will be traveling to Somers, New York, named for Richard Somers, to receive the key to their City.

Administrator's Report

Administrator Swain advised that we have advertised on the website for proposals for bank services. He also reported that almost all of the suggestions from the Economic Development Commission have been done.

Committee Reports

There were no Committee Reports given.

Minutes

There were no minutes presented for approval.

ORDINANCES

Ordinance No. 9 – Final Reading

M/S – RT/HD

Meeting opened to the public as follows:

Dr. Galler, Shore Road, came forward and addressed the governing body asking that they reconsider and allow businesses to have permits that they could give to patients, or allow 2-3 hour parking. Councilman Triboletti advised that the Committee will take this into consideration.

Gail Weber, Gibbs Avenue, came forward and addressed the governing body stating that it is the employees who are causing the problems.

Bill Leventon, 123 W. Cedar Avenue, came forward and addressed the governing body thanking them for getting this accomplished.

A resident from Shore Road agreed with Dr. Galler that something needs to be done for the commercial properties such as a 2-3 hour time limit parking.

Dorothy Boyle, Gibbs Avenue, agreed with Ms. Weber and stated that they even park in your driveway.

A resident from 730 Shore Road stated that they were not aware that the Municipal Lots were available for parking.

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Ordinance No. 9 (Continued)

Michael Stanton came forward and advised that they all have 40 foot wide lots and is in favor of the ordinance.

Dr. Feinberg, 718 Shore Road, addressed the governing body advising that all they are asking for is 2-3 hour parking which shouldn't cause the residents any problems.

Gail Weber asked why the businesses don't have their employees park in the parking lot.

Public portion was then closed.

After Council discussion, Ordinance No. 9 was adopted 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.**

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

Ordinance No. 10 – Final Reading

Meeting opened to the public and duly closed.

M/S – RT/MK

Adopted by a unanimous roll call 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.**

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Ordinances (Continued)

Ordinance No. 11 – Final Reading

Meeting opened to the public and duly closed.

M/S – RT/HD

Adopted by a unanimous roll call 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**

FIRST READING: May 26, 2011

PUBLICATION: June 1, 2011

FINAL PASSAGE: June 9, 2011

RESOLUTIONS

Atty. Franklin advised that because of the unavailability of the Tax Counsel, Resolution No. 99 for an Executive Session should be pulled.

Public Portion on Resolutions

Public Portion – Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 94

M/S – CD/RT

Councilman Triboletti thanked the Administrator for his patience with the Committee.

Councilman Dill read the following statement:

The passing of this Action Plan is not being taken lightly by the Council and the Mayor.

Over the past several weeks both the Budget Committee and the Personnel Committee met several times for many hours and discussed the audit and this corrective action plan in detail with the B.A., the CMFO, the auditor, Mr. Moore and our Solicitor, Mr. Franklin. In addition to the responses in the corrective Action Plan the following will be addressed to assure results:

1. Staffing and employee assessments will be made to determine staffing requirements to successfully accomplish this Action Plan.
2. Employee policies and procedures will be reviewed and amended to establish better accountability and services to the community.
3. Computer technology and programming will be upgraded to improve payroll, pension, attendance records and the purchasing procedures.
4. Business Administrator will give the council committees regular progress reports relating to these points and the action plan itself.

Resolution No. 94 was then adopted by a unanimous roll call vote of those present.

No. 94 of 2011

Subject: A Resolution Accepting A Corrective Action Plan

Proposed by: Councilmen Triboletti, Dill and Smith

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Resolution No. 94 (Continued)

Whereas, The Audit of the City of Somers Point for the year ended December 31, 2010 conducted by Swartz and Company was received on April 14, 2011 and contained certain findings and recommendations; and

Whereas, these findings and recommendations have been reviewed by the City Administrator and Chief Financial Officer; and

Whereas, the Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services has developed a Corrective Action Plan to address the findings and recommendations in the Audit Report.

Now, Therefore, Be It Resolved by the City Council of the City of Somers Point as follows:

1. The Corrective Action Plan for the 2010 Municipal Audit, hereto attached, is hereby approved and accepted.
2. A copy of the Corrective Action Plan shall be placed on file and made available for public inspection in the City Clerk's office.
3. The City Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services within sixty days of receipt of the Audit Report by the City.

Resolution No. 96

M/S – MK/HD

Adopted by a unanimous roll call vote of those present.

No. 96 of 2011

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR OUTSIDE EMPLOYMENT OF OFF-DUTY MUNICIPAL OFFICERS
REQUIRED BY (SEE ATTACHED LIST)**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

WHEREAS, the attached listing provides for receipt of funds for the Outside Employment of Off-Duty Municipal Officers by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Outside Employment of Off-Duty Municipal Officers are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Outside Employment of Off-Duty Municipal Officers.
2. The Clerk of the City of Somers Point, County of Atlantic is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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Resolutions (Continued)

Resolution No. 97

M/S – TS/HD

Adopted by a unanimous roll call vote of those present.

No. 97 of 2011

A Resolution Authorizing The Person –to-Person Transfer of Plenary Retail Consumption License 0121-33-012-008 From Brick Township Pubs, Inc. to SSD Diner LLC Doing Business as Windjammer Diner Bar and Grill

WHEREAS, an Application has been filed for a person – to – person transfer of Plenary Retail Consumption License Number 0121-33-012-008 (the “license”); and

WHEREAS, said License is in the name of Brick Township Pubs, Inc; and

WHEREAS, pursuant to a Special Ruling issued by the State of New Jersey Department of Public Safety the license has been extended and is capable of being transferred by Resolution of this Governing Body; and

WHEREAS, the Applicant has submitted an application which is complete in all respects, the Application and transfer fees have been paid, the license has been renewed for the current license term pursuant to the Special Ruling, and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder; and

WHEREAS, reports have been received from the Chief of Police, and Applicant has agreed to operate in compliance with all pertinent local ordinances, land use approvals and conditions consistent with Title 33 of the New Jersey Statutes; and

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business and has found it to be in order and in compliance with Division Regulations; and

WHEREAS, the licensed premises are situated at 18 MacArthur Boulevard, Somers Point, NJ 08244

NOW, THEREFORE, IT IS HERBY RESOLVED that the Somers Point Governing Body does hereby approve, effective June 9, 2011 the transfer of Plenary Retail Consumption License Number 0121-33-012-008 from Brick Township Pubs, Inc. to SSD Diner LLC doing business as Windjammer Diner Bar and Grill which will continue to operate at the same location; and

IT IS FURTHER RESOLVED that the Somers Point Governing Body does hereby direct the Somers Point City Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions related to the premises is hereby transferred to SSD Diner LLC effective June 9, 2011”.

Resolution No. 98

M/S – CD/RT – The Crab Trap was removed from the resolution.

Adopted by a unanimous vote of those present.

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Resolution No. 98 (Continued)

No. 98 of 2011

Subject: LIQUOR LICENSE RENEWALS
Introduced By: COUNCIL PRESIDENT MC GUIGAN

WHEREAS, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed, effective July 1, 2011 through June 30, 2012:

0121-33-001-012	Apple New Jersey LLC t/a Applebees
0121-33-002-003	RJM Enterprises, Inc. t/a Anchorage Tavern
0121-33-003-007	Lost Boys, Inc. t/a Carolines
0121-33-004-007	Point Pub, Inc. t/a Passion Vines Wine Bar
0121-33-005-003	Charlie's, Inc. t/a Charlies Bar & Restaurant
0121-44-006-002	Circle Liquor Store, Inc.
0121-33-008-004	The Docs Place, Inc.
0121-33-009-003	Alice Pearl, Inc. t/a Shangri-La
0121-33-010-002	Gregory Hotel, Inc.
0121-33-013-002	Joe's Circle Café, Inc.
0121-33-014-006	D & S Hospitality Consulting LLC t/a Sandi Pointe
0121-31-020-002	American Legion Clark Eliason Post 352
0121-31-022-001	Roberts Johnson Post 2189 VFW

Resolution No. 98A

M/S – CD/RT – Councilwoman Kern recused herself.

Adopted by a 6-0 vote with Councilwoman Kern recusing herself.

No. 98A of 2011

Subject: LIQUOR LICENSE RENEWALS
Introduced By: COUNCIL PRESIDENT MC GUIGAN

WHEREAS, the applications of the following enumerated liquor license for renewal in the City of Somers Point was found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed, effective July 1, 2011 through June 30, 2012:

0121-33-007-004	Crab Trap Ltd.
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Resolutions (Continued)

Resolution No. 100

M/S – MK/RT

Adopted by a unanimous vote of those present.

No. 100 of 2011

A Resolution Authorizing the City Administrator to Enter into a Lease Agreement with Gregory Hotel, Inc. for the Non-Exclusive Lease of Block 1715, Lot 4 in the City of Somers Point for Municipal Purposes as Approved by Ordinance No. 8 of 2011

WHEREAS, Ordinance No. 8 of 2011 provided that upon final adoption this Governing Body, by Resolution, shall authorize the City Solicitor to prepare and the City administrator to execute and deliver a lease agreement for a term of five (5) years for a single lease payment in the amount of Eight Thousand Three Hundred Dollars (\$8,300.00); and

WHEREAS, Ordinance 8 of 2011 was adopted on May 26, 2011 and has been duly published by title and is now effective; and

WHEREAS, sufficient funds are available to satisfy the financial obligation of the City of Somers Point

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Common Council of the City of Somers Point, County of Atlantic, State of New Jersey does hereby authorize the City Administrator to execute and deliver to Gregory's Hotel, Inc. a Lease Agreement generally in the form attached hereto subject to such modification as may be approved by the Somers Point City Solicitor

Resolution No. 101

M/S – MK/CD

Mayor Glasser stated that it is heartwarming that this City gives so much support to our Veterans. Adopted by a unanimous vote of those present.

No. 101 of 2011

A Resolution Expressing the Appreciation of the Mayor and Council of the City of Somers Point and on Behalf of Our Residents to the Volunteers Who so Willingly Gave of Their Time to Honor Our Veterans and Participated in Our Memorial Day Ceremonies

WHEREAS, on May 30, 2011 the City of Somers Point honored the members of the Armed Forces of this United States and more particularly, paid tribute to our fallen heroes who gave their lives so that others may live free; and

WHEREAS, to assist in this annual celebration the following groups willingly donated their time and effort to join with this Governing Body and our citizens making the Somers Point Memorial Day Parade and Service a premier event; and

WHEREAS, the members of these groups are often not given sufficient thanks and recognition

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Resolution No. 101 (Continued)

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Council of the City of Somers Point, County of Atlantic, State of New Jersey on its own behalf, on behalf of our grateful citizens, on behalf of our fallen soldiers from all branches of the military, and on behalf of all those who now serve our Country do hereby acknowledge, and express heartfelt appreciation to the following who made the day so memorable for all:

AMVETS Post 911,
American Legion Post #352,
VFW Post #2189,
Korean War Veterans Chapter 234,
Vietnam Veterans of America, Sons of the American Legion #352,
Submariners Veterans Association,
VFW Post 2189 Ladies Auxiliary, American Legion Auxiliary,
and the American Legion Riders; and

IT IS FURTHER RESOLVED, that special recognition be given to Lance Corporal Matthew Morrison, USMC who participated in the Memorial Day services held in Northfield, Linwood and Somers Point and, although still recovering from his battlefield injuries, stood erect during our entire proceedings. So we loudly proclaim Hoorah Marine Morrison. Thank you for inspiring us all, and for a job well done in the service of your Country.

Resolution No. 102

M/S – RT/TS

Adopted by a unanimous vote of those present.

No. 102 of 2011

A Resolution Authorizing the City Administrator of the City of Somers Point to Enter into an Agreement with the Owner of Groveland Apartments in the City of Somers Point to Arrange for a Pilot Program for the Pick up of Solid Waste One Day per Week under the Terms and Conditions set forth Herein which Include Compliance by Owner and Tenants with the Recycling Ordinance of the City of Somers Point and all other Applicable Ordinances and Regulations, in Partial Settlement of a Disputed Claim and Further Authorizing Payment in the Amount of Twelve Thousand Eight Hundred Sixty-Seven Dollars and Forty Six Cents (\$12,867.46) being an Amount in Dispute Since 2009 Without Prejudice to the Rights of the City of Somers Point in This or any Other Matter and In an Effort to Avoid the Costs of Litigation; and Authorizing the City Administrator and City Solicitor to Prepare and Execute any and All Documents Necessary to Effectuate this Settlement

**Sponsored by: Councilman Triboletti
Councilman Smith**

WHEREAS, an claim has been made against the City of Somers Point by the owner of Groveland Apartments arising out of a prior Settlement of a Disputed Claim and a course of dealing pertaining to the reimbursement for the cost of solid waste disposal which has been outstanding since 2009; and

WHEREAS, the claim is based in part upon a prior agreement and settlement arrangement entered into by the parties and a continuous course of dealing; and

WHEREAS, the City of Somers Point has disputed the amount of and basis for the claim; and

WHEREAS, a settlement arrangement has been reached between the parties in order to avoid the expense and disruption of extended litigation; and

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Resolution No. 102 (Continued)

WHEREAS, as part of the Settlement the City of Somers Point will enter into an agreement with the owner of the property to collect the solid waste from the site once per week upon certain terms and conditions including:

- 1) Purchase and installation by Owner of eight (8) movable dumpsters of a size and type to be specified by the City of Somers Point Department of Public Works and placed in the existing on site locations;
- 2) Compliance with all Recycling and other Solid Waste Management Ordinances of the City of Somers Point;
- 3) Acceptance by Owner that this is a pilot program to be implemented by the City of Somers Point to determine the efficiency and economy associated with the collection of solid waste from the facility and subject to ongoing review;
- 4) Execution of a Release in favor of the City of Somers Point in a form acceptable to the City Solicitor; and

WHEREAS, this is intended to be a settlement of a disputed claim based upon the special and unique circumstances applicable to this matter and is not intended to be either an admission of liability or responsibility on the part of the City of Somers Point, which liability and responsibility are disputed and denied nor is this action intended to create a precedent or establish any responsibility on the part of the City of Somers Point except as applied to this specific matter; and

WHEREAS, the Governing Body of the City of Somers Point has concluded that it is in the best interests of the City to enter into this settlement thereby concluding this dispute and avoiding any further expenses and other potential risks of litigation which would be incurred by the City of Somers Point;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, County of Atlantic and State of New Jersey, that the City Solicitor and the City Administrator shall be and are hereby duly authorized, empowered and directed to enter into the proposed Settlement Agreement on behalf of the City of Somers Point in accordance with the terms set forth herein, and that the sum of Twelve Thousand Eight Hundred Sixty-Seven Dollars and Forty Six Cents (\$12,867.46) is hereby authorized to be paid upon execution and delivery of the specified documents.

Consent Agenda

There were no items for consideration in the Consent Agenda.

New Business

Application by PR Racing for a 5K run using the same route as the Bud Kern Run was approved unanimously.

Old Business

Councilman D'Adamo asked about the request for 2-3 hour parking in the Residential Parking areas. Councilman Triboletti stated that the Committee could look into it as he would like to see something worked out for everyone.

Atty. Franklin advised that we will be holding the Public Hearing regarding the Comcast Cable Franchise renewal on July 28th.

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Old Business (Continued)

Councilman Dill advised that he will be forwarding everyone an email regarding volunteering service to work on the Municipal Building for everyone to review and possibly discuss at the next meeting.

Discussion of Bills

Bill lists in the amount of \$61,652.08 and \$12,867.46 were presented for discussion.

Public Portion

John Romanelli, 905 Shore Road, came forward and addressed the governing body advising that he is concerned with the traffic in his neighborhood. He stated that trucks are causing problems trying to get out on to Shore Road from Somers Avenue. He asked that this be taken back to the Committee and included in the discussions. Councilman Dill stated that our Engineer's Office should coordinate this with the Traffic Safety Department as we need to try to resolve these issues for the neighborhood.

A member of the Association at 901 Shore Road came forward and addressed the governing body stating that he agrees with the statements made by Mr. Romanelli.

Public portion was then closed.

Payment of Bills

A motion was made and seconded to approve the bills presented in the amount of \$61,652.08 and \$12,867.46. Motion carried unanimously. A complete list of bills is on file in the Office of the City Clerk.

Adjournment

There being no further business, meeting adjourned at 9:34 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 01-26-12