

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Meeting called to order at 7:00 p.m. by President McGuigan. There was a moment of silence in memory of the passing of Mr. Charles Parker. President McGuigan offered his condolences to Mr. Parker and his family for their loss of Mr. Charles Parker who was a past Mayor and an important part of the community. Roll call was recorded as follows:

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

Also Present: Mayor Glasser, Administrator Swain, Attorney Franklin & City Clerk Degrassi

Absent: Parker

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.

Special Presentation: Mr. Miller, Superintendent of Somers Point School District

Mr. Miller explained that an inspection had been done of the three schools and some serious issues need to be addressed regarding electric, plumbing, roofing, an integrated phone system, windows and an emergency generator. The total cost of the projects is approximately \$5.7 million with the State of New Jersey funding \$2.3 million; leaving a debt of \$3.4 million as the responsibility of the taxpayers. Mr. Ianolli from McMahn and Scott explained that the bond issue for the Dawes School will be paid in full next year, and the school district is seeking to replace that debt with the \$3.4 million project at an estimated 3.75% over 15 years. The payment for principal and interest would be \$284,000.00 eliminating the annual debt of \$934,000.00. The debt would represent 2.6 cents with a reduction of \$26.00 for each \$100,000.00 assessment of a home. The debt service this year is \$859,000.00 and next year will be \$469,000.00. Council President McGuigan questioned if there would be an energy savings, and Mr. Miller indicated that there would be a savings estimated at \$100,000.00. The project is planned to go out to bid in March and will probably take two summers to complete. Councilman Smith recommended adopting a resolution to support the project. The Governing Body motioned, seconded and by unanimous vote concurred that the project would be in the best interest of the City. James Franklin, Esq., will prepare a resolution for the next City Council meeting.

Mayor's Report:

Mayor Glasser announced that on November 25th, the VFW of Somers Point and other Veteran's will participate in the annual Pearl Harbor ceremony, which will take place on December 5th at 1:00 p.m. at the Somers Point Beach. The Holiday Parade will be on December 3rd at 6:30 p.m. starting at Dawes Avenue. Mayor Glasser requested City Council to lead the parade with him. Mayor Glasser forwarded a letter to the Secretary of the Navy requesting another U. S. ship be named in honor of Richard Somers. He read the response letter that indicated that the U. S. Navy will give his recommendation consideration.

City Administrator's Report:

Mr. Swain reported that some residents from Bay Avenue have concerns with nearby construction. The contractor and the hospital will resolve the issues.

Committee Reports: None

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Ordinance No. 14 – Final Reading

M/S – Triboletti, Smith

Adopted by unanimous vote by those present

Public Portion: Opened to the public and duly closed

**CITY OF SOMERS POINT
ORDINANCE NO. 14 of 2010**

**AN ORDINANCE AMENDING CHAPTER 216 OF THE CODE OF THE
CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY
WHICH PROVIDES FOR THE REMOVAL AND DISPOSAL OF SOLID
WASTE IN THE CITY OF SOMERS POINT.**

Ordinance No. 16 – Final Reading

M/S – Triboletti/Smith – Approved unanimously by those present.

Adopted by unanimous vote by those present

Public Portion: Opened to the public and duly closed

**CITY OF SOMERS POINT
ORDINANCE NO. 16 of 2010**

**AN ORDINANCE AMENDING CHAPTER 124 OF THE CODE OF THE
CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY
WHICH PROVIDES FOR THE REGULATION OF DUMPSTERS IN THE
CITY OF SOMERS POINT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS
POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:**

Ordinance No. 18-2010 – First Reading

M/S – Triboletti/Smith – Approved unanimously by those present

James Franklin, Esq., explained that the ordinance allows for additional penalties for repeat offenders at the discretion of the Court with a fine not to exceed \$2,000.00. Additionally, it grants power to municipalities to waive additional penalties and allows for additional fines for failure to pay.

**City of Somers Point
Ordinance No. 18 of 2010**

**An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point Chapter 1 “General Provisions”
By adding an Article 2 “General Penalty” where no specific Penalty is
Otherwise Provided for and Authorizing an Additional Fine
For Repeat Offenders**

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: Chapter 1 of the Municipal Code of the City of Somers Point is hereby amended to add an Article 2 “General Penalty” as set forth herein:

Article 2: GENERAL PENALTY

Section 2-1. Maximum Penalty.

Any person who shall violate any provision of this Code or other ordinance of the City of Somers Point, where no specific penalty is provided regarding the section violated, shall, upon conviction thereof, be punishable by one (1) or more of the following: a fine not exceeding two thousand dollars (\$2,000.00) or imprisonment for a period not exceeding ninety (90) days or a

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Page 3

the owner shall be provided a 30-day period in which to cure or abate the condition and shall also be afforded an opportunity for a hearing before the Court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than one thousand two hundred fifty (\$1,250.00) dollars may be imposed if the Court has not determined otherwise or, upon re inspection of the property, it has determined that the abatement has not been substantially completed.

Section 2-2. Minimum Penalty.

The Somers Point City Council may prescribe that for the violation of any particular provision of the Code or of any particular ordinance at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred (\$100.00) dollars. The court before which any person is convicted of violating any ordinance or Code provision shall have power to impose any fine, term of punishment, or period of community service not less than the minimum and not exceeding the maximum fixed in the Code or in such ordinance.

Section 2-3. Additional Fine for Repeat Offenders.

Any person who is convicted of violating any provision of the Somers Point Municipal Code or any ordinance within one (1) year of the date of a previous violation of the same provision of this Code or of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance or Code provision, but shall be calculated separately from the fine imposed for the violation of the ordinance or Code provision.

If the City Council chooses not to impose an additional fine upon a person for a repeated violation of any municipal ordinance, the Council may waive the additional fine by ordinance. Otherwise, the additional fine shall be imposed.

Section 2-4 Default of Payment of Fine.

Any person convicted of the violation of any provision of the Somers Point Municipal Code or any ordinance may, in the discretion of the Court by which such person was convicted, and in default of the payment of any fine imposed therefor, be imprisoned in the County jail or place of detention provided by the City, for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days. This shall be in addition to the continuing obligation to make payment of the fine imposed.

Section 2-5 Separate Violations.

Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the City of Somers Point exists shall constitute a separate violation.

Section 2-6 Application.

The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. At the discretion of the Judge of the Municipal Court, and unless otherwise precluded by the penalty fixed by Code or Ordinance, any lesser penalty, including a nominal penalty or no penalty at all, may be imposed if deemed appropriate for a particular violation.

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

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

Page 4

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

**FIRST READING: November 24, 2010
PUBLICATION: December 1, 2010**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010
FINAL PASSAGE: December 9, 2010**

Ordinance No. 19-2010 – First Reading

M/S – Triboletti/Smith – Approved unanimously by those present

Mr. Franklin indicated that this ordinance addresses many issues to cover various situations. City Councilman Smith stated that they are trying to give the Police Department the power and tools that they need. City Councilman D’Adamo and Mr. Franklin discussed the ordinance regarding fines and alcohol consumption on private property. Council President McGuigan commended Councilman Smith for his efforts.

**City of Somers Point
Ordinance No. 19 of 2010
An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point by Establishing a Chapter 70 “Disorderly Conduct” and
amending Section 75-9 “Consumption in Public” of
Chapter 75 “Alcoholic Beverages”**

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: The Municipal Code of the City of Somers Point is hereby amended to add a Chapter 70 entitled Disorderly Conduct as herein set forth:

Chapter 70: DISORDERLY CONDUCT

Section 70-1: Definitions.

As used in this section:

Loitering shall mean engaging in conduct in a public place in essentially one (1) location which conduct may:

- a. Obstruct the free passage of pedestrians or vehicles.
- b. Obstruct, molest or interfere with any person lawfully in such public place, including the making of unsolicited remarks of an offensive disgusting or insulting nature which are calculated to annoy or disturb the person to whom or in whose hearing they are made and which will so disturb such person as to cause an immediate reaction threatening the public peace and order.
- c. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person which will so disturb such person as to cause an immediate reaction threatening the public peace and order.

Parent or guardian shall mean and include any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

Person shall mean any individual, public or private corporation, political subdivision, government agency, department or bureau of the State, municipality, industry, co-partnership, or association, and including the plural thereof.

Public place shall mean any place to which the public has access, including any street, highway, road, thoroughfare, alley, sidewalk, park, beach or recreation area, or other public facility, as well as the front and immediate vicinity of any store, shop, restaurant or other place of business, any off-street parking lots open to the public, and any vacant private property not owned or under the control of the person charged with violating this section, or in the case of a minor not owned or under the control of his or her parent or guardian.

Page 5

Section 70-2: Refusal to Obey Order of Police Officer.

Whenever any Police Officer shall in the exercise of reasonable judgment decide that a person in any public place within the City of Somers Point is loitering within the meaning of section 70-1 he may, if he deems it necessary for the preservation of the public peace and safety, order such person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer in accordance with the provisions of this subsection shall be guilty of a violation of this section.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Section 70-3: Loitering by Minors Prohibited.

No parent or guardian of a minor under the age of eighteen (18) years shall knowingly permit that minor to loiter in violation of this section.

Whenever any minor under the age of eighteen (18) years is charged with a violation of this section, his or her parent or guardian shall be notified thereof by the Chief of Police or any other person designated by the Chief to give such notice.

If at any time within thirty (30) days following the giving of notice as herein provided, the minor to whom the notice related again violates this section, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

Section 70-4: Crossing a Police Line.

No person shall without legitimate purpose or business cross any police line or area of investigation which has been established by any member of the police force of the City of Somers Point at the scene of a crime, disaster, conflagration, fire, motor vehicle accident or other incident.

Section 70-5: Possession of Intoxicating Liquors.

No person shall consume any liquor, wine, beer, or any other intoxicating liquor or alcoholic beverage or have access to or possess any open bottle, can, jar, container, or any other vessel which contains any liquor, wine, beer, or any other intoxicating liquor or alcoholic beverage:

- a) in or upon any public street, lane, highway, thoroughfare, sidewalk, park recreation area, beach, or any other public or quasi-public place or in any public conveyance;
- b) In a private conveyance while such conveyance is in motion, stopped or parked in or on a public street, lane, highway, thoroughfare, park recreation area, beach, public parking lot or quasi public parking lot;
- c) While in or on private property not his or her own, without having the express permission of the owner or any person of adult age authorized to grant such permission.

The prohibition contained in this Section 70-5 shall not apply to the consumption of alcoholic beverages purchased or distributed in accordance with the lawful issuance by the City of Somers Point of an Alcoholic Beverage Permit for a Special Event provided, however, that:

- a) such beverage or container shall have been purchased at the event or distributed by the event sponsor;
- b) shall be possessed solely within the geographical boundaries of the location of the event or within such more limited area as may be prescribed by the terms of the Permit or the rules and regulations established by the event sponsor;
- c) shall be possessed only within the time limits established by the Permit; and
- d) all other conditions of the Permit are being satisfied.

Page 6

Section 70-5: Unlawful Urination and Defecation.

No person shall engage in the act of urination or defecation in or upon any public street, lane, highway, thoroughfare, sidewalk, park recreation area, beach, or any other public or quasi-public place within the City of Somers Point.

Section 70-6: Indecent Exposure.

No person shall:

- a) appear in or upon any public place within the City of Somers Point in a state of nudity; or

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

- b) make any indecent exposure of his or her person, or commit or do any lewd or indecent act, or behave in a lewd or indecent manner or exhibition of any kind in or upon any street, road, highway, place, alley or lane, public or private, in the City of Somers Point; or
- c) expose to public view, within this City, his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region.

Section 70-7: Intent to Steal.

No person shall hide or be concealed in or near any public or private place with intent to steal any goods or chattels.

Section 70-8: Discharge of Fireworks.

No person shall possess, discharge, set off, fire or light any roman candle, carbide cannon, dynamite cap, rocket, firecracker or other fireworks within the limits of or into the limits of the City of Somers Point unless such person shall be in possession of a valid permit issued by the Mayor of the City of Somers Point in compliance with the requirements of Chapter 143, Section 143-1 of the Somers Point Municipal Code.

Section 70-9: Public Brawling.

No person shall engage in a public quarrel, fight, brawl or otherwise engage in any disorderly conduct so as to disturb the peace and quiet within the City of Somers Point of its residents or visitors.

Section 70-10: Conduct Intended to Incite.

No person shall engage in any activity shall engage in conduct to disturb a person of ordinary sensibilities so as to cause such person to react immediately in such a way as to threaten by physical violence the peace and order of the public. A disturbance within the scope of this paragraph is the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing, they are made.

Section 70-11: Public Annoyance.

No person shall engage, within the City of Somers Point, in any practice having a tendency to annoy persons passing on the streets or sidewalks, while sitting or standing on porches or lawns or yards facing the streets or sidewalks, by the making of indecent gestures or acts; or engage in any practice, while passing on the streets or sidewalks within this City, having a tendency to annoy persons sitting or standing on porches or lawns or yards facing the streets or sidewalks, by the making of indecent gestures or acts.

Section 70-12: Offensive Noises.

No person shall make, cause or suffer or permit to be made or caused upon any premises owned, occupied or controlled by him, her or it, or upon any public street, alley or thoroughfare or other public or quasi public location with in the City of Somers Point, any unnecessary noises or sounds by means of the human voice, or by any other means or methods which are physically annoying to persons, or which are so harsh, or so prolonged or unnatural, or unusual in their use, time and place as to occasion physical discomfort, or which are injurious to the lives, health, peace and comfort of the inhabitants of this municipality.

Page 7

Section 70-13: Overnight Sleeping in Vehicles.

No person shall sleep overnight in any parked vehicle in any location in the City of Somers Point.

Sections 70-14 through 70-20: Reserved

Section 70-21: Penalties.

Violations and Penalties.

Any person who violates any of the provisions of this Chapter shall upon conviction be liable to the penalty stated in Chapter I, Article 2.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

SECTION 2: Section 75-9 "Consumption in Public" of Chapter 75 "Alcoholic Beverages" of the Municipal Code of the City of Somers Point is hereby amended to read as follows:

Section 75-9 Consumption or Possession in Public.

A) No person shall consume any liquor, wine, beer, or any other intoxicating liquor or alcoholic beverage or have access to or possess any open bottle, can, jar, container, or any other vessel which contains any liquor, wine, beer, or any other intoxicating liquor or alcoholic beverage:

- i) in or upon any public street, lane, highway, thoroughfare, sidewalk, park recreation area, beach, or any other public or quasi-public place or in any public conveyance;
- ii) In a private conveyance while such conveyance is in motion, stopped or parked in or on a public street, lane, highway, thoroughfare, park recreation area, beach, public parking lot or quasi public parking lot;
- iii) While in or on private property not his or her own, without having the express permission of the owner or any person of adult age authorized to grant such permission.

B) The prohibition contained in this Section 70-5 shall not apply to the consumption of alcoholic beverages purchased or distributed in accordance with the lawful issuance by the City of Somers Point of an Alcoholic Beverage Permit for a Special Event provided, however, that:

- i) such beverage or container shall have been purchased at the event or distributed by the event sponsor;
 - ii) shall be possessed solely within the geographical boundaries of the location of the event or within such more limited area as may be prescribed by the terms of the Permit or the rules and regulations established by the event sponsor;
- iii) shall be possessed only within the time limits established by the Permit; and
- iv) all other conditions of the Permit are being satisfied

C) No person shall discard any bottle, can, jar or other vessel containing or having contained liquor, wine, beer or any other alcoholic or intoxicating beverage upon i) any public street, lane, highway, thoroughfare, sidewalk, park recreation area, beach, or any other public or quasi-public place or ii) upon any private property not his or her own, without the express permission of the owner or any adult person having authority to grant such permission.

Page 8

Section 3: All ordinances and provisions thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4: If any article, section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision of invalidity shall not affect the remaining portions of provisions of this Ordinance.

Section 5: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: November 24, 2010
PUBLICATION: December 1, 2010
FINAL PASSAGE: December 9, 2010

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Ordinance No. 20-2010 – First Reading

M/S – Triboletti/Dill – Approved unanimously by those present
James Franklin, Esq., and City Councilman D’Adamo discussed the amount of the late fees.
Councilman Dill indicated that the late fees are needed to encourage the public to license their
pets.

**City of Somers Point
Ordinance No. 20 of 2010
An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point Chapter 120 “Dogs and Other Animals”
By Amending Article 120 -12. By Increasing the Fee
For Licensing of Dogs and Imposing a Late Fee for
Failure to make Payment of the License Fee by May 1 of each Calendar Year; and
Amending Article 120-29 G. to fix, by Ordinance a Fee Schedule and Late Payment
Penalty for the Licensing of Cats**

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 120-12 of Chapter 120 Dogs and Other Animals of the Municipal Code of
the City of Somers Point is hereby amended to read as follows:

120-12 Licensing of Dogs.

- A. The sum payable for a dog license and each renewal thereof shall be as follows:
- (1) for any spayed or neutered dog: \$10.00.
 - (2) for any dog declared vicious or potentially dangerous by the Municipal Court:
\$250.00
 - (3) for any other dog: \$16.00

Each license shall be in effect for an annual registration period commencing on January 1
of each calendar year and expiring on December 31 of each calendar year. No License fee
shall be prorated.

- B. A late fee in the amount of \$20.00 shall be assessed in addition to the License Fee for any
License Fee which is not paid by May 1 of each registration calendar year plus an additional late
penalty of \$5.00 per month or portion of a month for which the License Fee remains unpaid after
June 1 of each registration calendar year. The late fee and penalty provision in this section shall
not apply to any License for any dog which was

Page 9

- C. not owned, harbored, kept or maintained in the City of Somers Point until after April 20 of each
registration calendar year.
- D. Dogs subject to licensing are those defined by the laws of New Jersey.
- E. All such licenses as may be required by this article shall be secured within 10 days from the time
such person or persons shall own, harbor, keep or maintain a dog within the City of Somers Point
making it subject to this Article.

SECTION 2. Article 120- 29G of Chapter 120 Dogs and Other Animals of the Municipal Code
of the City of Somers Point is hereby amended to read as follows:

120-29 G. Licensing of Cats.

- A. The sum payable for a cat license and each renewal thereof shall be as follows:
- (1) for any spayed or neutered cat: \$10.00.
 - (2) for any other cat: \$16.00

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Each license shall be in effect for an annual registration period commencing on January 1 of each calendar year and expiring on December 31 of each calendar year. No License fee shall be prorated.

- B. A late fee in the amount of \$20.00 shall be assessed in addition to the License Fee for any License Fee which is not paid by May 1 of each registration calendar year plus an additional late penalty of \$5.00 per month or portion of a month for which the License Fee remains unpaid after June 1 of each registration calendar year. The late fee and penalty provision in this section shall not apply to any License for any cat which was not owned, harbored, kept or maintained in the City of Somers Point until after April 30 of each registration calendar year.
- C. Cats subject to licensing are those defined in this Article 120-29.
- D. All such licenses as may be required by this article shall be secured within the time specified in Article 120-29 B.

SECTION 3: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: 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 5: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law but the fee schedules set forth herein shall be implemented and imposed commencing on January 1, 2011.

**FIRST READING: November 24, 2010
PUBLICATION: December 1, 2010
FINAL PASSAGE: December 9, 2010**

Ordinance No. 21-2010 – First Reading

M/S – Triboletti/Smith – Approved unanimously by those present

Mr. Franklin indicated that all the fees are the same, except for the fee for the marriage licenses.

Page 10

**City of Somers Point
Ordinance No. 21 of 2010
An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point Chapter 132 “Fees”
By Amending Article 132-1. by Increasing the Fee
For Certified Copies of Marriage Certificates from \$10.00 to \$20.00**

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 132-1. Certificates and Licenses of the Municipal Code of the City of Somers Point is hereby amended to read as follows:

132-1. Certificates and Licenses.

The following rate schedule for acquiring certificates and licenses from the Registrar of Vital Statistics in the City of Somers Point Shall apply:

- A. Certified copies of birth certificates: \$20.00 each. Additional Certified copies of same birth certificate ordered at same time: \$10.00 each.
- B. Certified copies of certificates of marriage, domestic partnership and civil unions: \$20.00 each.
- C. Certified Copies of certificates of death: \$10.00 each.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

- D. Processing of correction forms: \$10.00 each.
- E. Processing of certificates of parentage (includes correction form fee): \$25.00 each.
- F. Marriage license, civil union applications and certificates of domestic partnership: \$28.00 each.

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

SECTION 3: Should any section, clause, sentence, phrase or provision or any item in 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: November 24, 2010
PUBLICATION: December 1, 2010
FINAL PASSAGE: December 9, 2010**

Ordinance No. 22-2010 – First Reading

M/S – Triboletti/Smith – Approved unanimously by those present
Councilman D’Adamo questioned how this ordinance compares to other municipalities. Mr. Franklin stated that our fees are still lower. City Clerk Degrassi indicated that the State allows municipalities to increase the fees by 20% annually, and this increase is lower than 20%.

City of Somers Point

Ordinance No. 22 of 2010

**An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point Chapter 75 “Alcoholic Beverages”
By Amending Section 75-1. of Article 1 By Increasing the
Plenary Retail Consumption License and Plenary Retail Distribution License Fees**

Page 11

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: Section 75-1 Fees of Article 1 Licensing Provisions of Chapter 75 Alcoholic Beverages is hereby amended to read as follows:

Section 75-1 Fees.

- A. The fees for all club licenses shall be \$150.00 per annum.
- B. The fee for a plenary retail consumption license shall be the sum of \$1,200.00 per annum
- C. The fee for a plenary retail distribution license shall be the sum of \$2,100.00 per annum

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

SECTION 3: Should any section, clause, sentence, phrase or provision or any item in 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 but the fee schedules set forth herein shall be implemented and imposed commencing on January 1, 2011 and shall apply to all such licenses issued or renewed during calendar year 2011 and thereafter.

**FIRST READING: November 24, 2010
PUBLICATION: December 1, 2010**

REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010
FINAL PASSAGE: December 9, 2010

Ordinance No. 23-2010 – First Reading

M/S – Triboletti/Dill – Approved unanimously by those present

Ordinance No. 23 of 2010 (Corrected Copy)
An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point by Adding a Chapter 175 “Registration of Businesses”
Establishing a Fee Schedule and Specifying Information to be Provided in Registration
Statement

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: The Municipal Code of the City of Somers Point is hereby amended to add a Chapter 175 entitled Registration of Businesses as herein set forth:

CHAPTER 175. REGISTRATION OF BUSINESSES

Article 1: GENERAL REFERENCES

Licensed occupations

Section 175-1. Persons subject to license requirement.

All businesses not otherwise subject to licensing and regulation under Chapter 169 or Chapter 174 of the Code of the City of Somers Point shall be subject to the requirements of this chapter.

Section 175-2. Registration statements.

Page 12

A. All such businesses shall, before beginning operation of the business and on an annual basis thereafter, complete a Registration Statement containing the following information:

- (1) Name under which the business is to be conducted.
- (2) Name and residence address and residence telephone number of the applicant. (If a corporation, give names and addresses of president and secretary; if a partnership, give names and addresses of all partners; if an LLC, the name(s) and addresses of the Managing Member(s))
- (3) Address and telephone number of the business to be conducted.
- (4) Nature of the business.
- (5) Name and address of registered agent, if applicant is a corporation; and copy of Good Standing Certificate.
- (6) Name and address of the manager or daily supervisor in charge.
- (7) Copy of Certificate or License issued by State of New Jersey or any governmental agency.
- (8) Occupancy load.
- (9) Number of exits.
- (10) Number of parking spaces.
- (11) Number of curb cuts.
- (12) Size of lot and zoning designation.
- (14) Any change from previous mercantile use.
- (15) Number of persons employed.
- (16) Days and hours of operation.
- (17) Does the operation involve any flammable/combustible/hazardous materials and, if yes, provide MSDS sheets.
- (18) Date of last fire inspection.
- (19) Indication as to whether sprinklers are required.
- (20) Date of last health inspection and status of same.
- (21) Registration of Alarm with Somers Point Police Department.
- (22) Any outstanding zoning or planning violations.
- (23) Representation that all Real Estate Taxes are paid and current.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

B. It shall be the obligation to the applicant or other person in charge of said business to report to the City any change in the information set forth in Subsections A (1) through (7) above. All such changes shall be reported within twenty (20) days of the event. No additional fee shall be paid for filing the amendment unless the ownership of the business, the business tenant or the type of business is changed, in which event the fee specified in this Chapter shall be due and payable. Filing an amended Registration Statement does not relieve the person or entity from compliance with all other codes and ordinances of the City of Somers Point.

C. Forms for registration statements as well as completed registration statements shall be prepared and kept on file by the City Clerk.

D. Before beginning operation of the business, a certificate of occupancy shall be required.

Section 175-3. Investigations.

A. Upon receipt of a registration statement, the City Clerk shall refer the statement to the proper officials for the making of appropriate investigations deemed necessary. The Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. The Zoning Officer shall make the appropriate zoning inspection. Any defects noted as a result of such investigations or inspections shall be corrected in accordance with the applicable provisions of the Code of the City of Somers Point.

B. Whenever inspections of the premises used for or in connection with the operation of the business 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.

Page 13

Section 175-4. Fees.

There shall be imposed a fee of \$100 per annum for each Registration Statement, which shall be due at the time the Registration Statement is submitted to the City Clerk. In the event the fee is not paid on or before the due date, a late fee of \$35 shall be paid in addition to the regular fee. When the applicant has not engaged in the business until after June 30 of the then current calendar year, the fee shall be one-half of the full Registration Fee.

Any corporation subject to this Article IV which has been certified by the Internal Revenue Service as a 501(c) not for profit corporation or association shall be obligated to file the Registration Statement together with a copy of a valid Letter from the Internal Revenue Service verifying the not for profit status and a copy of a current good standing certificate issued by the State of New Jersey. Upon presentation of those attachments, the annual fee shall be waived.

The fees herein imposed are used primarily in an attempt to cover the costs of administration and of inspections of such businesses to ensure compliance with the laws of the state and the ordinances of this City. All such fees shall become a part of the general City treasury.

Section 175-5. Expiration of registration statements.

All Registration Statements shall be effective for a one-year period commencing on January 1 and ending on December 31.

All Registration Certificates shall be filed with the City Clerk prior to the 31st day of January with the exception that in calendar year 2011 the due date for filing of Registration Certificates shall be March 31, 2011.

All Business Registration Certificates shall be posted on the premises, in a conspicuous place, at all times.

Section 175-6. Enforcement.

The proper enforcement of the provisions of this chapter shall be within the jurisdiction of the Zoning Officer of the City and, additionally, within the jurisdiction of any officers charged with providing the necessary inspections required by law or regulation.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Section 175-7 Emergency Assistance Registration

Notwithstanding any other provisions of this Code, every business located in the City of Somers Point must have on file with the Police Chief an updated emergency information card that contains at least two names and phone numbers of those people to be contacted after business hours in reference to building security, damage or any occurrence that requires access be gained to the facility in question. This requirement is mandatory whether or not the business is alarmed. This information should be updated annually and changes should be reported immediately after they occur.

Section 175-8. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.00 or by imprisonment in the county jail for a term not to exceed 90 days, or both, in the discretion of the Court. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

The penalty for repeat offender convictions shall be governed by Chapter 1, Article 2 of the Code of the City of Somers Point.

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

Page 14

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:	November 24, 2010
PUBLICATION:	December 1, 2010
FINAL PASSAGE:	December 9, 2010

Ordinance No. 24-2010 – First Reading

M/S – Triboletti/Dill – Approved unanimously by those present

Mr. Franklin explained that the reporting requirements are the same as the questions on the current form. City Clerk Degrassi indicated that currently her office annually forwards a request for this information when the mercantile applications are mailed; however, there was no ordinance enforcing the requirement.

Ordinance No. 24 of 2010

**An Ordinance Amending and Supplementing the Municipal Code
Of the City of Somers Point by Adding a Section 174-11 to Chapter 174 “Mercantile
Licenses” Mandating Emergency Assistance Registration as part of all Mercantile License
Applications**

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: Chapter 174 of the Municipal Code of the City of Somers Point is hereby amended to add a Section 174-11 entitled Emergency Assistance Registration as herein set forth:

Section 174-1 Emergency Assistance Registration

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Notwithstanding any other provisions of this Code, every business located in the City of Somers Point must have on file with the Police Chief an updated emergency information card that contains at least two names and phone numbers of those people to be contacted after business hours in reference to building security, damage or any occurrence that requires access be gained to the facility in question. This requirement is mandatory whether or not the business is alarmed. This information should be updated annually and changes should be reported immediately after they occur.

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

SECTION 3: Should any section, clause, sentence, phrase or provision or any item in 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:	November 24, 2010
PUBLICATION:	December 1, 2010
FINAL PASSAGE:	December 9, 2010

Page 15

Resolutions:

Public Portion on Resolutions

Opened to the public and duly closed

Resolution No. 165

M/S – Triboletti/Smith – Approved unanimously by those present

RESOLUTION 165 OF 2010

RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,875,000 OF THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST PURSUANT TO THE 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the City of Somers Point (the "Local Unit"), in the County of Atlantic, New Jersey, has determined that there exists a need within the Local Unit to rehabilitate and/or replace certain sanitary sewer mains (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series

2010, to the Trust in an aggregate principal amount not to exceed \$1,410,000 (the "Trust Loan Bond") and General Obligation Bonds, Series 2010, to the State in an aggregate principal amount not to exceed \$1,465,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Loan Agreements and the Escrow Agreement dated September 27, 2010 (the "Escrow Agreement") by and among the Trust, the State, the Local Unit and the escrow agent named therein;

WHEREAS, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in accordance with the terms of the Escrow Agreement, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Local Unit Bonds.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Page 16

Section 1. The sale of the Trust Loan Bond to the Trust and the Fund Loan Bond to the State is hereby confirmed. The Trust Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in **Schedule A** attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the maturity schedule set forth in **Schedule B** attached hereto and made a part hereof.

Section 2. This resolution shall take effect immediately.

Section 3. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Fleishman Daniels Law Offices, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Recorded Vote

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
6	None	None	1

The foregoing is a true copy of a Resolution adopted by the governing body of the City of Somers Point, Atlantic County, New Jersey on November 24, 2010.

SCHEDULE A

Trust Bond Loan Debt Service Schedule

REGULAR MEETING MAYOR AND CITY COUNCIL November 24, 2010

TRUST LOAN AGREEMENT SCHEDULE A 2

New Jersey Environmental Infrastructure Trust - Series 2010A
Revenue Bonds, City of (CIV)

Borrower	Principal	Coupon	Maturity	Total	ESTP Fee	ESTP Fee	Annual Debt
Account No.				Estimate		Rate	Service and Trust
8/1/2011			52,679,157	2,669,517	3,567,78	3,113.00	96,426.67
7/1/2012			11,200,000	252,500.00	3,667.50	2,113.00	
8/1/2012	45,000,000	5.000%	25,230,800	80,240.00	3,662.30	3,113.00	177,078.00
2/1/2013			24,122,029	74,175.00	3,662.30	3,113.00	
8/1/2013	28,000,000	5.000%	24,122,029	84,122.00	3,662.30	2,113.00	129,807.00
2/1/2014			22,875,000	72,875.00	3,662.30	3,113.00	
8/1/2014	28,000,000	5.000%	22,875,000	82,875.00	3,662.30	2,113.00	127,305.00
2/1/2015			21,625,000	71,625.00	3,662.30	3,113.00	
8/1/2015	28,000,000	5.000%	21,625,000	81,625.00	3,662.30	3,113.00	126,142.30
2/1/2016			20,375,000	70,375.00	3,662.30	2,113.00	
8/1/2016	28,000,000	5.000%	20,375,000	80,375.00	3,662.30	3,113.00	116,610.00
2/1/2017			19,125,000	69,125.00	3,662.30	2,113.00	
8/1/2017	28,000,000	5.000%	19,125,000	79,125.00	3,662.30	3,113.00	111,400.00
2/1/2018			17,875,000	67,875.00	3,662.30	2,113.00	
8/1/2018	28,000,000	5.000%	17,875,000	77,875.00	3,662.30	3,113.00	106,800.00
2/1/2019			16,625,000	66,625.00	3,662.30	2,113.00	
8/1/2019	28,000,000	5.000%	16,625,000	76,625.00	3,662.30	3,113.00	102,800.00
2/1/2020			15,375,000	65,375.00	3,662.30	2,113.00	
8/1/2020	28,000,000	5.000%	15,375,000	75,375.00	3,662.30	3,113.00	98,800.00
2/1/2021			14,125,000	64,125.00	3,662.30	2,113.00	
8/1/2021	28,000,000	5.000%	14,125,000	74,125.00	3,662.30	3,113.00	94,800.00
2/1/2022			12,875,000	62,875.00	3,662.30	2,113.00	
8/1/2022	28,000,000	5.000%	12,875,000	72,875.00	3,662.30	3,113.00	90,800.00
2/1/2023			11,625,000	61,625.00	3,662.30	2,113.00	
8/1/2023	28,000,000	5.000%	11,625,000	71,625.00	3,662.30	3,113.00	86,800.00
2/1/2024			10,375,000	60,375.00	3,662.30	2,113.00	
8/1/2024	28,000,000	5.000%	10,375,000	70,375.00	3,662.30	3,113.00	82,800.00
2/1/2025			9,125,000	59,125.00	3,662.30	2,113.00	
8/1/2025	28,000,000	5.000%	9,125,000	69,125.00	3,662.30	3,113.00	78,800.00
2/1/2026			7,875,000	47,875.00	3,662.30	2,113.00	
8/1/2026	28,000,000	5.000%	7,875,000	57,875.00	3,662.30	3,113.00	74,800.00
2/1/2027			6,625,000	46,625.00	3,662.30	2,113.00	
8/1/2027	28,000,000	5.000%	6,625,000	56,625.00	3,662.30	3,113.00	70,800.00
2/1/2028			5,375,000	35,375.00	3,662.30	2,113.00	
8/1/2028	28,000,000	5.000%	5,375,000	45,375.00	3,662.30	3,113.00	66,800.00
2/1/2029			4,125,000	24,125.00	3,662.30	2,113.00	
8/1/2029	28,000,000	5.000%	4,125,000	34,125.00	3,662.30	3,113.00	62,800.00
2/1/2030			2,875,000	12,875.00	3,662.30	2,113.00	
8/1/2030	28,000,000	5.000%	2,875,000	22,875.00	3,662.30	3,113.00	58,800.00
TOTAL	1,110,000,000		626,625,000	2,669,517	29,700,000	82,400,000	3,380,486.17

* This schedule shall be subject to all terms and conditions of the Trust Agreement and Supplemental Trust Agreement to the Trust Agreement and Supplemental Trust Agreement to the Trust Agreement.

** This schedule shall be subject to all terms and conditions of the Trust Agreement and Supplemental Trust Agreement to the Trust Agreement.

SCHEDULE B Fund Loan Bond Debt Service Schedule

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

FUND LOAN AGREEMENT

New Jersey Environmental Infrastructure Trust - Fall 2010B
Somers Point, City of (CW)

Borrower Payment Date	Semiannual Principal	Annual Principal
12/2/2010		
8/1/2011		
2/1/2012	25,701.75	
8/1/2012	51,403.50	77,105.25
2/1/2013	25,701.75	
8/1/2013	51,403.50	77,105.25
2/1/2014	25,701.75	
8/1/2014	51,403.50	77,105.25
2/1/2015	25,701.75	
8/1/2015	51,403.50	77,105.25
2/1/2016	25,701.75	
8/1/2016	51,403.50	77,105.25
2/1/2017	25,701.75	
8/1/2017	51,403.50	77,105.25
2/1/2018	25,701.75	
8/1/2018	51,403.50	77,105.25
2/1/2019	25,701.75	
8/1/2019	51,403.50	77,105.25
2/1/2020	25,701.75	
8/1/2020	51,403.50	77,105.25
2/1/2021	25,701.75	
8/1/2021	51,403.50	77,105.25
2/1/2022	25,701.75	
8/1/2022	51,403.50	77,105.25
2/1/2023	25,701.75	
8/1/2023	51,403.50	77,105.25
2/1/2024	25,701.75	
8/1/2024	51,403.50	77,105.25
2/1/2025	25,701.75	
8/1/2025	51,403.50	77,105.25
2/1/2026	25,701.75	
8/1/2026	51,403.50	77,105.25
2/1/2027	25,701.75	
8/1/2027	51,403.50	77,105.25
2/1/2028	25,701.75	
8/1/2028	51,403.50	77,105.25
2/1/2029	25,701.75	
8/1/2029	51,403.50	77,105.25
2/1/2030	25,701.75	
8/1/2030	51,403.75	77,105.50
	1,465,000.00	1,465,000.00

* Assumes no Principal Forgiveness

Prepared by Public Financial Management, Inc.

11/18/2010

Resolution No. 166

M/S – Triboletti/Smith - Approved unanimously by those present
City Councilman Smith highly recommended Ms. Verno.

RESOLUTION No.166 of 2010

Page 18

Sponsored by: Councilman Smith

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MICHELLE
VERNO, Esq. AS MUNICIPAL PROSECUTOR
FOR THE REMAINDER OF CALENDAR YEAR 2010
AS A RESULT OF THE WITHDRAWAL OF HOWARD FREED
DUE TO HIS APPOINTMENT AS A MUNICIPAL COURT JUDGE**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

WHEREAS, the City of Somers Point has a emergent need to acquire legal services as a Municipal Prosecutor as a result of the sudden and unexpected withdrawal of Howard Freed due to his appointment as a Municipal Court Judge, which position precludes him from serving as a Municipal Solicitor within Atlantic County which vacancy must be promptly filled; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will not exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is to fill the vacancy through the end of calendar year 2010; and

WHEREAS, Michelle Verno, Esquire has submitted a letter of intent dated November indicating her willingness to provide legal services as a Somers Point Prosecutor for the period commencing upon Mr. Freed's withdrawal through December 31, 2010; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-3) authorizes the City Purchasing Agent to enter into contracts below the statutory threshold of \$17,500.00 including contracts for Professional Services; and

WHEREAS, sufficient funds are available within the Budget for the payment of such contract, the amount being for the remaining unpaid balance of the amount reserved for payment to the Municipal Prosecutor; and

WHEREAS; the Governing Body of the City of Somers Point has authorized the City Administrator to serve as Purchasing Agent for the City of Somers Point

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey that the Purchasing Agent is authorized and directed to enter into a contract with Michelle Verno, Esquire as described herein.

I, Carol Degrassi, RMC, Municipal Clerk of the City of Somers Point, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Somers Point, held this 24th day of November, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 24th day of November, 2010.

Resolution No. 167

M/S – Dill/Smith - Approved unanimously by those present

Resolution No. 167 of 2010

Page 19

Subject: Authorizing a two week extension of effective Contractually Mandated Date of Termination Of employee Kathy Rosenberger as permitted by the terms and Condition s of a Collective Bargaining Agreement between the City of Somers Point and Teamsters Local 115

Introduced By: Council President McGuigan

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

WHEREAS, a request in writing has been made by employee Kathy Rosenberger to extend a leave of absence beyond her contractually mandated termination date; and

WHEREAS, the request has been prompted due to a series of unanticipated and exceptional circumstances over which Ms. Rosenberger has no control; and

WHEREAS, in order to make an informed judgment in response to the request Counsel has suggested that additional information be obtained; and

WHEREAS, in order to obtain that information Counsel has suggested that a the termination date of November 26, 2010 be extended until a minimal time period until December 10, 2010; and

WHEREAS, such action is permitted to be taken by Council upon Resolution and in accordance with the terms of a Collective Bargaining Agreement between the City of Somers Point and Teamsters Local 115;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is hereby authorized and directed to extend the termination employment date of Ms. Kathy Rosenberger until close of business on December 10, 2010.

Consent Agenda:

Resolution Numbers 168 through 171 of 2010

M/S – Dill/Smith - Approved unanimously by those present
Councilman Dill reported that the majority of the surplus property is a result of older, used vehicles.

No. 168 of 2010

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 third quarter of 2010 was paid by the property owner and the mortgage company creating an overpayment,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to the 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
--------------	------------	-----------------------	---------------	-------------

Page 20

1408.03	1402	William Chet Atkins	\$2,696.10	2010
---------	------	---------------------	------------	------

No. 169 of 2010

Subject: Tax Overpayment Refund

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

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

WHEREAS, the property owner had a successful appeal for their 2010 taxes;

WHEREAS, the appeal has created an overpayment on the 2010 third quarter;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to the mortgage company,

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	Owner	Amount	Year
1419	1	Ocean City Home Bank	455.30	2010

City of Somers Point Resolution
No. 170 of 2010

Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website.

Introduced By: Council President McGuigan

WHEREAS, the City of Somers Point has determined that surplus items including but not limited to, one 1977 Chevrolet Pick-Up Truck, one 1984 Ford Dump Truck, one 1971 International Water Wagon, one 1985 Ford Vactor Truck, one 1986 Scania Trash Truck, one 1986 Chevrolet Pick-Up Truck, one 1987 Ford Street Sweeper, one 1990 International Dump Truck, one 1991 Ford Dump Truck, and one 1991 Ford Pick-Up Truck are property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the City of Somers Point has the property listed in schedule A, attached to this Resolution, and desires to sell this property online.

NOW, THEREFORE, BE IT RESOLOVED by the City of Somers Point's Governing Body that the City of Somers Point is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: www.govdeals.com

Length of Auction: 10 Days.

Start Date: Friday, December 3, 2010 (see schedule A)

End Date: Sunday, December 12, 2010 (see schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping All shipping arrangements and shipping costs are the responsibility of the

Page 21

buyer. Item pickup on location: 1 West New Jersey Avenue, Somers Point, New Jersey, 08244.

Possession: Within 10 business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold "as is, where is".

Payment by the bidder must be submitted to the City of Somers Point within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days (excluding holidays) of winning bid unless other arrangements have been made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010
Schedule A**

1. **Auction 1:** 1977 Chevrolet Pick-Up Truck VIN#: 1CKL2471137615

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 7:00 PM

2. **Auction 2:** 1984 Ford Dump Truck VIN#: 1FDNK74N4EVA05349

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 7:10PM

3. **Auction 3:** 1971 International Water Wagon VIN#: B416060H084979

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 7:20PM

4. **Auction 4:** 1985 Ford Vactor Truck VIN#: 11FDYR80U0FVA10478

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 7:30PM

5. **Auction 5:** 1986 Scania Trash Truck VIN#: YS2PH4225G1111285

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 7:40PM

6. **Auction 6:** 1986 Chevrolet Pick-Up Truck VIN#: 12GCEK14H8G1160633

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 7:50PM

7. **Auction 7:** 1987 Ford Street Sweeper VIN#: 1FDWT74P9HVA42825

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 8:00PM

8. **Auction 8:** 1990 International Dump Truck VIN#: 1HTSAZRM9LH274001

9. **Bid Start: Friday December 3rd, 2010: 9:00AM**
 Bid Stop: Sunday December 12th, 2010: 8:10PM
10. **Auction 9:** 1991 Ford Dump Truck VIN#: 1FDKF37H7MNA41167

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 8:20PM

11. **Auction 10:** 1991 Ford Pick-Up Truck VIN#: 1FTDF15Y7MNA88722

 Bid Start: Friday December 3rd, 2010: 9:00AM
 Bid Stop: Sunday December 12th, 2010: 8:30PM

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

No. 171 of 2010

Whereas, an Application has been filed for a person - to - person transfer of Plenary Retail Consumption License Number 0121-33-014-003 (the "license"); and

Whereas, said License is in the name of Mac's Restaurant, Inc; and

Whereas, an Order entered by Judith H. Wizmur, Chief Judge United States Bankruptcy Court on October 8, 2010 confirmed an Amended Plan of Reorganization Dated August 13, 2010 pursuant to the terms of which the sale of all assets of Mac's Restaurant, Inc. to D & S

Hospitality Consulting, LLC including Plenary Retail Consumption License Number 0121-33-014-003 was approved; and

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

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

Whereas, reports have been received from the Chief of Police and from the Code Enforcement Officer of the City of Somers Point, copies of which have been provided to the Applicant and Applicant has agreed to operate in compliance with all pertinent local ordinances, land use approvals and conditions consistent with Title 33 of the New Jersey Statutes; and

Whereas, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

NOW, THEREFORE, IT IS HERBY RESOLVED that the Somers Point Governing Body does hereby approve, effective November 24, 2010, the transfer of Plenary Retail Consumption License Number 0121-33-014-003 from Mac's Restaurant, Inc. to D & S Hospitality Consulting, LLC which will continue to operate at the same location; and

IT IS FURTHER RESOLVED that the Somers Point Governing Body does hereby direct the Somers Point City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, including compliance with all local ordinances, rules, regulations and approvals related to the premises is hereby transferred to D & S Hospitality Consulting, LLC effective November 24, 2010.

Page 23

Old Business:

Councilman Smith thanked Mr. Franklin for preparing numerous ordinances, and Council President McGuigan concurred with the commendation.

New Business: None

Discussion of Bills:

The bill list in the amount of \$1,345,222.42 was presented for discussion.

Public Portion:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
November 24, 2010**

Mr. Pitman, a representative from Shore Memorial Hospital, commended the storm water management educational presentation and the commitment of the City of Somers Point regarding the environment.

Payment of Bills:

A motion was made and seconded to approve the bills. Motion carried unanimously. A complete list of bills is on file in the Office of the City Clerk.

Adjournment

There being no further business, meeting adjourned at 8:20 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 12/22/2011