

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

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

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

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

Absent: Smith

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 asked that Resolution No. 133 be moved forward on the agenda. Meeting was opened to the public and duly closed with regard to Resolution No. 133.

Resolution No. 133

M/S – Dill/Kern

Adopted by a unanimous vote of those present.

Mayor Glasser stated that we have the best emergency services possible. Our Police, Fire, OEM and Public Works did an outstanding job during this storm that we had no warning of.

Councilman Dill echoed these comments stating that he is very proud of our staff and volunteers who were out working after the storm in 98 degree weather directing traffic and cleaning up. He stated that he has put in thirty years in Public Works and knows the effort to accomplish what they did and wants to thank them personally as often they are the unsung heroes who do the work and don't get thanks for it. He stated that the dispatchers did a fabulous job as well as the volunteers in the Fire Department and the Office of Emergency Management.

Councilwoman Kern stated that she is not surprised, but is amazed at how our emergency personnel come out for our citizens. She wholeheartedly thanked our volunteers and employees for coming out and doing what they have done.

Councilman Dill publicly thanked the citizens of Somers Point for their patience and cooperation. He stated that it was difficult with the power being out and many of our citizens have come up to him to praise the City for the job that was done.

Council President McGuigan read a letter from the Green Thumb Garden Club expressing their sincere appreciation for the efforts of the City during the storm adding that Public Works was there immediately picking up the branches as they were put to the curb.

Council President McGuigan expressed his appreciation to everyone, especially to the volunteers who chose to go out during the storm to serve their community. He stated that we have received man compliments with regard to Public Works, Fire, Police and Office of Emergency Management.

Mayor Glasser then presented certified copies of the Resolution to the Police Department, Fire Department, Public Works Department and Office of Emergency Management.

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

Resolution No. 133 (Continued)

NO. 133 of 2012

**Thanking and Saluting the Efforts of Our Public Servants
during and in the Aftermath of the “Derecho” of June 30, 2012**

WHEREAS, during the early morning hours of June 30, 2012 an unexpected fast moving and devastating storm tore through Atlantic County, known as a “Derecho”; and

WHEREAS, the storm brought unprecedented rains and wind, causing dangerous conditions, evacuations, power outages, and damages to the local communities; and

WHEREAS, during this perilous time employees of the Somers Point Department of Public Works, the Somers Point Police Department’s Officers and Dispatchers, the volunteers of Somers Point Fire Departments #1 and #2, and volunteers of the Somers Point Office of Emergency Management (OEM) worked tirelessly to assure the safety of the City’s residents and property; and

WHEREAS, Despite the lack of advance warning of this devastating event the Somers Point Employees and Volunteers were well organized and equipped to deal with the crisis, offering assistance to residents, answering incoming questions and concerns, devoting extra hours, cleaning up the City, and many other tasks that were needed as a result of the storm, and

WHEREAS, their performance during the event and aftermath as well as the cleanup efforts have far out shined the surrounding communities and have been met with near universal praise from our citizens as well as many visitors to the city.

NOW THEREFORE, BE IT RESOLVED, that the dedication and perseverance demonstrated under extraordinary circumstances, reflects Somers Point in a positive manner.

ALSO BE IT RESOLVED, that The Mayor and The City Council, on behalf of the citizens of Somers Point, commend and thank these dedicated employees and committed volunteers for their untiring service and genuine concern for the residents of the City of Somers Point.

Communications

Mayor’s Report

Mayor Glasser gave the Police Department report in full for the month of June and also read correspondence from Atlantic Electric thanking the City for their help dealing with the storm.

Administrator Report

Administrator Swain reported that they will be putting the DeFeo Lane Sewer addition project out for bid soon as the specs will be ready next month. He also advised that we might have to go out to bid for our Police pursuit vehicle. He also advised that he will be meeting with FEMA to see how much of the costs of the storm they will reimburse. He also stated that he wanted to mention that during the storm our local businesses came to the aid of our local people as well as our emergency crews who needed water, etc. He stated that he is very thankful to our business community as well.

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

Committee Reports

Councilwoman Kern reported that we have hired a new CER Director, Sidney Perkins, who is a resident of our community and will be bringing a lot of ideas to the position.

Minutes

Minutes of the following meetings were approved by a unanimous vote of those present.
Executive Session minutes approved as to content only.

Executive Session Minutes of March 8, 2012, and June 14, 2012 (as to content). Amended minutes of the regular meeting of 7/28/11 and report of typo found in minutes of 6/9/11. Minutes of Regular Meetings of 11/12/09, 3/25/10, 4/28/11, 5/24/12, 6/14/12, 6/28/12 and Minutes of Special Mtg. of 3/31/11.

ORDINANCES

Ordinance No. 9 – Final Reading – TABLED

Council President McGuigan asked that this ordinance be tabled at this time explaining that he needs to revisit this with the adjacent property owners. Councilman Triboletti made a motion to table, seconded by Councilman D’Adamo. Motion carried by a unanimous vote of those present.

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**

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

Ordinance No. 13 – Final Reading

M/S – Triboletti/Dill

Meeting opened to the public and duly closed. Ordinance No. 13 was then adopted on final reading by a 6-0 roll call vote of those present.

ORDINANCE NO. 13 of 2012

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS
AND ACQUISITIONS IN AND BY THE CITY OF SOMERS POINT,
IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING
\$1,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE
\$1,520,000 OF BONDS OR NOTES OF THE CITY TO FINANCE PART
OF THE COST THEREOF.**

First Reading: June 28, 2012
Publication: July 4, 2012
Second Reading: July 26, 2012
Publication: August 1, 2012

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

Ordinances (Continued)

Ordinance No. 14 – Final Reading

M/S – D’Adamo/Kern

Meeting was opened to the public and duly closed. Ordinance No. 14 was then adopted by a 6-0 roll call vote of those present.

ORDINANCE NO. 14 OF 2012

**BOND ORDINANCE PROVIDING FOR
VARIOUS SEWER UTILITY CAPITAL
IMPROVEMENTS IN AND BY THE
CITY OF SOMERS POINT, IN THE
COUNTY OF ATLANTIC, NEW JERSEY,
APPROPRIATING \$300,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$300,000
BONDS OR NOTES OF THE CITY FOR
FINANCING THE COST THEREOF.**

**FIRST READING: June 28, 2012
PUBLICATION: July 4, 2012
FINAL READING: July 26, 2012
PUBLICATION: August 1, 2012**

Ordinance No. 15 – Final Reading

M/S – Dill/D’Adamo

Meeting opened to the public and duly closed. Ordinance No. 15 was then adopted by a unanimous vote of those present.

ORDINANCE No. 15 of 2012 (As Amended)

**AN ORDINANCE CHANGING THE NAME OF BRIGHTON AVENUE
TO MEDICAL CENTER WAY FROM SHORE ROAD TO BAY AVENUE**

***FIRST READING: June 28, 2012
PUBLICATION: July 4, 2012
FINAL PASSAGE: July 26, 2012***

Ordinance No. 16 – First Reading

M/S – D’Adamo/Kern

Councilman Triboletti explained that this is at the request of the Zoning and Planning Boards – some housecleaning issues. After discussion, final reading was set to be on September 13th. Ordinance No. 16 was then adopted on first reading by a 6-0 vote with Councilman Smith being absent.

**CITY OF SOMERS POINT
ORDINANCE No. 16 of 2012**

**AN ORDINANCE SUPPLEMENTING AND AMENDING PORTIONS OF ARTICLES
III AND IV OF CHAPTER 114 "DEVELOPMENT REGULATIONS" OF THE CITY OF
SOMERS POINT TO ESTABLISH CONSISTENT REGULATIONS AND GUIDELINES
FOR IMPERVIOUS COVERAGE WITHIN THE R-1 SINGLE FAMILY RESIDENTIAL
DISTRICT**

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

Ordinance No. 16 (Continued)

WHEREAS, at the request of the Somers Point Zoning Board of Adjustment and Planning Board the Governing body of the City of Somers Point was requested to review the Development Regulations of the City to determine whether the impervious coverage definitions for the Development Regulations Chapter 114 of the City Code were clear and up to industry standards; and

WHEREAS, as part of the analysis undertaken by the Planning Board Engineer, the City Engineer and the Somers Point Code Enforcement Officer the R-1 Single Family Residential zoning district bulk requirements were examined for consistency with the Zoning Board of Adjustment's current issues with impervious coverage; and how to limit coverage issues to those single family lots due to an outdated bulk requirement for that zone; and

WHEREAS, the result of the analysis resulted in a recommendation to establish an appropriate set of regulations and guidelines for the City Building/Code Official to have discretion to administratively approve side yard setback(s) to a degree ; and

WHEREAS, the regulations are intended to establish a consistent set of standards to satisfy the health, public safety, and welfare of the public; and

WHEREAS, the Governing Body of the City of Somers Point has reviewed and considered this amendment to the Development Regulations of the City of Somers Point and finds that the adoption of this Ordinance is in the best interest of the residents of the City of Somers Point; and

WHEREAS, in compliance with N.J.S.A. 40:55D-64, the Somers Point Planning Board is required to review the draft ordinance and, following the review, inform the governing body if the proposed amendment to the Development Regulations are consistent with the overall intent of the Somers Point Master Plan and will be submitted to that Board for the necessary review prior to final adoption

Now, Therefore,

IT IS HEREBY ORDAINED by the Mayor and Council of the City of Somers Point that Chapter 114 of the Development Regulations of the City of Somers Point entitled "Development Regulations," is hereby amended, as follows:

SECTION 1: Chapter 114 Article III DEFINITIONS , Section 114-9 B, shall be amended to:

A. Replace in its entirety ACCESSORY BUILDING with:

ACCESSORY BUILDING / STRUCTURE

A building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building or structure, it shall be considered a part thereof. Any and all patios, decks raised above grade more than 8" shall also be included as building coverage.

B. Insert the following added definitions:

BUILDING AREA

The total areas of outside dimensions on a horizontal plane and ground level of the principal building and all accessory buildings, exclusive of unroofed porches, terraces or steps having vertical faces, which are less than three feet above the level of the ground at all points.

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

Ordinance No. 16 (Continued)

BUILDING COVERAGE

The area of a tract covered by buildings and roofed areas, measured at the building line. Building coverage is expressed as a percentage of the total tract area. All principle and accessory buildings/structures shall be included within the building coverage.

IMPERVIOUS SURFACE

Any natural or man-made surface which does not permit infiltration of water and causes surface runoff. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

C. Delete in its entirety the definition of COVERAGE.

D. Delete in its entirety the definition of LOT COVERAGE and replace with:

LOT COVERAGE

That part of one lot or more than one lot which is improved or is proposed to be improved with buildings and/or other structures, including but not limited to building coverage, driveways, parking lots, pedestrian walkways, signs and other man-made improvements on the ground surface which are more impervious than the natural surface. Walks, driveways, patios, constructed using paver block or brick set in sand rather than in or on concrete and/or decks with 3/8" spaces courtyards are calculated as fifty-percent impervious surface.

SECTION 2: Chapter 114 Article IV R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, shall be amended as follows:

A. To Section 114-11C shall be added:

- (5) Decks which are raised above grade by more than eight (8) inches, patios, spas and fences area considered to be accessory structures.

B. Section 114-12C shall be deleted in its entirety and replaced with the following:

- C. Lot Coverage: 60% maximum.

C. To Section 114-12E shall be added:

The City Building/Code Official shall have discretion to administratively approve side yard setback(s) which are less than the required ten (10) feet/ but no less than five (5) when such setbacks are for patios/sidewalks which are less than eight (8) inches above grade level. If the proposal is not within the above requirements, the applicant shall request for a variance(s) before the Zoning Board of Adjustment.

D. To Section 114-12 shall be added:

- H. Building Coverage: 30%

E. Section 114-15A shall be deleted in its entirety and replaced with the following:

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

Ordinance No. 16 (Continued)

- A. All construction within this district shall retain natural vegetation to the extent possible. The front lawn area shall not be stone covered. The types of stone permitted for off-street parking spaces shall not include industrial construction debris. The types of stone appropriate as ground cover for parking spaces shall be supplied by the Construction Official upon request.

**A.
B.**

SECTION 3: All other provisions of Chapter 114 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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

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

SECTION 6: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

**FIRST READING: July 26, 2012
PUBLICATION: August 1, 2012
FINAL PASSAGE: Sept. 13, 2012**

Waiver of 48-Hour Rule

The 48-Hour Rule was waived by a 5-0 vote to consider Resolutions No. 143-145. Councilman Dill advised that he is recusing himself from voting with regard to Resolutions No. 144 & 145 and Councilman Smith was absent.

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 134

M/S – D’Adamo/Kern

Councilman Dill explained that \$225,000 of this is covered by a grant and stated that our Engineering Department has done an excellent job obtaining these grants for the City. He further stated that we are well on our way of keeping up with our 15 year plan that we adopted in 2010. Administrator Swain noted a typo in the Certification of Funds which was noted and will be corrected. Resolution No. 134 was then adopted by a unanimous vote of those present.

No. 134 of 2012

**Subject: Awarding Bid for the Chapman Boulevard Project
Introduced by: Councilman Dill**

WHEREAS, on July 19, 2012 the City of Somers Point received bids for the Chapman Boulevard Project, a project that is funded in part by a FY State Aid Program Grant; and

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

Page 8

Resolution No. 134 (Continued)

WHEREAS, Arawak Paving Co., Inc. of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$398,000.00.

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

- 1.) The Contract for the Chapman Boulevard Project is hereby awarded to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$398,000.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

Resolution No. 135

M/S – Kern/D'Adamo

Councilman Dill stated that he, along with the Engineer and the Mayor, have reviewed these plans in detail and feel they will meet the needs of the City very well. He thanked the Engineer for his diligent work in getting these bids prepared. Resolution No. 135 was then adopted by a unanimous vote of those present.

No. 135 of 2012

Subject: Awarding Bid for the 2012 Road Program Project
Introduced by: Councilman Dill

WHEREAS, on July 19, 2012 the City of Somers Point received bids for the 2012 Road Program Project; and

WHEREAS, Arawak Paving Co., Inc. of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$425,875.00.

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

- 3.) The Contract for the 2012 Road Program Project is hereby awarded to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$425,875.00.
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

Page 9

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

Resolutions (Continued)

Resolution No. 136

M/S – D’Adamo/Kern

Adopted by a unanimous vote of those present.

No. 136 of 2012

Subject: Awarding Bid for the 2012 Stormwater Improvements Project
Introduced by: Councilman Dill

WHEREAS, on July 19, 2012 the City of Somers Point received bids for the 2012 Stormwater Improvements Project; and

WHEREAS, Landberg Construction, LLC of Mays Landing, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer’s office has recommended that the City award the contract to Landberg Construction, LLC of Mays Landing, New Jersey in the amount of \$86,140.00.

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

- 5.) The Contract for the 2012 Stormwater Improvements Project is hereby awarded to Landberg Construction, LLC of Mays Landing, New Jersey in the amount of \$86,140.00.
- 6.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Landberg Construction, LLC, signing on behalf of the City.

Resolution No. 137

M/S – Kern/D’Adamo

Councilman Triboletti stated that this is a recommendation from the Economic Development Advisory Commission. Resolution No. 137 was then adopted by a unanimous vote of those present.

No. 137 of 2012 (Corrected Copy)

Subject: Appointment of Suasion Communications Group
Introduced By: Councilwoman Kern and Councilman D’Adamo

WHEREAS, the City of Somers Point has identified a need for Public Relations Services for 2012/2013: and

WHEREAS, proposals for Public Relations Services were received by the City on July 20, 2012; and

WHEREAS, the Economic Development Advisory Commission reviewed the proposals and recommends Suasion Communications Group; and

WHEREAS, this contract is awarded through a fair and open process pursuant to N.J.S.19:44A-20.4 et. Seq.

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

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

1. Suasion Communications Group be and hereby is appointed to provide Public Relations Services for the City of Somers Point for the period of August 1, 2012 through July 31, 2013, inclusive.
2. This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an agreement with Suasion Communications Group in connection with these services, listed in the Suasion Communications Group Proposal as, "#1 – Public Relations Retainer" in the amount of \$ 20,000.00 in a form approved by the City Solicitor and, upon execution, the agreement will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a Fair and Open process, further public notice per N.J.S.A. 40A:11.5(6) is not required.

Resolution No. 138

M/S – Kern/D'Adamo

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 138 of 2012
AUTHORIZING EXECUTIVE SESSION**

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, N.J.S.A.10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that **ONE** topic which involve a recommendation for settlement of claims for reduction in assessed tax valuations for tax year 2012 and for the resolution of claims for reduction in assessed tax valuations for tax years 2009, 2010 and 2011 which have been asserted against the City which require the advice and counsel of the Special Tax Counsel to the City of Somers Point and are matters permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on July 26, 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 ;

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

“(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 _____;

“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body”
The collective bargaining contract(s) discussed are between the City and _____

“(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.”

The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and the nature of the discussion, described as fully as possible without undermining the need for confidentiality is:

A report by the Somers Point Special Tax Counsel on the status of certain tax appeals filed or pending against the City of Somers Point, and explanation of the basis for settlement recommendations made by the Tax Assessor and Special Tax Counsel. The list of the matters pending before the Tax Court of New Jersey for which such recommendation has been made and which may be discussed is:

CAPTION and TAX COURT DOCKET NO. WHERE KNOWN; OR BY TAX YEAR IF NO DOCKET NUMBER ASSIGNED:

Caption:	Tax Year:	Docket #:
Village Plaza v City of Somers Point	2009 Tax Appeal	8080-2009
Village Plaza v City of Somers Point	2010 Tax Appeal	7236-2010
Village Plaza v City of Somers Point	2011 Tax Appeal	7163-2011
Village Plaza v City of Somers Point	2012 Tax Appeal	Not Known

“(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

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

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: _____

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
See #7 above Attorney Client Conference	Upon Completion or Resolution of the pending matters	Final Court Order/Final Resolution, Settlement or other final disposition of such matter.

Resolution No. 139 – Held until after the Executive Session

Resolution No. 143

M/S – D’Adamo/Kern

Adopted by a unanimous vote of those present.

No. 143 of 2012

WHEREAS, the Somers Point Sharks Football Association, 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

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

Page 13

Resolution No. 143 (Continued)

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 the Somers Point Sharks Football Association to hold a “coin drop” within the City of Somers Point is hereby approved subject to the following conditions and restrictions:
 - A. Date(s) of Coin Drop limited to: July 28 & 29, 2012
 - B. Time(s) of Coin Drop limited to: 9 am – 5 pm
 - C. Locations of Coin Drop limited to: Rt. 9 & MacArthur Blvd.
 - 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”.

Resolution No. 144

M/S – Kern/D’Adamo

Councilman Dill recused himself. Resolution No. 144 was then adopted by a 5-0 roll call vote with Councilman Dill recusing himself and Councilman Smith absent.

No.144 of 2012

Subject: Memorandum of Understanding – Police Benevolent Association

Proposed By: Mayor John L. Glasser

Introduced By: Council President McGuigan

WHEREAS, the City and the Mainland PBA, Local 77 were parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1, 2009 through December 31, 2011; and

WHEREAS, the City and the Mainland PBA, Local 77 have continued to operate pursuant to that Agreement since its expiration on December 31, 2011 and have continue to negotiate for a successor agreement; and

WHEREAS, the City and the Mainland PBA, Local 77, through diligence and compromise, have negotiated the basic terms and conditions of a successor contract and a revised step guide; and

WHEREAS, the term of the successor agreement shall be from January 1, 2012 through December 31, 2015; and

WHEREAS, those terms and conditions have been memorialized in a Memorandum of Understanding which is attached hereto; and

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

Page 14

Resolution No. 144 (Continued)

WHEREAS, that Memorandum of Understanding is hereby agreed to by this governing body; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the attached Memorandum of Understanding is adopted effective January 1, 2012 and may be reduced to a formal written Agreement.

Resolution No. 145

M/S – D’Adamo/Kern

Councilman Dill recused himself from voting. Resolution No. 145 was then adopted by a 5-0 roll call vote with Councilman Dill recusing himself and Councilman Smith absent.

No. 145 of 2012

Subject: Memorandum of Understanding – Police Benevolent Association

Proposed By: Mayor John L. Glasser

Introduced By: Council President McGuigan

WHEREAS, the City and the Mainland PBA, Local 77, Somers Point Police Supervisors (hereinafter Supervisors’ Union) were parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1, 2009 through December 31, 2011; and

WHEREAS, the City and the Supervisors’ Union have continued to operate pursuant to that Agreement since its expiration on December 31, 2011 and have continue to negotiate for a successor agreement; and

WHEREAS, the City and the Supervisors’ Union, through diligence and compromise, have negotiated the basic terms and conditions of a successor contract and a revised step guide; and

WHEREAS, the term of the successor agreement shall be from January 1, 2012 through December 31, 2015; and

WHEREAS, those terms and conditions have been memorialized in a Memorandum of Understanding which is attached hereto; and

WHEREAS, that Memorandum of Understanding is hereby agreed to by this governing body; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the attached Memorandum of Understanding, incorporating the revised step guide, is adopted effective January 1, 2012 and may be reduced to a formal written Agreement.

Consent Agenda

M/S – D’Adamo/Tapp

Adopted by a unanimous vote of those present.

Resolutions No. 140, 141 and 142

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

**Page 15
Resolution No. 140 (Continued)**

No. 140 of 2012

Subject: Approving Sponsorship by the City of Somers Point and the Somers Point Recreation Commission of the "Good Old Days" Festival

Introduced By: Councilman Dennis Tapp

Whereas, The Good Ole Days Festival has for many years been a mainstay of the Somers Point celebration and entertainment calendar; and

Whereas, it is necessary for the proper permits and approvals to be obtained from the Somers Point Recreation Commission; and

Whereas, one of the Recreation Commission permit regulation requirements is to provide a Certificate of Insurance naming the City and the Somers Point Recreation Commission as additional insureds under the policy; and

Whereas, the 501 (c) (3) not for profit entity which organizes the event has for economic reasons requested a waiver from the insurance requirements and has requested the City of Somers Point to co-sponsor the event to be held upon City owned property; and

Whereas, this request will not eliminate the obligation of the organizing entity to utilize properly licensed purveyors of any alcoholic beverages which may be approved for consumption and will require that purveyor to utilize only properly trained personnel to dispense the alcoholic beverages, and will provide a certificate of insurance naming the Kern Foundation, the City of Somers Point, the Somers Point Recreation Commission, their officers, officials, agents, and employees as additional insureds and which shall include General Liability, Automobile Liability and Dram Shop Coverage, each having a minimum of in the amount of at least One Million Dollars (\$1,000,000.00) in coverage; and

Whereas, this annual festival has for many years been enjoyed by our residents and others and has served a worthy cause; and

Whereas, such requests are considered on a case by case basis and with due consideration to the nexus between the event, the sponsor and this City; and

Whereas, this Governing Body desires to support this worthwhile organization and the event; and

Whereas, by approving the request the City does not intend to set a precedent or to be bound to provide any such waiver for any future event by this or any other applicant; and

Now, Therefore, Be It Resolved by the City Council of the City of Somers Point that the request made by the Kern Foundation for waiver of the required Certificate of Insurance is hereby approved subject to compliance with all other rules and regulations of the Recreation Commission, obtaining all other required permits, and production of the Insurance Certificate to be provided by the purveyor(s) of any approved alcoholic beverages in a form satisfactory to the City Administrator and the City's Risk Manager; and

It is **Further Resolved** that in recognition of the long time presence of this event within our City, the City of Somers Point will proudly co-sponsor this year's event.

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

Page 16
Consent Agenda (Continued)

No. 141 of 2012

Subject: **Approving proposals – Goods and Services 2012**
Introduced By: **Council President McGuigan**

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals are approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of January 1, 2012 through December 31, 2012:

- a) **Leaf Machine, Leaf Machine Parts & Supplies**
Pierce Eagle Equipment Co.

No. 142 of 2012

Subject: Tax Overpayment Refund

WHEREAS, the below listed overpayment for the year designated is held in reserve by the City of Somers Point; and

WHEREAS, the property was sold and the 2012 second quarter was paid by the title company and by the previous owner's mortgage company, and;

WHEREAS, the overpayment belongs to the previous owner and should be refunded to them,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to the previous property owner.

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

Block	Lot	Property Owner	Amount	Year
1211	3 C6506	Michael & Karen D'Allaird	2,135.92	2012

Old Business

Councilman Triboletti stated that he attended the debriefing with the Mayor with regard to the recent derecho. He stated that he was most impressed with the fact that the Departments each presented recommendations for improvements. Council President McGuigan stated that the Mayor had organized this meeting and stated that we should always be striving to improve and continue to be prepared as this is not the last storm we will have to deal with. He then appointed an Emergency Preparedness Committee consisting of the Mayor, Councilman Dill and Councilman Triboletti.

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

Councilman D'Adamo thanked the Mayor for the part he played in getting the power back on in the City. Mayor Glasser stated that everyone got out during this storm and tried to help. He thanked Councilman D'Adamo for his kind words.

Page 17

New Business

Council President McGuigan read a letter from Judy Hanlin, President of the Somers Point Business Association advising that they are co-hosting a special event to benefit the Gateway Playhouse. The event would be on the beach and would like to know what they need to permit alcohol. It was agreed that they would need to get permission from the Recreation Commission first and then a Social Affairs Permit could be applied for.

A Raffle License application for the Ruth Newman Shapiro Cancer & Heart Fund was approved unanimously.

A Social Affairs Permit Application and an Extension of Licensed Premises application for Somers Point Volunteer Fire Co. No. 2 was approved unanimously.

A Social Affairs Permit Application for the Good Old Days Picnic was discussed. Council President McGuigan asked if he should recuse himself from voting. As there were others on Council involved as well, Atty. Franklin advised that the Doctrine of necessity would apply and all would need to vote. Application was then approved by a unanimous vote of those present.

Application for a Raffle License for the Knights of Columbus was approved by a 5-0 vote with Councilman D'Adamo recusing himself and Councilman Smith being absent.

Council President McGuigan advised that our City Attorney will be away at our next meeting. After discussion, Council agreed to change the date of the next meeting to August 22nd at 7:00 p.m.

Discussion of Bills

A bill list in the amount of \$1,524,438.60 and an additional bill list in the amount of \$27,471.50 were presented for discussion. Administrator Swain also reported bills that had been paid; in the amount of \$211,670.84 and \$595.00 and explaining that the bill for Jersey Web Designs in the total amount of \$776.00 was only paid once.

Public Portion

Mary Petronis, Sunny Avenue, came forward and addressed the governing body regarding the storm. She commended the City for the fantastic job they did during the storm. She explained that prior to the storm they had had road repaving done in front of their home. She stated that there were sink holes and ultimately the street had to be repaved, her curbing replaced and the roots of her two trees at the curb were cut. She stated that the two trees went down across the street during the storm and feels that the trees were compromised during the storm by the engineer that did the work on the road. She explained that the City has advised that the work was not the cause of the trees falling, but would like another evaluation by the City. Councilman Dill stated that he was out there on several occasions and had discussions with the City Engineer. He stated that the City has to take the word of our Engineers that the job was done properly. Atty. Franklin stated that the contractor who did the work should also take a look at it. Councilman Dill stated that he would have our Engineer contact the contractor to have him take a look at it.

Public portion was then closed.

Payment of Bills

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

A motion was made by Councilman Dill, seconded by Councilman D'Adamo to approve the bills in the amount of \$1,524,438.60 and the additional bill list in the amount of \$27,471.50. Motion carried unanimously. A complete list of bills is on file in the Office of the Municipal Clerk.

Page 18

Recess

Council recessed at 8:25 p.m. to go into executive session, reconvening at 8:45 p.m. to consider Resolution No. 139, as follows:

Resolution No. 139

M/S – D'Adamo/Tapp

Atty. Franklin advised that the Council received a report from Special Tax Counsel during the Executive Session and will now decide if it is in the best interest of the City to accept the settlement. Resolution No. 139 was then adopted by a 6-0 vote with Councilman Smith being absent.

RESOLUTION No. 139 of 2012

AUTHORIZING THE SOMERS POINT TAX ASSESSOR IN CONJUNCTION WITH SOMERS POINT SPECIAL TAX COUNSEL TO SETTLE AND COMPROMISE CERTAIN REAL PROPERTY TAX APPEALS PENDING BEFORE THE ATLANTIC COUNTY BOARD OF TAXATION AND / OR THE NEW JERSEY TAX COURT

Introduced By: COUNCILMAN SMITH

WHEREAS, from time to time the Tax Assessor is presented with an opportunity to compromise, settle or otherwise dispose of certain tax appeals pending before the Atlantic County Board of Taxation or the New Jersey Tax Court; and

WHEREAS, for reasons of efficiency this Governing Body has determined that the Tax Assessor should not be required to present each such settlement to this body for approval; and

WHEREAS, this Governing Body has directed that whenever a settlement of a pending matter would result in an assessed value reduction in excess of Ten Thousand Dollars for any such property within a single tax year no such settlement shall be entered into without a presentation to the City Council explain the proposed settlement, the reason for the settlement recommendation, and the impact upon the current and prior tax years; and

WHEREAS, Special Tax Counsel and the Somers Point Tax Assessor have identified the following series of pending tax appeals and have discussed the implications and recommendations during an Executive Session held on July 26, 2012

Caption:	Tax Year:	Docket #:
Village Plaza v City of Somers Point	2009 Tax Appeal	8080-2009
Village Plaza v City of Somers Point	2010 Tax Appeal	7236-2010
Village Plaza v City of Somers Point	2011 Tax Appeal	7163-2011
Village Plaza v City of Somers Point	2012 Tax Appeal	Not Known; and

WHEREAS, after due and careful consideration to the recommendations made

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Taxing District of Somers Point that the Tax Assessor, in consultation with the Somers Point Special Tax Counsel is hereby authorized to settle or otherwise dispose of the following matters pending before the Atlantic County Board of Taxation or the Tax Court of the State of New Jersey:

Caption:	Tax Year:	Docket #:
-----------------	------------------	------------------

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

Village Plaza v City of Somers Point	2009 Tax Appeal	8080-2009
Village Plaza v City of Somers Point	2010 Tax Appeal	7236-2010
Village Plaza v City of Somers Point	2011 Tax Appeal	7163-2011
Village Plaza v City of Somers Point	2012 Tax Appeal	Not Known

**Page 19
Resolution No. 139 (Continued)**

Through a reduction in the assessed value of the subject property for tax year 2012 to Ten Million Nine Hundred Thousand Dollars (\$10,900,000.00) with appeals pending for tax years 2009, 2010, and 2011 to be withdrawn, interest will be waived and the reduction shall be credited against future taxes.

IT IS FURTHER RESOLVED that the Mayor, the City Administrator, the Somers Point Tax Assessor and Special Tax Counsel are hereby authorized to execute and deliver any and all such documents as may be determined by the Tax Assessor and Special Tax Counsel as necessary or desirable to effectuate this approved settlement.

Adjournment

There being no further business, meeting adjourned at 9:48 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 08/22/12