

**REGULAR MEETING
MAYOR AND CITY COUNCIL
March 8, 2012**

Meeting was called to order at 7:00 p.m. by President McGuigan with a salute to the flag. Council President McGuigan recognized former Mayor Rosenberger.

Roll call was recorded as follows:

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

Also Present: Mayor Jack Glasser, Administrator Wes Swain, Attorney James Franklin, City Clerk Degrassi, Deputy City Clerk Samuelson

Absent: Councilman Dill

Open Public Meetings Act

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

Communications:

None

Mayor's Report:

No report

City Administrator's Report:

No report

Committee Reports:

Councilman Triboletti reported the budget subcommittee will be meeting with department heads in the near future. Additionally, the subcommittee for the proposed rental ordinance will be meeting in the near future to review the draft prepared by Mr. Franklin, Esq. The outdoor seating subcommittee will schedule a meeting in the near future also. Councilman Triboletti encouraged the Mayor and City Council to review The Vision Plan and reports. The Planning Board will be seeking the Governing Body's endorsement regarding The Vision Plan.

Approval of Minutes: The minutes of the regular meeting of December 9, 2010, Executive Session of October 28, 2010, Executive Session of December 9, 2010, the regular meeting of February 10, 2011, Executive Session of September 1, 2011, and the Executive Session of September 22, 2011, were approved unanimously.

Ordinance:

None

Resolutions:

Public Portion on Resolution Numbers 59-63 of 2012

The meeting was opened to the public and duly closed. Councilman Triboletti motioned for a waiver for the 48 hour rule to add a resolution for Executive Session, and seconded by Councilwoman Kern.

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Resolution No. 59

M/S – Kern/Smith

Adopted by a unanimous vote of those present.

City Administrator Swain explained that this is a yearly application, and the grant received is approximately \$20,000.00.

No. 59 of 2012

Subject: AUTHORIZING TONNAGE GRANT APPLICATION
Introduced By: Council President McGuigan

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, its the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of City Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City of Somers Point hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and designates Wes Swain, City Administrator, and James Daugherty, Recycling Coordinator, to ensure that the said Application is properly filed.

Resolution No. 60

M/S – Triboletti/Smith

Adopted by a unanimous vote of those present.

Gregory Schneider, Project Engineer, explained that five contractors bid on the project. The bids came in lower than estimated. A.E. Stone is planning to pave the week of April 9th, which should be completed in two weeks. Additionally, the City received a grant in the amount of \$225,000.00 from the New Jersey Department of Transportation. Mayor Glasser commended Mr. Schneider for his diligent efforts regarding the complete process.

No. 60-2012

Subject: Awarding Bid for the West Laurel Drive Resurfacing Project
Introduced by: City Council President Sean McGuigan

WHEREAS, on March 1, 2012 the City of Somers Point received bids for the West Laurel Drive Resurfacing Project, a project that is funded in part by a New Jersey Department of Transportation FY 2011 Discretionary Aid grant; and

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WHEREAS, A.E. Stone, Inc. of Egg Harbor Township, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to A.E. Stone, Inc. of Egg harbor Township, New Jersey in the amount of \$298,495.50.

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

- 1.) The Contract for the West Laurel Drive Resurfacing Project is hereby awarded to A.E. Stone, Inc. of Egg Harbor Township, New Jersey in the amount of \$298,495.50.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with A.E. Stone, Inc., signing on behalf of the City.

Resolution No. 61

M/S – Kern/Triboletti

Adopted by a unanimous vote of those present

Greg Schneider, Project Engineer, reported that the project will take approximately one month to complete.

No. 61-2012

Subject: Awarding Bid for the Sunny Avenue Project

Introduced by: Council President Sean McGuigan

WHEREAS, on March 1, 2012 the City of Somers Point received bids for the Sunny Avenue Project, a project that is funded in part by a 2011 Community Development Block Grant; and

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

WHEREAS, the City Engineer's office has recommended that the City award the contract to Arawak Paving Co., Inc. of Hammonton, New Jersey in the amount of \$116,800.00.

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

- 3.) The Contract for the Sunny Avenue Project is hereby awarded to Arawak Paving Company, Inc. of Hammonton, New Jersey in the amount of \$116,800.00.
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc. signing on behalf of the City.

Resolution No. 62

M/S – Kern/Smith

Adopted by a unanimous vote of those present

City Administrator Swain reported that the correction added \$2,000.00 to sewer along with a down payment. Mr. Swain mentioned that another emergency temporary budget may be needed before the Budget is adopted. The City's State Aid is the same as last year.

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Resolution No. 63

M/S – Smith/Kern

Adopted by a unanimous vote of those present

Mayor Glasser is very pleased that the City has hired additional officers. Additionally, he expressed his appreciation to City Council for their continuous support of the Police Department. Councilman Smith mentioned that Officer Fica has been a Special Officer, class 2 in Somers

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Point for a period of time; therefore, he is familiar with the town.

No. 63 of 2012

A Resolution Confirming the Hiring by the Chief of Police of the City of Somers Point of Two Police Officers from the Civil Service List Maintained by the State of New Jersey Who on March 2, 2012 Were Sworn In as Patrolmen Within the Somers Point Police Department

WHEREAS, in Resolution No. 51 of 2012 adopted on February 23, 2012 this Governing Body authorized Chief Michael Boyd to hire three Police Officers for the Police Department, each to hold the position of Patrolman; to be sworn in by the Mayor as soon as practicable following completion of all necessary requirements; and

WHEREAS, from the list of candidates obtained from the State of New Jersey Civil Service List Chief Boyd proceeded to hire two (2) of the three new officers authorized by this Council; and

WHEREAS, the Chief of Police and Mayor have reported to the City Clerk and the City Administrator the names of each such Patrolman upon hiring and swearing in; and

WHEREAS, one Patrolman will attend the Gloucester County Police Academy and one Patrolman has been certified to commence full time active duty

NOW, THEREFORE, IT IS Hereby RESOLVED that the Mayor and City Council acknowledge and confirm the hiring of

Patrolman Joseph Switzer
And
Patrolman David Ficca; and

It is FURTHER RESOLVED, that Patrolman David Ficca is approved for and authorized to attend the Gloucester County Police Academy; and

It is FURTHER RESOLVED, that Patrolman Joseph Switzer has begun active service to this Community; and

It is FURTHER RESOLVED, that the Mayor and Council hereby extend their congratulations to both officers upon becoming members of our excellent Police Force.

Resolution No. 64

M/S – Kern/Smith

Adopted by a unanimous vote of those present

Mr. Franklin, Esq., explained there are legal issues involved that should be discussed in Executive Session, and any decisions will be voted on in Open Session.

64 of 2012

AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, N.J.S.A.10:4-Page 6

12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that **ONE** topic which involves the need for advice from counsel regarding the possible lease of City owned property is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to public meetings and are necessary to be discussed without the public in attendance during an Executive Session to be held on March 8, 2012 during a public meeting to be held commencing at 7:00 P.M., and

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

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

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

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

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

“(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is N/A _____;

“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is N/A _____;

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”

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

A report by the Somers Point Solicitor and the Somers Point Engineer on legal issues related to the possible lease of certain City owned property involving the Pier and Dock at the foot of Higbee Avenue. and which has previously been leased by the City.

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“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public’s interest and the employee’s privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is: N/A

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is: N/A

WHEREAS, the length of the Executive Session is estimated to be approximately 20 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reasons;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8,2009 that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See #7 above Attorney Client conference	Upon Completion or Resolution of the pending matters	Final Resolution, Settlement or other final disposition of such matter.

Old Business

None

New Business

Ocean City Education Foundation Request for Social Affair Permit
National Multiple Sclerosis Society’s Annual Coast to Coast Bike Ride

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Event Request for Charlie’s Bar & Restaurant (St. Patrick Day Plunge)
Application for Membership in the NJ State Firemen’s Assoc. for Jeffrey Taccarino and Christopher Martin

All of the above aforementioned items in New Business were approved unanimously.

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Discussion of Bills

Administrator Swain submitted a bill list totaling \$333,434.61 along with a report of checks totaling \$2,498,271.74.

Payment of Bills

A motion was made and seconded to approve the bills in the amount of \$333,434.61 along with a list of checks totaling \$2,498,271.74. Motion carried. A complete list of bills is on file in the Office of the City Clerk.

Public Portion

Public portion was opened, and hearing nothing, public portion was duly closed.

City Council President McGuigan announced a brief recess which followed by the Executive Session. Motion was made and carried to adjourn Executive Session.

A motion was made, seconded and carried to proceed with the preparation of a Request for Proposal for the lease of the property (the Pier and Dock of Higbee Avenue) subject to making necessary repairs to the satisfaction of the City Engineer with Indemnification and any insurance requirements including any requirements for prevailing wage for the work to be performed with a term of lease to be five years with the right of early termination on the part of the City and the proposal of the specifications of the repairs plus the amount that is to be offered, if any, for the lease.

Adjournment

There being no further business, City Council recessed to go into Executive Session at 8:12 p.m., reconvening to adjourn at 8:17 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 06/28/12