

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

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

Present: D’Adamo, Dill, Kern, Parker, Smith, Triboletti & McGuigan

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

Absent: None

Open Public Meetings Act

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk’s Office.

Communications

Resolution No. 172

M/S – Kern/Smith

Adopted by a unanimous vote of those present. A presentation was made to Councilman Parker by Mayor Glasser and Council President McGuigan. Councilman Parker, on behalf of his family thanked the governing body.

No. 172 of 2010

**A RESOLUTION CELEBRATING THE LIFE AND LEGACY OF THE HONORABLE
CHARLES ANTHONY PARKER WHO DEPARTED THIS LIFE ON NOVEMBER 6,
2010**

Introduced By: The Mayor and Council of the City of Somers Point

WHEREAS, the City of Somers Point lost a valued citizen, civic leader, supporter, Navy veteran, and friend on November 6, 2010 with the death of Charles Anthony Parker; and

WHEREAS, Charles Anthony Parker was a proud resident of Somers point for 53 years; and

WHEREAS, Charles Anthony Parker served honorably and with dedication and distinction as a member of the Common Council of this City for 11 years from 1972 through 1982; and

WHEREAS, for the 9 year period from 1987 through 1995 Charles Anthony Parker served this City with equal honor, dedication and commitment as our mayor; and

WHEREAS, Mayor Parker's philanthropic and community service work included two years of service on the Somers Point Planning Board, seven years of service on the Somers Point Board of Education, and a total of twenty five years of exemplary public and community service giving freely of his time, his experience, and his support; and

WHEREAS, during his terms of service to this City and under his guidance and direction his many accomplishments include the construction of the lighting for the City Hockey Courts and along the Somers Point segment of the Bike Path, the preservation of our Historic City Hall and its conversion into a first class facility which now houses our local branch of the Atlantic County Library, and the hiring of our first City Administrator improving the functioning of our local government; and

Page 2

Resolution No 172 (Continued)

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

WHEREAS, Mayor Parker proudly served our Country with distinction as a member of the United States Navy; and

WHEREAS, Mayor Parker was equally dedicated to the service of St Joseph's Church in Somers Point and served as a member of the Knights of Columbus; and

WHEREAS, Mayor Parker, through his example, passed on his love for Somers Point and commitment to public service to his family and, particularly to his son David Parker, who proudly followed his father's course, serving as a member of this governing body and devoting his time and experience to many community activities; and

WHEREAS, although Mayor Parker will be sadly missed by his loving family and by this council and the residents of this community, his legacy will live on through his accomplishments and through his family; and

WHEREAS, Mayor Parker is survived by his wife Mary and his family which includes his children, seventeen grandchildren and one great grandchild.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Common Council of the City of Somers Point to on this day honor the memory of Mayor Charles Anthony Parker and to officially mourn the passing of the man whose exemplary dedication, leadership, and numerous contributions have made a positive and lasting effect upon this community; and

BE IT FURTHER RESOLVED that this resolution be recorded in the official minutes of this governing body; and

BE IT FURTHER RESOLVED that certified copies of this resolution be presented to Mary A. Parker and David Parker on behalf of a grateful city.

Mayor Glasser thanked everyone involved in the parade and the tree lighting ceremony. He also thanked the veterans for a very moving Pearl Harbor ceremony at the beach.

Committee Reports

There were no Committee Reports given.

Minutes

There were no minutes presented for approval.

ORDINANCES

Ordinance No. 15 – Final Reading

M/S – Triboletti/Smith

Councilman Triboletti acknowledged those who came out tonight and those professionals who worked on this. Council President McGuigan noted the various meetings they have had with regard to this issue.

Meeting was then opened to the public as follows:

Fred Weber, 0 W. Connecticut Avenue came forward and addressed the governing body stating that it is hard to determine how this will impact his property.

Page 3

Ordinance No. 15 (Continued)

Dr. Nahas, 631 Shore Road, came forward and addressed the governing body stating that he has no experience in planning and is trying to understand the reasons for this change. He stated that

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

he has reservations about the change in zoning and would respectfully oppose this ordinance as it applies to his property.

A resident from 48 Higbee Avenue came forward and addressed the governing body stating that they live in the historic district and added that the doctor's offices don't allow their employees to park in their lot and stated that they should have to provide parking for their employees. Councilman Smith stated that the parking will be addressed in the near future.

A resident from 615 First Street stated that he has concerns for the value of his home with a view of a four story parking garage across from him.

Dan Gudauskas, 18 Gibbs Avenue came forward and addressed the governing body stating that if they vote for this now it would be putting the cart before the horse. He stated that we have a bad parking situation that needs to be solved. He stated that he feels that two hour timed parking would be the answer with the Police force writing tickets. He also stated that there is no limitation in the ordinance as to how high the mechanics can go. He stated that he is not in favor of this ordinance.

Janellen Riggs, 54 E. New York Avenue came forward and addressed the governing body stating that she is opposed to the ordinance. She stated that she lives across from the hospital and advised that the employees of the hospital are not utilizing the temporary parking. She stated that she has called the Police many times and the cars are never ticketed. She stated that they need permit parking on New York Avenue, Gibbs and Higbee. Councilman Smith advised that they are looking into the permit parking.

A resident from 615 First Street came forward and addressed the governing body stating that the footprint of the hospital continues to grow. He stated that because the hospital is building a parking garage doesn't mean that the parking problems will be eliminated.

Sylvia Simms, 215 Doran Avenue, came forward and addressed the governing body stating that she is a resident and works at Shore Memorial Hospital. She stated that of the hospital employees, 200 of them are Somers Point residents. She further noted that the hospital is a major sponsor of many events and organizations. She stated that she supports this ordinance.

Carol Rogers, 56 DeFeo Lane, came forward and addressed the governing body stating that she is an employee of Shore Memorial Hospital who sees patients without insurance every day. She stated that at the end of 2010 Shore Memorial will have provided more than 20 million to these patients in need of charity care. She stated that now more than ever we need to work together to provide the best medical care possible. She stated that we need to give Shore Memorial what they need to continue to plan for the future.

Dorothy Boyle, Gibbs Avenue, came forward and addressed the governing body stating that we have the problem with the parking, but they also leave their trash for the residents to clean up. She commended the Mayor and the Police Department stating that every time she calls they are there immediately.

Another hospital employee who is not a resident came forward and addressed the governing body stating that she supports the businesses in Somers Point and the hospital clearly supports the local businesses and residents. She asked that the Council support this ordinance.

Patti Cianci, Higbee Avenue, came forward and addressed the governing body stating that she is not in favor of this ordinance because of the density and height. She stated that no one wants 45' structures. She stated that she lives in the Historic District and feels that the Hospital should be sensitive to the District. She stated that she doesn't want two parking garages in four square miles.

Page 4
Ordinance No. 15 (Continued)

Jen Devito, New Jersey Avenue, came forward and addressed the governing body stating that much input was received and many said they didn't want buildings over 35'.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

Kim Bolen, 6 Parr Drive, came forward and addressed the governing body asking that they hear both sides of the issue.

Fran Morrison, Sunset Marina, came forward and addressed the governing body stating that she is an employee of Shore Memorial Hospital and used to live on Gibbs Avenue. She stated that the plan for growth at Shore Memorial Hospital involved a lot of strategy and asked that they pass the ordinance.

Robert Ross, Gibbs Avenue, and addressed the governing body thanking them for their work over the last year. He asked if the three residential properties need to be changed. He stated that they all wish Shore Memorial Hospital well; even though they have parking problems and hopes they can come up with a mutual agreement.

Andy Dougherty, Higbee Avenue, came forward and addressed the governing body stating that there is already a mechanism in place for the Hospital to proceed. He asked why they can't just come before us when they have a project.

Stephen Nehmad, Esq., representing Ron Johnson, CEO of the Hospital came forward and addressed the governing body stating that the Planning Board has studied this as well as the Council for a considerable time. He stated that 95% of the land is devoted to health care uses. The most appropriate use of the land is medical and health care related. He stated that they are trying to be proactive rather than reactive and Shore pledges to work along with the Governing Body and their neighbors. He thanked the governing body for the time they have given to this.

Public portion was then closed and Council President McGuigan thanked everyone for coming out and giving their input.

Councilman D'Adamo asked if they could address the issue of the mechanics. It was suggested that rather than make that change now, that the engineer could review this and come up with a cap and they could then proceed as an amendment to the ordinance. Councilman D'Adamo stated that he would want this to be included in the Master Plan update that is being worked on.

Councilman D'Adamo stated that he is voting no because of one specific reason and thanked everyone for their work preparing this ordinance. He stated that he is concerned about the height and feels it should be included in this ordinance. He stated that he is in support of the medical zone. He stated that there is a statement in the Master Plan that an application must show that it is consistent with the Master Plan. He stated that the Master Plan addresses the 35' height limitation. He stated that he is opposed to the height and that is the reason he is voting no.

Councilman Dill stated that he has heard both sides of the discussion tonight and having served on this committee, and will be voting yes on this ordinance. He stated that he sympathizes with those that are opposed and one of the most outstanding concerns was with the parking issues. He stated that he is also on the parking committee and guarantees that they will have a plan put together to address this before the end of next year. He stated that they will do whatever they can to resolve the problems.

Councilman Triboletti stated that the key issue seems to be the parking. He stated that he echoes Councilman Dill with regard to this issue as he is on the parking committee along with Councilman Dill and Councilman Smith. He also stated with regard to the Parking Garage that it is stepped back and it is consistent with the Master Plan.

Atty. Franklin stated that it has been a pleasure working with the subcommittee. He stated that they did a thorough investigation of what would be most appropriate in this area. He stated that regarding the tax base, the zoning doesn't drive the tax rate or ratable. He stated that right now all but three are owned by Shore Memorial or medical use. The other two are commercial usage

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

and one residential. He stated that the zone would not change the tax base.

Council President McGuigan stated that whether this ordinance passes tonight or not, they will still do something about the parking issue. He stated that one comment made tonight comes to mind – that there are 200 Somers Point residents employed at the Hospital and a total of eleven million in salaries paid much of which goes right into this community. He stated that there is no question that the hospital is an economic engine.

Ordinance No., 15 was then adopted by a 6-1 roll call vote with Councilman D'Adamo voting no.

Ordinance No. 15 of 2010

An Ordinance Amending Certain Sections of Chapter 114 ("Development Regulations") of the Code of The City Of Somers Point to: 1) Amend Section 114-6 ("Zoning Map") of Article II ("Zoning Districts; Zoning Map") to Remove Three (3) Parcels as Shown on the Tax Map of Somers Point (Block 1412, Lots 5.01 and 5.02 and Block 1410, Lot 12) From the Single Family Residential - One (R-1) Zoning District and Into the Special Hospital Zoning District (SHOS) and Revise the District Boundaries as Shown on the Zoning Map to Reflect that Change; 2) Amend the Development Regulations of the Code of the City of Somers Point by Adding a New Article to: a) Create a Professional Medical Commercial (PMC) Zoning District Designation to Replace and Eliminate the Existing Highway Commercial - One (HC-1) Zoning District Designation and the Existing Historic Village Commercial (HVC) Zoning Designation Within That Area of the City of Somers Point Bounded by Shore Road, First Street, Connecticut Avenue and Pennsylvania Avenue; b) Amend Section 114-5 B. of Article II ("Enumeration of Districts") to add to the List of Enumerated Zoning Districts the PMC Zoning District as a Designated Commercial Zone; c) Amend Section 114-6 ("Zoning Map") of Article II ("Zoning Districts; Zoning Map") of the Development Regulations to Revise the District Boundaries as Shown on the Zoning Map to Reflect That Change; and d) Amend Such Other Sections of the Development Regulations as Necessary to Reflect The Creation and Implementation of the PMC Zoning District; 3) Amend Section 114-6 ("Zoning Map") of Article II ("Zoning Districts; Zoning Map") to Remove Four Parcels (Block 1615, Lots 5, 6, 7, and 8) From the Highway Commercial - One (HC-1) Zoning District and Into The Historic Village Commercial (HVC) Zoning District and Revise the District Boundaries as Shown on the Zoning Map to Reflect That Change; 4) Amend Section 114-9 ("Terms Defined") of Article III to Add Certain Defined Terms; and 5) Repeal All Ordinances Heretofore Adopted, the Provisions of Which are Inconsistent Herewith.

***FIRST READING:* November 10, 2010**

***PUBLICATION:* November 17, 2010**

***FINAL PASSAGE:* December 09, 2010**

Page 6

Ordinance No. 17 – Final Reading

M/S – Parker/Dill

Meeting was opened to the public and duly closed.

Adopted by a unanimous vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL**

December 9, 2010

**AN ORDINANCE AMENDING CHAPTER 114 OF THE CODE OF THE
CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY
AND PROVIDING REGULATIONS FOR THE RETROFITTING OF
EXISTINGSTORM DRAIN INLETS IN THE CITY OF SOMERS POINT.**

**First Reading: 11/10/10
Publication: 11/17/10
Second Reading: 12/09/10**

Ordinance No. 18 – Final Reading

M/S – Parker/Kern

Meeting was opened to the public and duly closed.

Adopted by a unanimous vote of those present.

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**

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

Ordinance No. 19 – Final Reading

M/S – Parker/Kern

Meeting was opened to the public and duly closed.

Adopted by a unanimous vote of those present.

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”**

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

Page 7

Ordinances (Continued)

Ordinance No. 20 – Final Reading

M/S – Parker/Dill

Meeting was opened to the public and duly closed.

Adopted by a unanimous vote of those present.

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**

**REGULAR MEETING
MAYOR AND CITY COUNCIL**

December 9, 2010

**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**

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

Ordinance No. 21 – Final Reading

M/S – Parker/Kern

Meeting opened to the public and duly closed.

Adopted by a unanimous vote of those present.

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**

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

Ordinance No. 22 – Final Reading

M/S – Dill/Parker

Meeting opened to the public and duly closed.

Adopted by a unanimous vote of those present.

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**

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

Page 8

Ordinances (Continued)

Ordinance No. 23 – Final Reading

M/S – Dill/Parker

Meeting opened to the public and duly closed.

Adopted by a unanimous vote of 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**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

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

Ordinance No. 24 – Final Reading

M/S – Parker/D’Adamo

Meeting opened to the public and duly closed.

Adopted by a unanimous vote of those present.

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**

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

Ordinance No. 25 – First Reading

M/S – Dill/Kern

Approved on first reading by a unanimous vote of those present.

Ordinance No. 25 of 2010

**An Ordinance Enacted Under Authority Granted by N.J.S.A. 40:48-2.46 Which Confers
upon the City of Somers Point the Right to Establish Handicapped Parking Spaces for use
by Persons who Have Been Issued Special Identification Cards by the NJ Division of Motor
Vehicles Amending and Supplementing the Somers Point Municipal Code Chapter 250
Vehicles and Traffic, Article III Section 250-50 Designation of Spaces; and Repealing All
Ordinances Heretofore Adopted, The Provisions of Which Are Inconsistent Herewith.**

WHEREAS, N.J.S.A. 40-48-2.46 authorizes a Municipality, by Ordinance, to establish Handicapped parking Spaces for use by persons who have been issued special identification cards by the New Jersey Division of Motor Vehicles; and

Page 9

Ordinance No. 25 (Continued)

WHEREAS, a request has been made by residents of 310 Sunny Avenue and the Somers Point Police Department has approved the request to designate one Handicap Parking space in front of 310 Sunny Avenue; and

WHEREAS, it is necessary to amend and supplement Chapter 250 of the Code of the City of Somers Point in order to implement the recommended designation;

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

SECTION 1: Somers Point Municipal Code Chapter 250 Vehicles and Traffic, Article III Section 250-50 “Designation of Spaces” is hereby amended and supplemented to add the following:

Name of Street	Side	Location
Sunny Avenue	East	Directly in front of 310 Sunny

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

Avenue (sign to be placed 130 feet south of
southerly curb line of Pierson Avenue)

SECTION 2: “Handicap Parking” signage consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways shall be installed and placed at the designated location.

SECTION 3: All other provisions of Chapter 250 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: December 9, 2010
PUBLICATION: December 15, 2010
FINAL PASSAGE: December 22, 2010***

RESOLUTIONS

Public Portion on Resolutions

Meeting was opened to the public and duly closed.

Resolution No 173

M/S – Kern/Dill

Councilwoman Kern stated that it is very important that the public understand that these are things that need to be done at the schools. Councilman D’Adamo stated that it makes financial sense. Resolution No. 173 was then adopted by a unanimous vote.

Page 10

Resolution No. 173 (Continued)

No. 173 of 2010

**Subject: Supporting a Bond Referendum Proposal to be Placed
on the Ballot at a Special School Board Election to be
Held on December 14, 2010**

Introduced By: Council President McGuigan

WHEREAS, representatives (the “Representatives”) of the Somers Point School District Board of Education (the “Board”) made a formal presentation to the Governing Body of the City of Somers Point and to those members of the public present on November 24, 2010; and

WHEREAS, the presentation addressed the subject of a Bond Referendum Proposal to be placed on the ballot at a Special School Election to be held on Tuesday, December 14, 2010; and

WHEREAS, the proposed Bond Issue is in the principal amount of Three Million Four Hundred Forty Three Thousand Eight Hundred Fifty Dollars (\$3,443,850) (the “Bonds”); and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

WHEREAS, Three Million Four Hundred Three Thousand Eight Hundred Fifty Dollars (\$3,403,850) of the Bond proceeds will be used to fund long needed health and safety renovations by making replacements and improvements to the Jordan Road and New York Avenue School structures and facilities; and the remaining Forty Thousand Dollars (\$40,000) of the Proceeds will be used for school facility construction and replacement elements at Jordan Road School which are not otherwise eligible for State support but have been determined by the Board members and the Administration of the Somers Point School District (the "Administration") to be essential (collectively, the "Project") and

WHEREAS, the total cost of the Project is anticipated to be Five Million Seven Hundred Forty Eight Thousand Two Hundred Fifteen Dollars (\$5,748,215); and

WHEREAS, the additional funding over and above the amount of the proposed Bond Issue will be provided through a grant or grants from the State of New Jersey in the amount of Two Million Three Hundred Four Thousand Three Hundred Sixty Five Dollars (\$2,304,365) (the "Grant"); and

WHEREAS, payment of the Grant which represents approximately 40.37% of the project cost is expressly conditioned upon the District issuing Bonds in the proposed amount to satisfy the District's share of the total Project cost; and

WHEREAS, the Representatives reported that the Grant will expire after the passage of six (6) months after which the funding from that source will no longer be available to fund the Project; and those monies may then be allocated by the State to other projects in other School Districts; and

WHEREAS, the members of the Board and the Administration in combination with their engineering, design, financial, and accounting professionals have determined that the Project is necessary to satisfy standards promulgated by the Commissioner of Education and to cure health, safety and environmental deficiencies; and have further determined that the current economic climate affords the opportunity for favorable tax exempt interest rates and construction costs; and

WHEREAS, the Representatives have projected that, as a result of the retirement of a prior debt issue in 2011, the impact from the issuance of the proposed bonds is expected to result in a net decrease in the Somers Point School District debt service component of the local debt tax levy; and

WHEREAS, the necessary improvements which comprise the Project cannot be financed or funded in any other way

Page 11
Resolution No. 173 (Continued)

NOW, THEREFORE, it is hereby:

RESOLVED that the Common Council of The City of Somers Point agrees that, for the reasons stated, the Project is reasonable and necessary for the continued health, safety and welfare of our students and to comply with State standards for educational facilities; and

Further, RESOLVED that the ability to fund the Project in part through a State Grant presents a significant economic opportunity and cost savings to the taxpayers of Somers Point, since the renovations will continue to be necessary, and such sharing of cost may not be available if the Project is deferred; and

Further, RESOLVED that the Mayor and Council of the City of Somers Point wholeheartedly support the Bond Proposal and encourage the citizens of Somers Point to take advantage of this limited opportunity by casting their votes in favor of the Bond Proposal; and

Further, RESOLVED that the members of this governing body encourage residents to visit the School District website at www.somersptschools.org to obtain more information or to contact the Interim Superintendent of Schools during normal school hours at 609-927-2053 with questions or concerns about this vital Project.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

Resolution No. 174

M/S – Triboletti/Kern

Motion to amend D’Adamo, seconded by Triboletti to correct the dates. Resolution No. 174 was then adopted, as amended, by a unanimous vote of those present.

No. 174 of 2010 (As Amended)

Subject: Authorizing lease with Atlantic County Library

Introduced By: Councilman Triboletti

WHEREAS, the Somers Point Branch of the Atlantic County Library has for some time been situated at 801 Shore Road, a property owned by the City of Somers Point; and

WHEREAS, the Atlantic County Board of Chosen Freeholders had approved a five year extension of a lease between the City of Somers Point and the County of Atlantic for lease properly situated at 801 Shore Road (the “Property”) for use as the Somers Point Branch of the Atlantic County Library system which lease expired on September 30, 2010; and

WHEREAS, the City of Somers Point is willing to continue to lease the Property to the County of Atlantic for the period from September 30, 2010 through January 31, 2011 under the terms and conditions of the Lease Agreement attached hereto with the understanding that between the date of this Resolution and the expiration of this extension representatives of the County of Atlantic and the City of Somers Point shall negotiate in good faith mutually agreeable terms and conditions of a new lease for a new term; and

Page 12

Resolution No. 174 (Continued)

WHEREAS, the City agrees to such extension upon the condition that the County of Atlantic continues to pay the current rent as due; and

WHEREAS, the City does not waive, but specifically preserves its rights under the lease terms to terminate the tenancy and remove the tenant:

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 execute an extension of the current lease of the Property between the County of Atlantic and the City of Somers Point for the period September 30, 2010 through January 31, 2011 - a copy of which is attached hereto and made a part hereof; and to promptly submit an invoice to the County of Atlantic for any and all rents due and payable thereunder.

Resolution No. 175

Amended to include all future closings and adopted, as amended, by a unanimous vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010
No. 175 of 2010 (As Amended)**

Subject: Requesting New Jersey Department of Transportation to make arrangements for alternative and more direct access to Ocean City during periods of closure of the 9th Street Bridge during construction of the Causeway by arranging for toll free passage across the Ocean City – Longport Toll Bridge.

Introduced By: Council President McGuigan

WHEREAS, the State of New Jersey Department of Transportation (NJDOT) has determined that the 9th Street Bridge must be closed for certain periods of time during construction of the Route 52 Causeway Replacement; and

WHEREAS, NJDOT provides a seven (7) day advance notice of such closings to the Clerk of the City of Somers Point; and

WHEREAS, during the period of closure the NJDOT directs that traffic to and from Ocean City be rerouted to the 34th Street Bridge and causeway or to the Ocean City – Longport Toll Bridge; and

WHEREAS, many residents of Ocean City are employed within the City of Somers Point, including those who work at Shore Memorial Hospital; and

WHEREAS, other residents of Somers Point are employed in the City of Ocean City or travel to Ocean City daily for shopping, recreation and a variety of other purposes; and

WHEREAS, many now utilize the route 52 causeway; and

WHEREAS, rerouting traffic in and out of Ocean City to 34th Street is both inconvenient and indirect and also imposes upon those motorists who must travel to Ocean City an unanticipated financial obligation to use either the convoluted route and pay a toll on the Garden State Parkway or the more direct route by crossing on the Ocean City – Longport Toll Bridge; and

WHEREAS, since the closures are occurring during an off season and therefore having the most significant impact upon local residents rather than tourists:

**Page 13
Resolution No. 175 (Continued)**

NOW, THEREFORE, it is hereby:

RESOLVED that the Common Council of the City of Somers Point hereby requests that during times of closure of the 9th Street Bridge for construction purposes the New Jersey Department of Transportation continue to arrange for free passage into the City of Ocean City for those using the Ocean City – Longport Toll Bridge as a reasonable accommodation to our citizens and tax payers who pay for and support the Route 52 Causeway Project.

It is further RESOLVED, that a copies of this Resolution be sent to the Director of the New Jersey Department of Transportation, Senator Jeff Van Drew and our two Representatives in the General Assembly.

Resolution No. 176
Held until after executive session.

Consent Agenda
Resolution No. 177 and 178 were adopted by a unanimous vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010
No. 177 of 2010**

Subject: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Local Aid Infrastructure Fund - Laurel Drive Project

WHEREAS, the City Council of the City of Somers Point has agreed to apply for an NJDOT Local Aid Infrastructure Fund grant for the resurfacing of Laurel Drive from the Garden State Parkway access ramp to US Route 9 in the City of Somers Point.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Somers Point, formally approves the grant application for the above stated project.

BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to submit a grant application to the New Jersey Department of Transportation on behalf of the City of Somers Point.

BE IT FURTHER RESOLVED THAT THE Mayor and City Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

No. 178 of 2010

WHEREAS, the City of Somers Point desires to extend its bike path to the property known as the Somers Mansion Historic site; and

WHEREAS, that property is controlled by the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry; and

**Page 14
Resolution No. 178 (Continued)**

WHEREAS, a Memorandum of Agreement between the City of Somers Point and the Department of Environmental Protection has been prepared that provides for the use of a portion of the property for the purpose of developing, constructing and maintaining a bicycle pathway.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Mayor John L. Glasser, Jr., is hereby authorized on behalf of the City to execute the Memorandum of Agreement between the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry and the City of Somers Point, a copy of which is attached hereto and made a part hereof.

Resolution No. 179

M/S – Triboletti/D’Adamo

Resolution amended to read that the second meeting would be on 12/22/10 at 6:00 pm.
Resolution No. 179 was then adopted, as amended, by a unanimous vote of those present.

No. 179 of 2010 (As Amended)

**Subject: Rescheduling date of City Council Meeting
Introduced by: Council President McGuigan**

WHEREAS, the regularly scheduled meetings for the month of December, 2010 are as follows:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

December 9, 2010

December 23, 2010

and

WHEREAS, the City Council desires to change the date of the second Council Meeting in December, 2010.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the second Council Meeting in December, 2010 is hereby rescheduled from December 23, 2010 to December 22, 2010, at 6:00 p.m.

Resolution No. 180

M/S – D’Adamo/Triboletti

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 180 of 2010
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 request made by a City Employee pursuant to a provision of a Collective Bargaining Agreement and the need for advice and counsel from legal representative(s) of the City as permitted by N.J.S.A. 10:4-12(b), and as to which three (3) exceptions to public meetings as indicated below [See exceptions 4, 7(a) and 8] apply, is deemed necessary to be discussed with Labor Counsel and / or the City Solicitor without the public in attendance during an Executive Session to be held on December 9, 2010 during a public meeting to be held commencing at 7:00 P.M, and

Page 15

Resolution No. 180 (Continued)

One (1) topic which involves a report on and discussion of a matter in litigation which requires advice and counsel from legal representative(s) of the City as permitted by N.J.S.A. 10:4-12(b), and as to which one (1) exception to public meetings as indicated below [See exception 7(b)] applies, is deemed necessary to be discussed with Litigation Counsel and / or the City Solicitor without the public in attendance during an Executive Session to be held on December 9, 2010 during a public meeting to be held commencing at 7:00 P.M, and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the **number of issues** to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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

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

☐ **“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

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 See # 8 below;

☐ "(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

☐ 1 "(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."

Page 16

Resolution No. 180 (Continued)

- a) Discussion with Labor Counsel and / or City Solicitor concerning rights and obligations of the City under the terms of a Collective Bargaining Agreement and a request made to Council by employee Kathy Rosenberger, an employee covered by said Agreement.
- b) Report from Litigation Counsel and / or City Solicitor concerning a Civil Action in lieu of Prerogative Writ filed in the Superior Court of New Jersey, Atlantic County in Docket No. ATL-L-004603-10 captioned "Jersey Outdoor Media, LLC. v The City of Somers Point and the Board of Adjustment of the City of Somers Point".

☐ "(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting." Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is: a request made to City Council by Employee Kathy Rosenberger and an issue arising under the terms of a Collective Bargaining Unit Agreement between the City of Somers Point and Teamsters Local 115, of which Ms. Rosenberger is a member;

☐ "(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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

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 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 #4, #7(a) and #8 above	Upon Completion of this Executive Session	Determination by Counsel
See # 7(b) above	Upon completion of the pending litigation	Resolution of the litigation by decision and order or settlement.

Page 17
Resolutions (Continued)

Resolution No 181
M/S – Dill/D’Adamo
Adopted by a unanimous vote of those present.

No. 181 of 2010

Subject: **Appropriation Transfer**
Introduced by: **Council President McGuigan**

Whereas N.J.S. 40A:4-1 et.seq. allows budget appropriation transfers after November 1st of the budget year.

Now, therefore, be it resolved that the City Council of the City of Somers Point hereby authorizes the Chief Financial Officer to make the following budget transfer as specified in this resolution.

Current Fund

From:

Municipal Prosecutor S&W 0-01-25-275-100 \$2,600

To:

Municipal Prosecutor OE 0-01-25-275-200 \$2,600

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

New Business

Councilman Parker announced that this would be his last meeting stating that it has been an honor to serve. He thanked the Mayor and Council as well as past governing bodies that he has worked with over the years. He also thanked all of the employees and volunteers he has worked with over the years.

An application for soliciting permit for Megaforce Ministries, Inc. did not receive a motion. It was noted that the application did not have an address.

Three applications for raffle licenses were approved for the American Legion, South Jersey Against Aids, Inc. and the Ocean City Rotary Charities, Inc. with Councilman D'Adamo recusing himself from voting on the American Legion Application.

Old Business

There was no Old Business presented for discussion.

Discussion of Bills

There were no bills presented for discussion.

Page 18

Public Portion

Rick Pitman, Shore Memorial Hospital, came forward and addressed the governing body in favor of the Bond Referendum for the Schools. He stated that he agrees that this is the best way to go as the only other choice is emergency repairs. He also stated that he worked with Councilman Parker's father and knows that he would be very proud.

Page 18

Payment of Bills

There were no bills presented for payment.

Recess to Executive Session

There being no further business, Council recessed and went into an Executive Session.

Reconvened in Open Session

Council reconvened in open session at 10:10 p.m. to consider the following resolution:

Resolution No. 176 (As Amended)

M/S – Parker/Triboletti

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

Amended to include the extension date, three months from November 24, 2010 making the date February 24, 2011. Resolution was then adopted, as amended, by a unanimous vote of those present.

No. 176 of 2010 (As Amended)

Subject: Authorizing up to a ninety day extension of effective Contractually Mandated Date of Termination Of employee Kathy Rosenberger based upon unusual extenuating circumstances as permitted by the terms and Conditions of a Collective Bargaining Agreement between the City of Somers Point and Teamsters Local 115

Introduced By: Council President McGuigan

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 the members of the Somers Point Common Council had directed that additional information be obtained; and

WHEREAS, in order to obtain that information Council acted by Resolution adopted on November 23, 2010 to grant a temporary extension of the contractually mandated termination date from November 26, 2010 to December 10, 2010; and

**Page 19
Resolution No. 176 (Continued)**

WHEREAS, additional investigation has been conducted and it has been determined that the circumstances pursuant to which this request has been made are unique, unusual and extenuating; and

WHEREAS, this one time determination is deemed to be unique to the circumstances of this situation, is not intended to establish a precedent or to bind this or any future Council to grant or deny any such future request, with each such matter to be judged solely upon its merits and the circumstances existing at the time; and

WHEREAS, this 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 grant the request of Ms. Kathy Rosenberger to extend the contractually mandated termination of her employment by the City of Somers Point for a period not to exceed ninety (90) days which period shall expire at the close of business on February 24, 2011.

Adjournment

There being no further business, meeting adjourned at 10:12 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 9, 2010**

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: