

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 14, 2012**

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, 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 McGuigan stated that they are pulling Resolution No. 115 as he is not able to be here tonight. He also stated that he would like to move Resolution No. 114 forward.

Public portion on Resolution No. 114

Meeting was opened to the public and duly closed.

Resolution No. 114

M/S - D'Adamo/Kern

Adopted by a unanimous vote. Council thanked Frank Cosgrove, Chairman of the Bayfest Committee, for all of their hard work throughout the year. Mr. Cosgrove stated that they couldn't do it without the help of the City and the City Departments and all of those behind the scenes. Mayor Glasser presented Mr. Cosgrove with a certified copy of the resolution.

No. 114 of 2012

Saluting the efforts of the Bayfest Committee

WHEREAS, Somers Point's Bayfest Celebration was held this year on April 28, 2012 along Historic Bay Avenue; and

WHEREAS, this annual event has been held for the past twenty-four years and has become a tremendous tradition that appeals to all ages and has grown considerably over the years; and

WHEREAS, this year's event brought in over 20,000 people to our city and created a great deal of commerce for many of our businesses, community groups, and service organizations; and

WHEREAS, the Bayfest Committee is a volunteer committee that has the responsibility for this event each year; and

WHEREAS, the Bayfest Committee consists of the following individuals: Frank Cosgrove, Muire Cosgrove, Mike Franklin, Pete Garvey, Lisa Gudauskas, Heidi Hibbs, David Heib, Geoff Heib, Patti Kedziora, Dave Medland, Diana Raspa, Jennie Sabato, and Ralph Stover; and

WHEREAS, the Bayfest is South Jersey's premier one day festival due to the Bayfest Committee members' professionalism, civic pride, dedication and hard work.

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Resolution No. 114 (Continued)**

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby supports and commends the efforts of the Bayfest Committee and all of the individuals who worked hard to make Bayfest 2012 a great success and an event that helps make the City of Somers Point proud.

Communications

Mayor Glasser thanked the Chief and all of the Police Department on their initiative to be involved with the community. He stated that they have recently had a bike rodeo here at City Hall trying to reach out to the children of the community. He also reported that we had a young man return from Afghanistan today - the son of our former Police Chief. He also thanked everyone who was involved with the Memorial Day Parade which was a success.

Presentation by Economic Development Commission

Lou DeScirole, Chairman of the Economic Development Commission, addressed the governing body stating that they were given a budget in 2011 of \$25,000. He explained that they budgeted \$15,000 for a public relations campaign, \$5,000 to implement a social media campaign, \$3,500 as seed money for new events and the remaining \$1500 for pop up items. He thanked the City Council for approving the 2012 budget stating that they will be reviewing all of their Public Relation efforts and fine tuning everything. Council thanked the Commission for their efforts, stating that they are doing a fine job.

Committee Reports

There were no Committee Reports given.

Minutes

There were no minutes presented for approval.

ORDINANCES

Ordinance No. 11 – First Reading
M/S – Dill/Kern
Adopted on first reading by a unanimous vote of those present.

ORDINANCE NO. 11 OF 2012

AN ORDINANCE AMENDING BOND ORDINANCE NO. 7 OF 2012 ADOPTED ON MAY 10, 2012, BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, WHICH PROVIDES FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, TO AMEND THE DESCRIPTION OF A CAPITAL IMPROVEMENT PROJECT SPECIFIED THEREIN

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Ordinance No. 11 (Continued)

WHEREAS, the City Council of the City of Somers Point, in the County of Atlantic, New Jersey (the “City”), heretofore adopted Bond Ordinance No. 7 of 2012, entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$1,268,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,204,600 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF”,

(“**Bond Ordinance No. 7**”), pursuant to which the City authorized the issuance of bonds or notes in the aggregate principal amount of \$1,204,600 for the purpose of financing the costs of various capital improvements and acquisitions; and

WHEREAS, the City desires to amend the description of the type of vehicle to be purchased by the City pursuant to Bond Ordinance No. 7.

NOW THEREFORE, 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 (2/3) of all the members thereof affirmatively concurring), as follows:

Section 1. Section 3.f.) of Bond Ordinance No. 7 be and is hereby amended to read as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Acquisition by purchase of a Sport Utility Vehicle for public safety use together with all appurtenances and attachments necessary therefore and incidental thereto.	\$30,000	\$28,500	5 years

Section 2. This Amendment does not authorize any additional indebtedness, but merely amends Bond Ordinance No. 7 to reflect the intended vehicle to be purchased.

Section 3. Bond Ordinance No. 7 is hereby reaffirmed in its entirety and shall remain in full force except as modified herein.

Section 4. This Ordinance amending Bond Ordinance No. 7 shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law of New Jersey.

FIRST READING:	June 14, 2012
PUBLICATION:	June 20, 2012
FINAL READING:	June 28, 2012
PUBLICATION WITH STATEMENT:	July 4, 2012

Ordinance No. 12 – First Reading

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M/S – Dill/D’Adamo

Adopted on final reading by a unanimous vote of those present.

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Ordinance No. 12 (Continued)

ORDINANCE NO. 12 of 2012

BOND ORDINANCE PROVIDING FOR VARIOUS ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING \$125,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$118,750 OF BONDS OR NOTES OF THE CITY TO FINANCE PART OF 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 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 \$125,000 including the sum of \$6,250 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 \$118,750 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	Period of Usefulness
Acquisition by purchase of Sport Utility Vehicles vehicle for public safety use together with all appurtenances and attachments necessary therefore and incidental thereto.	\$125,000	\$118,750	5 years

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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.

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Ordinance No. 12 (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. 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 5 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 \$118,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$18,750 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated

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herein for the purposes or improvements.

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Ordinance No. 12 (Continued)**

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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(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.

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Ordinance No. 12 (Continued)**

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: June 14, 2012
Publication: June 20, 2012
Second Reading: June 28, 2012
Publication: July 4, 2012**

Ordinance No. 9 - First Reading

M/S - Triboletti/Kern

Councilman Dill asked if the adjoining property owners were in favor of this. Councilman Smith stated that he knows nothing about this request and therefore will be voting no. He asked why this hasn't come before the Council. Council President McGuigan explained that the Church would like to build an outdoor deck to use as a smoking area. Councilman Dill stated that he would like in the future that these requests be in writing and brought before the entire Council prior to an ordinance being introduced. After discussion, Ordinance No. 9 was approved on first reading by a 6-1 vote with Councilman Smith voting no.

**CITY OF SOMERS POINT
ORDINANCE No. 9 of 2012**

**AN ORDINANCE VACATING A PORTION OF ADAMS STREET
IN THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

WHEREAS, it has been determined by the Somers Point City Council as follows:

1. That the portion of Adams Street described herein below is a "paper street" marked on a map or plat recorded with the City of Somers Point that shows the existence of an intended public right of way.
2. It has been confirmed by the City Engineer that the City of Somers Point does not hold

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title to the portion of Adams Street proposed to be vacated.

3. The paper street has not yet been physically improved, does not provide public access, and is not needed for public road purposes.

4. The said portion of Adams Street lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Somers Point that any public easements, rights and interests in and to same shall be vacated, released and extinguished;

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Ordinance No. 9 (Continued)

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

SECTION 1. A PORTION OF PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

All public easements, rights and interests to the portion of Adams Street described herein below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. DESCRIPTION OF THE PORTION OF ADAMS STREET TO BE VACATED:

All that certain tract or parcel of land located in the City of Somers Point, County of Atlantic, New Jersey bounded and described as follows:

BEGINNING AT a point in the Southeasterly Line of Adams Street (47.5 feet wide), 295.39 feet Southwesterly from the intersection of the Southeasterly Line of Adams Street (47.5 feet wide) and the Southwesterly line of Maryland Avenue (50 feet wide); extending thence

1. Southwesterly, 70.0 feet along the Southeasterly Line of Adams Street (47.5 feet wide) to a point; thence
2. Northwesterly, 47.5 feet along the property line of Block 1016, Lot 2 to a point in the Northwesterly line of Adams Street (47.5 feet wide); thence
3. Northeasterly, 70.0 feet along the Northwesterly line of Adams Street (47.5 feet wide) to a point; thence
4. Southeasterly, 47.5 feet along a line to a point and place of BEGINNING.

BEING KNOWN AS Adams Street on Sheet 10 of the Official Tax Map of Somers Point, New Jersey.

CONTAINING a total area of 3,321.5 square feet (0.08 Acres).

SECTION 3. STATUTORY PUBLICATION AND NOTICE:

A. The City Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place

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when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be effected by this Ordinance insofar as has been ascertained by the City engineer. Said notices shall be made by the City Clerk to the record owners of:

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Ordinance No. 9 (Continued)**

Block 1016, Lot 1.01;

Block 1016, Lot 2;

Block 1016, Lot 3; and

Block 1016, Lot 11.01.

C. Within sixty (60) days after adoption of this ordinance, the City Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the City Tax Assessor.

SECTION 4. REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

**FIRST READING: June 14, 2012
PUBLICATION: June 20, 2012
FINAL PASSAGE: July 26, 2012**

Ordinance No. 10 - First Reading

M/S - D'Adamo/Kern

Councilman Dill stated that he will be recusing himself. Mayor Glasser advised that he will be recusing himself as well. They both left the Council Chambers and did not take part in the discussion. Council President McGuigan sat as Acting Mayor and President Pro-Tempore Kern sat as President of Council during this Ordinance. Atty. Franklin explained the ordinance and noted the new effective date of September 15th with applications in by August 15th. He stated that this is at the start of the school year and will give us time to install the software.

Councilman D'Adamo thanked Council President McGuigan and Atty. Franklin for all of their efforts with regard to this ordinance. Ordinance No. 10 was then approved on first reading by a 5-0 vote with Councilman Dill recusing himself and Council President McGuigan not voting as he was Acting Mayor during this Ordinance.

Ordinance No. 10 of 2012

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**An Ordinance Amending Ordinance No. 6 of 2012
by Amending and Supplementing
Article V of Chapter 169 of the Municipal Code
Of the City of Somers Point Which Established a Registration Requirement for Rental
Units, Apartment Units and Certain Dwelling Units.**

WHEREAS, Ordinance No. 6 of 2012 was introduced, published and in accordance with law was adopted by the Governing Body of the City of Somers Point following a public hearing held on April 23, 2012; and

**Page 10
Ordinance No. 10 (Continued)**

WHEREAS, Subsequent to adoption of Ordinance No. 6 of 2012 certain issues were presented to the Rental Registration Subcommittee and Counsel by the City's Code Enforcement and Construction Office officials seeking clarification of certain issues and recommending certain minor changes to the Ordinance as enacted; and

WHEREAS, It has been determined that the deadlines set forth within Ordinance No.6 as adopted are not adequate to allow owners of rental units within the City of Somers Point to obtain, complete and submit Registration License Application Forms or for the Code Enforcement Office to properly review the Application Forms, record the data, and either issue deny License requests based upon such review; and

WHEREAS, It is not the intent of this Governing Body to impose undue hardship upon any rental - property owner or the staff of the Code Enforcement Office and that sufficient time should be allowed for notice to be given and for owners to obtain, complete and file License Registration Applications; and

WHEREAS, This Governing Body has reviewed and accepted the recommendations made by the Code Enforcement Officials

Now, therefore, IT IS HEREBY ORDAINED by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1: Article V "Registration and Inspection of Certain Rental Units, Apartment Units and Dwelling Units" of Chapter 169 of the Municipal Code of the City of Somers Point enacted by Ordinance No. 6 of 2012 is hereby amended as follows:

A) Section 169-46. Definitions:

To the definition of "HOUSEHOLD" the following sentence is added at the end of the definition:

Nothing within this definition is intended to countenance or permit the creation of a Boarding House in any zone within the City of Somers Point, which use is specifically prohibited.

B) Section 169-47. Registration Required

I) Section 169-47. C. Information to be provided in the Registration Certificate:

Subsection viii) j. (obligation to attach a copy of the current Certificate of Occupancy) is deleted in its entirety;

Subsection x) is amended to add as an additional item "v)" as follows:

x) A certification that . . . v) a Certificate of Occupancy or Continuing Certificate of Occupancy has been properly obtained for each unit listed in this Application.

II) Subparagraph E is deleted and amended in its entirety to read as follows:

Section 169-47. E Filing of Registration Certificate

i) Registration Certificate License Application Forms shall be available in the Office of the

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Somers Point City Clerk and the Somers Point Code Enforcement Office during normal business hours and may also be requested by mail addressed to either the City Clerk of the Code Enforcement Office, Somers Point City Hall, 1 W. New Jersey Avenue, Somers Point, NJ 08244;

ii) All Registration Certificates are to be filed in the office of the Somers Point Code Enforcement Officer of the City of Somers Point or with his or her designee.

iii) The Somers Point Code Enforcement Officer of the City of Somers Point shall index and file the Registration License Application Forms and make them reasonably available for public inspection. In doing so, the Code Enforcement Officer shall follow the mandates of N.J.S.A. 46:8-28.1 as amended and supplemented so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section.

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Ordinance No. 10 (Continued)

C) Section 169-48. Certificate of Occupancy

I) Section 169-48. A. is deleted and amended in its entirety to read as follows:

No agent, agent of an owner, real estate agent or broker, firm, company, partnership, corporation or person or persons shall sell, rent transfer, grant, lease, sublease, let , mortgage with right of occupancy or otherwise dispose of the ownership or occupancy of any Rental unit which is subject to this Article V of Chapter 169, whether such disposal or occupancy is temporary or permanent, unless a Certificate of Occupancy or Continuing Certificate of Occupancy certifying that said Rental unit is fit for human habitation and that said Rental unit is in compliance with all ordinances of the City of Somers Point which Certificate shall be first obtained from the Code Enforcement Official or Zoning Officer of the City of Somers Point, or his or her authorized designee.

II) Section 169-48. B. is deleted and amended in its entirety to read as follows:

B. No such vacated Rental unit shall be rented or occupied in whole or in part by any new owner, occupant or tenant until an inspection has been made by the above referenced designated official as to whether the Rental unit is in violation of any of the applicable laws, ordinances or codes of the City of Somers Point, the State of New Jersey or the United States of America. If no such violation is found to exist, a Continuing Certificate of Occupancy shall be issued; otherwise the owner shall be notified in writing of the specific violations found. No such Rental unit shall be occupied until such time as the violations have been corrected. Applications for Certificates of Occupancy and Continuing Certificates of Occupancy shall be available to applicants at the Somers Point Building Department.

Applicant shall be responsible to pay all Inspection and other applicable fees then in effect associated with any such inspection or re-inspection which shall be payable prior to any such inspections.

The City Council shall, by resolution, enact and from time to time may amend standardized fees for the inspection, re-inspection, and other scheduled fees as provided in Chapter 100 of the Somers Point Municipal Code. The License Registration Fee is a separate fee and has no relationship to fees for Certificates of Occupancy, Continuing Certificates of Occupancy, inspection or other fees which may be assessed.

III) Section 169-48. C. is deleted and amended in its entirety to read as follows:

C. Whenever inspections of the premises used for or in connection with the operation of the rental property are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provisions or to detect violations thereof, it shall be the duty of the person in charge of the premises to be inspected to admit thereto, for the purpose of making the inspection, any officer or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested. This obligation is not limited to

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inspections arising out of a request for a Certificate of Occupancy or a Continuing Certificate of Occupancy has been properly obtained for each unit listed in this Application.

D) Section 169-49. Term of License is hereby deleted in its entirety and amended as follows:

Each rental unit shall be registered annually. The Registration term shall commence September 15th of the applicable year the unit is registered with the City and will expire on September 14th of each such year.

All Registration Certificates shall be filed prior to the 15th day of August. The term of the License shall be the same as the Certificate term.

E) Section 169-57. Effective Date is hereby deleted in its entirety and amended as follows:

The obligation to obtain a Rental unit Registration License Certificate in compliance with this Article V shall be effective as of the date of Final Reading, Adoption, and Publication but all owners shall have until August 15, 2012 to file the 2012 Registration Certificate with the Code
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Ordinance No. 10 (Continued)

Enforcement Officer as described in Section 167-47 E.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith including but not limited to those provisions within Article III of Chapter 169 which refer to Multiple Occupancy Dwellings other than hotels and motels are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any section, clause, sentence, phrase or provision or any item in 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: June 14, 2012
PUBLICATION: June 20, 2012
FINAL PASSAGE: June 28, 2012**

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 103

M/S – Kern/Dill

Adopted by a unanimous roll call vote of those present.

No. 103 of 2012

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

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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, 2012 through June 30, 2013:

0121-33-005-003	Charlie's Inc.
0121-33-006-002	Circle Liquor Store, Inc.
0121-33-008-004	The Docs Place, Inc.
0121-33-010-002	Gregory Hotel, Inc. T/A Gregory's Restaurant & Bar
0121-33-012-009	SSD Diner, LLC T/A The Windjammer Diner Bar & Grill

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Resolutions (Continued)**

Resolution No. 104

M/S – Dill/Kern

Adopted by a unanimous vote of those present.

RESOLUTION No 104 of 2012

A RESOLUTION AUTHORIZING APPROVAL THE EXECUTION OF AN INTERLOCAL GOVERNMENT SERVICE AGREEMENT BETWEEN THE CITY OF SOMERS POINT AND THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY FOR THE ADMINISTRATION OF ELEMENTS OF THE SPENDING PLAN

WHEREAS, the City of Somers Point has engaged Leah Furey-Bruder, PP, AICP of BACH ASSOCIATES, PC to prepare a Spending Plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.; and

WHEREAS, the City will has requested the Atlantic County Improvement Authority (ACIA) to administer the Housing Rehabilitation component and the Affordability Assistance in the form of Affordability Assistance component in the form of assistance for Emergency Repairs, Down Payment Assistance, and Subsidy to Make Affordable Units More Affordable; and

WHEREAS, the ACIA is a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic, established pursuant to N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, the ACIA has demonstrated the experience and qualifications necessary to administer those elements of the Spending Plan which ACIA has agreed to undertake and which the ACIA has undertaken on behalf of other municipalities within Atlantic County; and

WHEREAS, the City and ACIA are desirous of entering into a Shared Services Agreement to document the policies, procedures and practices to be utilized in the proper administration of the Spending Plan in compliance with COAH rules and regulations; and

WHEREAS, a Shared Services Agreement is classified as services provided between governmental agencies pursuant to N.J.S.A. 40A:11-5(2) and as such is exempt from the public bidding requirements of the New Jersey Local Public Contracts Law; and

WHEREAS, the City shall provide One Hundred Thousand Dollars (\$100,000.00) to the ACIA to pay the project costs for the execution of the Affordable Housing rehabilitation

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activity [Affordability Assistance under N.J.A.C. 5:97-8.8] in accordance with the MUNICIPALITY'S Affordable Housing Trust Fund Spending Plan for the Affordable Housing Trust Fund, the ACIA Housing Rehabilitation Manual which is incorporated herein by reference to that document which is on file in the office of the City Clerk, and the Scope of Services attached hereto as Exhibit B.; and

WHEREAS, the City shall provide Ninety Eight Thousand Eight Hundred Sixteen Dollars (\$98,816.00) to the ACIA to render units more affordable, including \$32,938 (one third of the amount dedicated to affordability assistance to render units more affordable to households earning 30 percent or less of median income by region), to be utilized as follows:

- i) Down Payment Assistance Program.
- ii) Emergency Repairs Assistance.
- iii) Subsidy to Make Affordable Units More Affordable.

in accordance with the City's Affordable Housing Trust Fund Spending Plan for the Affordable Housing Trust Fund, the ACIA Housing Rehabilitation Manual which is incorporated herein by reference to that document that document which is on file in the office of the City Clerk, and the Scope of Services attached hereto as Exhibit B.; and

WHEREAS, the City has agreed that of the total of \$198,816.00, eighteen per cent (18%) or \$35,786.00 of the funds allocated will be paid to the Authority as activity delivery fees upon activity completion; and

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Resolution No. 104 (Continued)

WHEREAS, the City will be required to transfer of \$198,816.00 from the City's Affordable Housing Trust Fund to the ACIA to be held in a separate interest-bearing account as provided by the terms and conditions of the Shared Services Agreement; and

WHEREAS, the Governing Body of the City of Somers find and determine that entering into this Shared Services Agreement with the ACIA is consistent with the Spending Plan, is in the best interest of the City and of its present and future residents for the implementation of the Rehabilitation and Affordability elements of the Spending Plan

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Somers Point hereby authorizes execution of the Shared Services Agreement with the ACIA in the form attached hereto as Exhibit A to implement administration of the Rehabilitation element and Affordability Assistance element activities of the Spending Plan in accordance with the Affordable Housing Trust Fund Spending Plan, the ACIA's Housing Rehabilitation Manual and the proposed Scope of Services, and

BE IT FURTHER RESOLVED that the transfer of \$198,816.00 from the City's Affordable Housing Trust Fund to the ACIA to be held in a separate interest-bearing account as provided by the terms of the Shared Services Agreement is hereby approved and authorized; and

IT IS FURTHER RESOLVED that the Shared Services Agreement is subject to such further modifications as may be required by the Special Master and to conform to any requirements imposed in order to obtain approval of the City's Spending Plan by COAH accepted and as agreed to by the Somers Point Council and acceptable to the Executive Director of the ACIA.

Resolution No. 105

M/S - D'Adamo/Tapp

Councilman Dill explained that this person is presently a part time employee of the Public Works Department and will be an asset to the City. Resolution adopted by a unanimous vote of those present.

No. 105 of 2012

Subject: Hiring a Full-Time Laborer

**REGULAR MEETING
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Introduced by: Councilmen Dill, Smith & Tapp

WHEREAS, there exists a need to hire a full-time laborer for the Department of Public Works; and

WHEREAS, Renzo Poblete-Mendoza is currently employed by the City as a Part-time employee, and his full-time employment has been recommended by the Supervisor of Public Works.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby approves the hiring of Renzo Poblete-Mendoza to the full-time position of Laborer 1 in accordance with the New Jersey Department of Personnel Job Specification 02248 effective June 18, 2012.

BE IT FURTHER RESOLVED that his annual salary will be established at \$28,757 in conformance with the start year 1 level of the agreement between the City of Somers Point and Teamsters Union Local No. 115.

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Resolutions (Continued)**

Resolution No. 106
M/S - D'Adamo/Kern
Adopted by a unanimous vote of those present.

No. 106 of 2012

Subject: Change Order Number 3 – Somers Point Sanitary Sewer Rehab & Replacement

Introduced by: Councilman Dill

WHEREAS, in accordance with Resolution No. 43 of 2011, Pipevision Products, LLC of was awarded the contract for the Somers Point Sanitary Sewer Rehab & Replacement for the sum of \$1,332,000.00; and

WHEREAS, City Council has previously authorized Change Orders 1 and 2 for a total of \$33,777.05; and

WHEREAS, Jordan Road will be fully repaved from Massachusetts Avenue to the limits of the sanitary sewer replacement; and

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to extend the limits of paving to Bala Drive and to repair a trench on Connecticut Avenue; and

WHEREAS, the cost of this additional work is \$32,095.00; and

WHEREAS, the Sewer Utility Engineer and the City Engineer have recommended approval of these changes; and

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WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$1,332,000.00	
Change order 1 & 2	\$33,777.05	
Change order 3	\$32,095.00	
Revised Contract Amount	\$1,397,872.05	
Total Deduction: \$0	Total Additional: \$65,872.05	Net Change: 4.95%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the Somers Point Sanitary Sewer Rehab & Replacement is hereby approved and that the City Administrator is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 107

M/S - D'Adamo/Kern

Adopted by a unanimous vote of those present.

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Resolution No. 107 (Continued)

RESOLUTION No 107 of 2012

RESOLUTION SUPPORTING S-2011

Extending the time period from four to six years for municipalities to commit to expend collected development fees and payments-in-lieu of constructing affordable units

Sponsored By: Councilmen D'Adamo, Tapp and Triboletti

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be "committed for expenditure, or risk forfeiture to the State;" and

WHEREAS, the 2008 Act did not define the term "committed for expenditure" and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for "committed" as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations which were to be implemented pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its "3rd round regulations" establishing municipal obligations under the "Fair Housing Act"; and

WHEREAS, COAH's 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

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WHEREAS, eight years of litigation over COAH's methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by the New Jersey Department of Community Affairs to be as much as \$160 million, would displace this financial obligation to the taxpayers in these communities; and

WHEREAS, by Resolution Number No 78 of 2012 this Governing Body unanimously expressed support for A-2717 sponsored by Assemblyman Anthony Bucco, which resolution was submitted to the members of the Assembly Housing and Local Government Committee; and

WHEREAS, A-2717 has been superseded by A-2950 sponsored by Assemblyman Jerry Green, Chair of the Assembly Housing and Local Government Committee which has unanimously approved A-2950, and by a companion bill S-2011 sponsored by Senator Brian Stack which bill has been unanimously approved by the Senate Community and Urban Affairs Committee

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Resolution No. 107 (Continued)

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Somers Point urges our State Legislators to support and approve S-2011 and its companion bill A-2950 which will:

1. Extend the deadline to commit trust fund dollars from four years from the date of collection to six years. Thus, dollars subject to forfeiture to the State this July would be protected until July 2014 rather than become subject to potential seizure by the State in July 2012; and

2. Provide that any dollars forfeited after six years will either be transferred to the State Affordable Housing Trust Fund, or to the County if it has established a "Homelessness Trust Fund pursuant to NJSA 52:27D-287(e) or if it serves an "urban county pursuant to section 102(a)(6) of the "Housing and Community Development Act of 1974." This provision allows for the trust fund dollars to be retained and used locally as intended; and

3. Allow COAH to engage in a proper rule-making procedure enabling municipalities to develop rational and effective spending plans to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Senator Brian Stack, sponsor of S-2011, Senator James Whelan, Assemblyman Jerry Green sponsor of A-2950, Assemblyman John Amodeo, Assemblyman Christopher Brown and the New Jersey State League of Municipalities requesting continued bipartisan support for this much needed legislation.

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Resolution No. 108

M/S - D'Adamo/Kern

Adopted by a unanimous vote of those present.

RESOLUTION No 108 of 2012

**A Resolution Requesting Review and Approval of an Affordable Housing Trust Fund
Spending Plan**

Sponsored by Councilmen D'Adamo, Tapp and Triboletti

WHEREAS, the City Council of the City of Somers Point, Atlantic County, has through Settlement Agreements entered into in two Builder Remedy lawsuits which, following publication, notice and Fairness hearings resulted in the creation of Affordable Housing Zoning Districts within the City of Somers Point each of which received approval by Orders of the New Jersey Superior Court entered in Bay Avenue Redevelopment, LLC vs. City of Somers Point, et als. (DOCKET NO. ATL-L-007302-06) and Plantation Bay, LLC vs. City of Somers Point, et als (DOCKET NO. ATL-L-007302-06 P.W.) with Orders of Repose which have been entered in each such matter and a further Order of Repose which was entered by Judge James E. Isman, J.T.C., t/a in Docket Number ATL-L-002835-07 captioned "In the Matter of the Application of the City of Somers Point" which grants temporary immunity and repose against additional exclusionary zoning litigation and builder's remedy suits through the time for submission of a third round compliance plan, once established by regulation, statute or decision of a Court with appropriate jurisdiction; and

WHEREAS, through said Settlements and Court Orders the City of Somers Point has received Certification for its First and Second Round Affordable Housing Obligations and may have eligible credits to apply to any Third Round Obligation, should there be any, and

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Resolution No. 108 (Continued)

WHEREAS, in each such Builders' Remedy action the Affordable Housing Zoning Ordinances and the terms of the Settlement Agreements were reviewed by Special Master Mary Beth Lonergan and Reports were prepared by Special Master Lonergan, PP, AICP which were relied upon by the Court in making determinations as to Fairness; and

WHEREAS, the City of Somers Point, Atlantic County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.); and

WHEREAS, a development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the City on October 27, 2005 (Ordinance #16-2005) and was amended by Ordinance #19-2007 on September 27, 2007.; and

WHEREAS, the development fee ordinance which establishes the affordable housing trust fund was approved by the Court on June 21, 2007; and

WHEREAS, the affordable housing trust fund includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its

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housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 2008 in accordance with an implementation schedule approved by the Council;

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Resolution No. 108 (Continued)

9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the City of Somers Point had engaged Leah Furey-Bruder, PP, AICP of BACH ASSOCIATES, PC to prepare a Spending Plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

WHEREAS, COAH's rules at N.J.A.C. 5:97-8.11 "Consideration for Mechanisms not in the Adopted Fair Share Plan" anticipate municipalities funding emergent affordable housing opportunities as follows:

- (a) A municipality may request authorization for expenditure of affordable housing trust funds on emergent affordable housing mechanisms not included in the municipal Fair Share Plan, in the form of an amendment to the spending plan.

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(b) In addition to the requirements for approval of a spending plan or amendment to an approved spending plan set forth at N.J.A.C. 5:96-5, the resolution submitted by the municipality shall include a certification that the affordable housing opportunity addresses COAH's criteria set forth in N.J.A.C. 5:97-6, and the municipality shall submit information regarding the proposed mechanism in a format to be provided by the Council.

(c) The municipality shall submit an amendment to its Fair Share Plan to include the mechanism at the earlier of two years after the Council's approval of the Spending Plan or the next planned amendment to the Fair Share Plan resulting from plan evaluation pursuant to N.J.A.C. 5:96-10.

(d) The municipality shall submit monitoring pursuant to N.J.A.C. 5:96-11 relating to the affordable units created using affordable housing trust funds.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Somers Point, Atlantic County, requests that Special COAH Counsel submit the Spending Plan to the New Jersey Superior Court which continues to retain jurisdiction seeking an order of the Court approving the Spending Plan: and

BE IT FURTHER RESOLVED that Special COAH counsel and the City's Planner (Bach Associates, PC) shall request that COAH administratively review and approve Somers Point's Spending Plan attached hereto; and

BE IT FURTHER RESOLVED that the Spending plan addresses COAH's criteria set forth in N.J.A.C. 5:97-6.; and

BE IT FURTHER RESOLVED that the City of Somers Point shall submit an amendment to its Fair Share Plan to include the emergent elements set forth in the Spending Plan which were not specified in the prior Fair Share Plan for administrative approval within two years of Council Approval or with the next planned amendment to the Fair Share Plan resulting from plan evaluation pursuant to N.J.A.C. 5:96-10; and

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Resolution No. 108 (Continued)**

BE IT FURTHER RESOLVED that the City of Somers Point shall submit monitoring pursuant to N.J.A.C. 5:96-11 relating to the affordable units created using affordable housing trust funds; and

BE IT FURTHER RESOLVED that the City of Somers Point has entered into a Contractual relationship with Atlantic County Improvement Authority ("ACIA") pursuant to a Shared Services Agreement whereby ACIA will serve as the Administrative Agent for the City of Somers Point. Should it become necessary to retain any additional Administrative Agent or Agents to administer elements of the Spending Plan which are beyond the scope of the experience and qualifications of ACIA the City shall enter into appropriate contractual arrangements as required; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:97-6.4(k) and N.J.A.C. 5:97-6.6(f) 1 through 3, the City of Somers Point shall require the Atlantic County Improvement Authority to submit the following information to the City and to COAH

1. An operating manual that includes a description of the procedures and administration of the affordable units in accordance with HUD and HMFA regulations.
2. An affirmative marketing plan in accordance with HMFA regulations at N.J.A.C. 5:80-1 as required by HMFA financing.

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3. A statement of the experience and qualifications of ACIA to administer those elements of the Spending Plan which ACIA has agreed to undertake.

Resolution No. 109

M/S - Kern/D'Adamo

Adopted by a unanimous vote of those present.

No. 109 of 2012

Subject: Authorizing Grant Application
Introduced By: Councilman Smith

WHEREAS, the governing body of the City of Somers Point desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$25,000. to fund the following project:

Planning: Integrating Design Guidelines, Data Base and Heritage Tourism

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Somers Point that William E. Swain or the successor to the title of City Administrator is authorized to make application for such a grant; if awarded, to execute a grant agreement with the State for a grant in the amount not less that \$18,000. and not more than \$25,000 and to execute any amendments thereto.

The City Council of the City of Somers Point further acknowledges that there is no grant match required for this Certified Local Government Agreement grant. The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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Resolutions (Continued)

Resolution No. 110

M/S - Kern/D'Adamo

Adopted by a unanimous vote of those present.

No. 110 of 2012

Subject: Authorizing Cooperation Agreement with the County

WHEREAS, Atlantic County was notified by letter dated October 27, 2000, from the United States Department of Housing and Urban Development (hereafter "HUD") announcing that the County of Atlantic qualified to receive a Formula Allocation for the Community Development Block Grant Program (hereafter the "Urban County Program") for the fiscal year 2001, 2002 and 2003; and

WHEREAS, it is necessary to provide documentation to HUD every three years to re-qualify the Urban County (hereafter "County") to continue to receive a formula allocation for the next three federal fiscal years; and

WHEREAS, it is necessary for the County to submit the qualifying documentation to

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HUD by June 30, 2012 to re-qualify for Fiscal Years 2013, 2014 and 2015; and

WHEREAS, in order to participate with the County in the Urban County Program for these years it is necessary for the Local Government to enter into a Cooperation Agreement with the County and other local governments; and

WHEREAS, the Local Government may not apply for grants or appropriations under the Small Cities or State CDBG Programs for the fiscal years during the period in which it participates in the Urban County CDBG Program, and

WHEREAS, the City of Somers Point desires to join with the County in the Urban County program; and

WHEREAS, the Interlocal Services Act NJSA 40:8A-1 et seq. Authorizes counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, the execution of the Cooperation Agreement does not require the Local Government to expend municipal funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

1. The Mayor and City Administrator are hereby authorized and directed to execute the attached Cooperation Agreement with the County, and other local governments, in substantially the following form with such minor changes as may be required by HUD.
2. This Cooperation Agreement shall be effective for the remaining year of the Urban County Qualification period (Federal fiscal years beginning October 1, 2012, October 1, 2013 and October 1, 2014) and shall be automatically renewed for participation in successive three year qualification periods unless the County or the City of Somers Point provides written notice it elects not to participate for new qualification period.

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Resolution No. 110 (Continued)

3. HUD requires that this Cooperation Agreement may have to be amended to incorporate changes necessary to comply with federal requirements for future qualification periods. Failure to comply will void the automatic renewal for such qualification period.
4. All resolution or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of their inconsistency.
5. The Clerk is hereby directed to provide a certified copy of this Resolution together with the annexed Cooperation Agreement, duly executed, to the County executive.

Resolution No. 111

M/S - Kern/Dill

Adopted by a unanimous vote of those present.

No. 111 of 2012

**REGULAR MEETING
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Subject: Change Order Number 1 – 2011 Community Development Block Grant Sunny Avenue

WHEREAS, in accordance with Resolution 61 of 2012, Arawak Paving Co., Inc., of Hammonton, NJ was awarded the contract for the 2011 Road Community Development Block Grant – Sunny Avenue for the sum of \$116,800.00; and

WHEREAS, during the course of construction changes were made due to the emergency replacement of two existing concrete storm pipes that collapsed on Sunny Avenue with two 8” Ductile Iron Pipes, infrared repair of the asphalt surface due to the emergency pipe work, and to reflect As-Built Quantities; and

WHEREAS, this additional work was necessary to protect the safety of the public; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$116,800.00	
Change order 1	\$12,722.54	
Revised Contract Amount	\$129,522.54	
Total Deduction: \$0	Total Additional: \$12,722.54	Net Change: 10.89%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the 2011 Road Community Development Block Grant – Sunny Avenue is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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Resolutions (Continued)**

Resolution No. 112

M/S - Kern/Dill

Adopted by a unanimous vote of those present.

No. 112 of 2012

**Subject: Authorizing Purchase on State Contract
Introduced By: Council President McGuigan**

WHEREAS, the City of Somers Point may by resolution and without advertising for bids purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

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WHEREAS, the City of Somers Point has identified a need to purchase Self contained breathing apparatus and associated equipment for use by the Fire Department; and

WHEREAS, the Fire Chief has researched the equipment available and recommends the purchase of Scott Safety Equipment as indicated in the quotation of Nat Alexander Company of Laurel Springs, New Jersey dated May 21, 2012 which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the purchase from Nat Alexander Company of ten Scott Air Paks and associated equipment for the sum of \$82,945.80, State contract #A80961, less trade-in value of \$19,417.40 of current Fire Department Air Paks as allowed by N.J.S. 40A:11-36. (7), for the total cost of \$63,528.40.

Resolution No. 113

M/S - Kern/Triboletti

Adopted by a unanimous vote of those present.

No. 113 of 2012

Subject: Authorizing agreement with the Estate of Jeffrey William Gwin
Introduced By: Councilmen Dill, Smith and Tapp

WHEREAS, after long and dedicated service to the City of Somers Point, Jeffrey William Gwin died on April 2, 2012; and

WHEREAS, upon his death, the Estate of Jeffrey William Gwin is entitled to certain payments and benefits in accordance with the agreement effective January 1, 2008 between the City of Somers Point Teamsters Union Local No. 115; and

WHEREAS, the City of Somers Point has determined that Jeffrey William Gwin had an accumulated, reimbursable total of approximately 230 days of unused sick leave and 48.5 days of unused vacation leave as of the date of his death; and

WHEREAS, Jeffrey William Gwin received his last regular pay on March 23, 2012 and is entitled to salary prorated to April 2, 2012; and

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Resolution No. 113 (Continued)

WHEREAS, pursuant to the agreement between the City of Somers Point and Teamsters Union Local No. 115, the City of Somers Point shall tender to the Estate of Jeffrey William Gwin a lump-sum payment for unused sick leave of \$20,000 (the capped amount) , vacation leave of 11,616.72 and prorated salary of \$1,284.80.

NOW, THEREFORE BE IT RESOLVED, that he City Council of the City of Somers Point hereby authorizes the City Administrator to enter into an agreement with the Estate of Jeffrey William Gwin which memorializes all rights and entitlements of his employment as attached hereto and made a part of this Resolution.

Resolution No. 116A

M/S - Triboletti/Kern

Adopted by a unanimous vote of those present. Councilman Dill explained that because this

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executive session is to discuss contracts with the Police Department, he will not be attending that portion of the Executive Session.

**RESOLUTION NO. 116A 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 **THREE (3)** topics which involve a report and recommendations by Special Labor Counsel and the Contract Negotiation Committee regarding; i) the terms and conditions of a proposed Employment Contract between the City of Somers Point and the Chief of Police; and ii) the terms and conditions of two Collective Bargaining Agreement between the City of Somers Point and PBA 77 and which require the advice and counsel of the Special Labor Counsel to the City of Somers Point each being matters 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 June 14, 2012 during a public meeting to be held commencing at 7:00 P.M, and

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

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Resolution No. 116A (Continued)

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"

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The terms and conditions of a negotiated Employment Contract between the City and Police Chief Michael Boyd and the terms and conditions of two separate Collective Bargaining Agreements between the City of Somers Point and PBA 77 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]; and the terms and conditions of two separate Collective Bargaining Agreements between the City of Somers Point and PBA 77 which, upon completion of negotiations, will remain subject to approval by Counsel during an open public meeting as required by law prior to execution .

“(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,

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Resolution No. 116A (Continued)

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

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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. 116B

M/S - Kern/Dill

Adopted by a unanimous vote of those present.

**CITY OF SOMERS POINT
RESOLUTION NO. 116B 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 (1)** topic which involve a report and recommendations by Special Labor Counsel regarding the Notice of Termination of a Shared Services Agreement between the City of Somers Point and the City of Somers Point and the Dispatch services which require the advice and counsel of the Special Labor Counsel to the City of Somers Point being matters 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 June 14, 2012 during a public meeting to be held commencing at 7:00 P.M, and

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Resolution No. 116B (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

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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” N/A _____;

“(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 Notice of Termination of a Shared Services Agreement between the City of Somers Point and the City of Somers Point and the Dispatch services which require the advice and counsel.

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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

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Resolution No. 116C (Continued)

WHEREAS, the Somers Point City Council has determined that **ONE (1)** topic which involve a report and recommendations by Special COAH Counsel and the City Solicitor regarding a Motion filed in New Jersey Superior Court Docket # ATL-L-007302-06 captioned "Bay Avenue Redevelopment, LLC vs. City of Somers Point, et als." being 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 June 14, 2012 during a public meeting to be held commencing at 7:00 P.M, and

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" N/A _____;

"(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

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specifically as possible without undermining the need for confidentiality is _____

N/A

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Resolution No. 116C (Continued)

“(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 COAH Counsel to the City of Somers Point and the City Solicitor regarding a Motion filed by Plaintiffs in New Jersey Superior Court Docket # ATL-L-007302-06 captioned “Bay Avenue Redevelopment, LLC vs. City of Somers Point, et als.” seeking relief from the Phasing Requirements of Section 3.1 of the May 7, 2007 Settlement Agreement and discussion of trial strategy.

“(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 - 40 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
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See #7 above: Attorney Client conference	Upon Completion of Actions which may be taken in response to the Notice of Motion and any response thereto filed on behalf of the City of Somers Point	Completion of Actions which may be taken in response to the Notice of Motion and any response thereto filed on behalf of the City of Somers Point

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Resolutions (Continued)**

Resolution No. 117 (As amended)

M/S - Kern/Triboletti

Administrator Swain pointed out that the third paragraph contained the wrong address. Resolution 117 was then adopted, as amended, to correct the address in the third paragraph.

No. 117 of 2012 (As Amended)

Subject: Appointing Elevator Inspection Subcode Inspector
Introduced By: Councilmen Triboletti and Tapp

WHEREAS, the State of New Jersey, Department of Community Affairs, has mandated that all municipalities have an Elevator Inspection Subcode Official; and

WHEREAS, proposals for elevator inspection services were solicited by the Construction Official and three proposals were received, copies of which are attached hereto; and

WHEREAS, the Construction Official is recommending Building Inspections Underwriters, Inc of Feasterville, Pennsylvania to be our onsite third party inspection agency for a period of three years..

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby appoint Building Inspections Underwriters, Inc. of Feasterville, Pennsylvania to be the onsite third party inspection agency for a term of three years pursuant to N.J.S.A. 40A:11-15(11).

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized to enter into a contract with Building Inspection Underwriters, Inc.

Resolution No. 118

M/S - Triboletti/Kern

Adopted by a unanimous vote of those present.

No. 118 of 2012

Subject: Advertising for Request for Proposals For Revaluation Services
Sponsor: Councilman Smith

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WHEREAS, the Atlantic County Board of Taxation has ordered that the City of Somers Point implement a municipal-wide revaluation to be completed for the tax year 2014; and

WHEREAS, the governing Body of the City of Somers Point has determined to solicit Requests for Proposals for revaluation services in order to comply with the order.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

1. The City Administrator, in conjunction with the Tax Assessor and the Tax Appeal Attorney, is hereby authorized to prepare a Request for Proposals for revaluation services.
2. The City Clerk is authorized to advertise for Requests for Proposals for revaluation services to be received by the City Administrator at a time to be established in accordance with the Requests for Proposals.

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Resolution No. 118 (Continued)

3. The City Administrator is authorized to request the Tax Assessor submit a proposal to perform a municipal reassessment program. That request shall require that, should the Tax Assessor determine to provide such a proposal, that proposal shall be submitted and publically opened at the same time as the proposals for revaluation services.

Resolution No. 119

M/S - Kern/D'Adamo

Adopted by a unanimous vote of those present.

No. 119 of 2012

WHEREAS, Somers Point Volunteer Fire Co. No. 1, Inc. 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 Volunteer Fire Co. No. 1, Inc. 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: June 22, 2012 – June 24, 2012
- B. Time(s) of Coin Drop limited to: 8:00 am – 8:00 pm
- C. Locations of Coin Drop limited to: Rt. 9 and Rt. 52
- 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
- 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 Freeholders (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”.

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Consent Agenda

M/S - Kern/Dill

Adopted by a unanimous vote of those present.

No. 120 of 2012

Subject: Advertising for Bids for the reconstruction of Chapman Boulevard from New Road to Exton Road

Introduced by: Councilman Dill

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Chapman Boulevard from New Road to Exton Road; and

WHEREAS, the New Jersey Department of Transportation has awarded the City with a \$225,000.00 grant to complete this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the reconstruction of Chapman Boulevard.

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

No. 121 of 2012

Subject: Authorizing Advertising for Bids for the 2012 Road Program
Introduced by: Councilman Dill

**REGULAR MEETING
MAYOR AND CITY COUNCIL
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WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Bucknell Road for the entire length, Rutgers Road from Exton Road to Ambler road, Lehigh Drive from Colwick Drive to Colwick Drive, and Pirates Alley from Euclid Avenue to Steelman Avenue.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2012 Road Program; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

No. 122 of 2012

Subject: Authorizing Advertising for Bids for the 2012 Storm water Improvements
Introduced by: Councilman Dill

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Resolution No. 122 (Continued)

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to improve the storm water system at School House Drive, Dawes Avenue between Shore Road and Atlantic Avenue, and Sunny Avenue between Harbor Lane and Pleasant Avenue.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2012 Stormwater Improvements; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

New Business

Social Affairs permit application for Christ Episcopal Church was approved by a 6-0 vote with Councilman D'Adamo abstaining.

Two Raffle License applications for St. Joseph's Church were approved by a 5-0 vote with Councilmen D'Adamo and Triboletti abstaining.

A Raffle License for the VFW and a request to waive the City fee was approved by a unanimous vote.

Old Business

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There was no Old Business presented for discussion.

Discussion of Bills

Bills in the amount of \$147,847.88 were presented for discussion.

Public Portion

Meeting was opened to the public and duly closed.

Payment of Bills

Bills were approved in the amount of \$147,847.88. A complete list of bills is on file in the Office of the Municipal Clerk.

Adjournment

There being no further business, meeting recessed to go into Executive Session at 8:20 p.m., reconvening at 9:45 p.m. to waive the 48-Hour Rule to consider Resolution No. 123 approving the contract with the Chief of Police.

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Resolution No. 123

M/S - Triboletti/Kern

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

No. 123 of 2012

**Subject: Authorizing Personal Service Contract
 with Chief of Police**

WHEREAS, on January 12, 2012 by Resolution No. 12 of 2012 this Governing Body promoted Michael F. Boyd to the position of Chief of Police of the Somers Point Police Department effective on that date; and

WHEREAS, it was further resolved that with the exception of title and duties, the terms of employment, compensation and benefits under the existing Contract between Captain Michael F. Boyd and the City of Somers Point shall remain in full force and effect until such time as a formal Agreement has been negotiated and executed between the parties; and

WHEREAS, the terms and conditions of a Personal Service contract between the City of Somers Point and Police Chief Michael F. Boyd have been negotiated with the advice and recommendations on the Special Labor Council to the City in combination with the Contract Negotiation Committee of this Council; and

WHEREAS, the form of Agreement has been presented to and reviewed by all Council members with the exception of Councilman Dill who recused himself from consideration of this matter; and

WHEREAS, it is necessary and desirable for the City Council of the City of Somers Point to authorize and direct the execution of a personal services contract with the Chief of Police on behalf of the City.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Mayor be and is hereby authorized and directed to execute the personal services contract with the Chief of Police on behalf of the City, in the form attached hereto, and by that act the City Council does hereby approve the said contract effective January 12, 2012 and terminating January 11, 2017.

Adjournment

There being no further business, meeting adjourned at 9:52 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: