

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 15, 2012
(Corrected Copy)**

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 & Deputy Clerk Samuelsen

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

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 198

M/S Triboletti/Dill

Adopted by a unanimous vote of those present.

The following resolution was read in full by Deputy Clerk Samuelsen. Mayor Glasser mentioned that the Governing Body is always very thankful for all the emergency response people and other volunteers and employees who work extra hard during disaster events, which demonstrates their dedication to the City. Mayor Glasser thanked City Council especially Council President McGuigan and City Councilman Dill during the storm. City Council President McGuigan thanked the emergency response teams and employees for keeping the residents out of harm's way. He also mentioned that we all should heed any warnings of future storms.

No. 198 of 2012

**Thanking and Saluting the Efforts of Our Public Servants
during and in the Aftermath of Hurricane / Tropical Storm Sandy**

WHEREAS, during the evening hours of October 29, 2012 Hurricane Sandy made land-fall in and around the City of Somers Point and surrounding municipalities in Atlantic and Cape May County leaving a path of death and destruction in its wake covering more than one thousand square miles; and

WHEREAS, the storm brought yet another round of heavy rains and wind, causing dangerous conditions, evacuations, power outages, and damages to thousands of communities following less than four months following the havoc wrought by the Derecho; and

WHEREAS, during this perilous time and for the period of recovery following the passage of the hurricane and tropical storm, employees of the Somers Point Department of Public Works, the Somers Point Police Department's Officers and Dispatchers, the Somers Point Fire Departments, 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, 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 this natural disaster: and

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WHEREAS, every employee of the City of Somers Point made sure that the operations of our City were not unduly disrupted; and

WHEREAS, our employees and volunteers promptly mobilized, arranged for staffing and proceeded to implement a highly coordinated response and restoration plan and were able to do so because of their training for such catastrophes for which they should take great pride and for which they have the gratitude of this City Council and our residents.

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

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

BE IT FURTHER RESOLVED, that a certified copy of this Resolution signed by the Mayor and Council shall be presented to each of the Department Heads to be shared with their employees and volunteers memorializing the appreciation of this Governing Body and all of our grateful citizens for their extraordinary efforts in once again responding in such a highly professional and caring manner through and after this catastrophic event.

Communications

Mayor Glasser presented the monthly police report. Mayor Glasser read a thank you letter he sent to Mr. Ron Meischker thanking him for the use of his boat to assist with evacuating residents during the storm. Additionally, Mayor Glasser shared a letter thanking the Department of Public Works for their commitment and diligence during the storm. Mayor Glasser read two letters to Chief Boyd thanking the Police Department for the August fest from Mission Point Church, and their support during the Multiple Sclerosis shore ride bike a thon. Mayor Glasser reiterated his appreciation to fire, rescue, police, emergency management, and a special thank you to Wes Swain, City Administrator, for his support during the storm.

Wes Swain, Administrator, reported that the Department of Public Works will be working a few hours of overtime each day and possibly one Saturday. The brush is being separated from the leaves, and then the leaf machine will take the leaves.

Committee Reports

City Councilman Triboletti reported that the Planning Board reviewed the 2013 Master Plan. The Planning Board requested City Council's participation in the review process. City Councilman Dill volunteered to serve on the Parking Subcommittee and the Zoning Subcommittee. City Council President McGuigan volunteered to serve on the Parking Subcommittee also. In addition, City Councilman Tapp volunteered to serve on the Open Space Subcommittee.

Minutes

The minutes of the regular meeting of October 25, 2012, were approved unanimously. City Councilman Triboletti thanked City Clerk Carol Degrassi for submitting timely minutes.

ORDINANCES

A motion was made and seconded to remove Ordinance No. 21-2012 for further review.

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Ordinance No. 20 Final Reading

M/S – Dill/Kern

Meeting was opened to the public and duly closed.

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

City Councilman D'Adamo questioned if an employee were to receive a raise other than what was agreed upon by contract, does the Governing Body vote on the raise and/or is the Governing Body apprised of the raise. Wes Swain, City Administrator, explained that if a salaried employee that is not in either the union or not in a personal service contract were to receive a raise, he would bring it to the Governing Body. However, if the employee is hourly and providing the funds are in the budget, he may give the raise because once the budget was adopted; essentially the Governing Body authorized the raise. Mr. Swain added that he may hire employees providing the funding is in the budget and the amount is in the salary ordinance, with the exception of department heads. City Administrator Swain explained that typically a resolution is adopted for employee raises and promotions. City Councilman Dill stated that the City Administrator has continually conducted himself in a proper manner keeping the Personnel Committee and Governing Body informed of employee raises and promotions. City Councilman D'Adamo stated that if a raise is given that is outside of the normal mechanism, he wants to know about it and opines that the Governing Body should be informed also. City Councilman Dill stated that Administrator Swain contacted the Personnel Committee regarding the ordinance and it was reviewed, discussed and approved by the Personnel Committee.

NO. 20 OF 2012

**AN ORDINANCE FIXING THE SALARIES, WAGES AND
COMPENSATION OF THE OFFICERS AND EMPLOYEES
OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY.**

FIRST READING:	10/25/12
PUBLICATION:	10/31/12
FINAL READING:	11/15/12

RESOLUTIONS

Waiver of 48-Hour Rule

The 48-hour rule was waived unanimously in order to consider Resolutions No. 202 and 203.

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No. 197

M/S – Dill/Kern

Adopted by a unanimous vote of those present.

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City Councilman Dill stated that the resolution relates to damage from the Sandy Storm on public property at JFK Park and the beach. The Finance Committee, Administrator Swain, the City Engineers and City Auditor met on November 12th to discuss issues and concerns regarding

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the damaged areas. The Finance Committee recommends adopting Resolutions 197, 200 and 201 of 2012 in order to restore the storm damaged areas. The projects will take approximately four to five months to complete. Mr. Swain indicated that FEMA and possibly our insurance company will reimburse a portion; however, the City is not certain of the amount. Administrator Swain reported that there is currently \$100,000.00 available for debris removal. Additionally, he explained that the State included debris removal for special emergencies and waived the 5% down payment regarding the Sandy Storm. City Councilman D'Amato commended City Council for their foresight regarding reconstruction of the public beach and J.F.K. Park. Engineer, Greg Schneider, reported that this resolution includes plans to restore J.F.K. Park and to improve it helping to prevent future erosion due to storms. Additionally, Ray's Pier and the fishing pier will be restored. City Councilman Dill commended City Engineer, Bob Watkins and Engineer, Greg Schneider, for their expedient, professional service.

No. 197 of 2012

Subject: Authorizing a special emergency appropriation per N.J.S.40A:4-54
Proposed by: Councilmen Dill, Smith and Triboletti

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, as a result of Hurricane Sandy and,

WHEREAS, N.J.S.40A:4-54 provides that it shall be lawful to make such appropriation, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of N.J.S 40A:4-55:

1. An emergency appropriation is hereby made for Repairs, Maintenance and Debris Removal - Other Expenses in the total amount of \$1,300,000.
2. That the emergency appropriation shall be provided for in the budget of the next succeeding years by the inclusion of not less than \$260,000.
3. That an "emergency note", not in excess of the amount authorized pursuant to law, be provided.
4. That such note shall be executed by John Hansen, CFO and Mayor Jack Glasser.
5. That said note shall be dated December 14, 2012, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services: however, no approval is required from the Division.

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Resolution No. 199

M/S – Dill/D'Adamo

Adopted by a unanimous vote of those present.

No. 199 of 2012

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Subject: Chapter 159 Resolution

Introduced By: Council President McGuigan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant of \$11,636.07 and wishes to amend its 2012 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$11,636.07 which item is now available as a revenue from:

Miscellaneous Revenue

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

Public and Private Revenue Offset with Appropriations:

2010 Recycling Tonnage Grant \$11,636.07

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$11,636.07 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Recycling Tonnage \$11,636.07

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

Resolution No. 200

M/S – Dill/Triboletti

Adopted by a unanimous vote of those present.

City Councilman Dill mentioned that the following resolution is in connection with Resolution No. 197.

No. 200 of 2012

Subject: Authorizing Advertising for Bids for the installation of Gabions at JFK Park
Sponsored by: Councilmen Dill, Smith and Triboletti

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to install gabions at JFK Park.

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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 installation of gabions at JFK Park; and

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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.

Resolution No. 201

M/S – Dill/Kern

Adopted by a unanimous vote of those present.

No. 201 of 2012

Subject: Authorizing Advertising for Bids for the repair of the New Jersey Avenue Municipal Pier, the repair of Ray's Pier at Higbee Avenue, and the repair of the dock at JFK Park.

Sponsored by: Councilmen Dill, Smith and Triboletti

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to repair the New Jersey Avenue Municipal Pier, Ray's Pier, and the JFK dock.

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 repairs at the New Jersey Avenue Municipal Pier, Ray's Pier, and the JFK dock; 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.

Resolution No. 202

M/S – Kern/Smith

Adopted by a unanimous vote of those present.

**NO. 202 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 involves a claim which has been asserted against the City which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings is necessary to be discussed without the public in attendance during an Executive Session to be held on November 15, 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

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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.

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

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

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

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

- 1) A report on the status of a claim [Ocean Heights Manor, LLC., Somers Point Gardens Apartments and Keijdan Family, L.L.C. vs. City of Somers Point filed in the New Jersey Superior Court, Docket No. ATL-L-5473-12] which has been asserted against the City of Somers Point for reimbursement of certain expenses incurred for trash collection fees for calendar years 2009, 2010, 2011 and 2012 which claims are disputed by the City, and which requires further legal and financial analysis, statutory construction and information from the City Solicitor and City Administrator.

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“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual

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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 20-30 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 reason;

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 of the pending matter	Final Court Order / Final Resolution, Settlement or other final disposition of such matter.

Consent Agenda

There were no items on the consent agenda.

Old Business

Jim Franklin, Esq., mentioned a proposed resolution regarding Rt. 52 speed limits.

New Business

The application for Tow Operator License for ANA Recovery was approved contingent to receiving an amended Certificate of Insurance naming the City as additional insured.

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Discussion of Bills

A Bill List in the amount of \$1,025,877.50 and a second Bill List in the amount of \$834,446.41 were presented for discussion.

Public Portion

Meeting was opened to the public and duly closed.

Payment of Bills

A motion was made and seconded to approve the bills in the amount of \$1,860,323.91. A complete list of bills is on file in the Office of the Municipal Clerk.

Recess

Council recessed to go into an Executive Session at 8:14 p.m.

Reconvened

Council reconvened at 8:33.

Adjournment

There being no further business, meeting adjourned at 8:40 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 12/20/2012