



Ventnor City Board of Commissioners

*Mayor Theresa Kelly
Commissioner Stephen Weintrob
Commissioner John Piatt*

~ 2010 ~

*Commission Meetings
Minutes*

Explanation of Contents:

This volume of the Official Minutes of the Ventnor City Board of Commissioners begins on January 14th, 2010. Minutes will be updated as quickly as possible after each meeting has been held.

The Ventnor City Website Minutes are written in full as they appear in the Official Minute Books of the City of Ventnor City. Should you wish to view specific minutes from past years, simply stop by the City Clerk's Office and you may do so.

After an Ordinance has been **introduced**, it will appear as written in its entirety in the:

2010 Index of Ordinances Pending & Adopted

The date scheduled for a **Public Hearing** is printed at the end of the Ordinance,

After the Ordinance has been **adopted** the date will also be added.

Feel free to visit your City Clerk's Office in person or call us at (609) 823-7904.

*Sandra M. Biagi, RMC/CMC
City Clerk/Administrator*

*Janice K. Callaghan, RMC
Deputy City Clerk*

Office of the City Clerk/Administrator

Ventnor City Hall
6201 Atlantic Avenue
Ventnor City, NJ 08406
Fax (609) 823-2809

Business Hours:

Monday – Friday
8:30am-4:00pm

Executive Session of the Ventnor City Board of Commissioners was called to order in the Mayor's Office, City Hall on January 14, 2010 at 6:00 PM followed by The Pledge of Allegiance.

Present: Cmr Piatt, Cmr. Weintrob, Mayor Kelly, Deputy Clerk Callaghan & Solicitor Maguire

Mayor Kelly announced: "This is a Special Executive Session of the Ventnor City Board of Commissioners being held for the express purpose of discussing the appointment of a Municipal Engineer. Notice of this meeting was sent to the Press, Downbeach Current and posted on the City Hall Bulletin Board as required by law".

Mayor Kelly moved, seconded by Cmr. Piatt the Executive session be opened.

Roll Call Vote:

Yeas: Cmr Piatt, Weintrob and Mayor Kelly

Mayor Kelly and Cmr Piatt reviewed notes taken during the interview process and information gleaned from discussions with neighboring municipalities. Cmr. Weintrob offered his opinion that the best \$\$ value was to continue with the former engineer and the ACIA being used for special projects. After much discussion it was agreed that a great deal was learned during the interviews; that it may be beneficial to the City to appoint one firm to handle everyday projects and a different firm to handle Zoning/Planning Board responsibilities; and establishing specific fee schedules was necessary.

Following all discussions, the Mayor & Commissioners determined that additional time was needed for the Solicitor to speak with the candidates/firms about their fee schedules and whether they would be willing to split the engineering duties and Zoning/Planning Board positions and that a final Executive Session of the Board would be necessary to discuss the findings before a decision could be made.

Cmr. Piatt moved, seconded by Cmr Weintrob that the Board of Commissioners hold another Executive Session on Thursday, January 21, 2009 @ 6:00PM, prior to the 7:00 PM regularly scheduled Commission Meeting for the sole purpose of discussing the appointment of the Municipal Engineer and that the City Clerk be directed to give notice in conformance with law.

EXECUTIVE SESSION CLOSED: 6:45 PM

Cmr Piatt moved, seconded by Cmr Weintrob, the Executive Session be ended. So ordered.

The Executive Session of the Ventnor City Board of Commissioners was called to order in the Mayor's Office, City Hall on January 21, 2010 at 6:00 PM followed by The Pledge of Allegiance.

Present: Cmr Piatt, Cmr. Weintrob, Mayor Kelly, City Clerk/Administrator Biagi & Solicitor Maguire

Mayor Kelly announced that this Special Executive Session of the Ventnor City Board of Commissioners was being held for the purpose of discussing the appointment of a Municipal Engineer. Notice of this meeting was sent to the Press, Downbeach Current and posted on the City Hall Bulletin Board as required by law".

Mayor Kelly moved, seconded by Cmr. Piatt the Executive session be opened.

Roll Call Vote:

Yeas: Cmr Piatt, Weintrob and Mayor Kelly

Solicitor Maguire began by repeating the directive he had been given by Commission at the last meeting, after which he reported the substance of his discussions with the prospective engineers. He reported positive responses to their questions & concerns with no one having a problem dividing up Municipal Engineer with Zoning & Planning, etc. since each wanted something and all clearly showed a willingness to work in whatever capacity Commission chose.

After the top three contenders were determined, discussion turned to the orderly transfer of Ventnor's engineer records (presently housed in Richard Carter's Borough of Longport Office). Cmr Weintrob said that he has spoken with Carter about the transition & being available to meet to bring the new Engineers up to date on ongoing projects. The Solicitor said he would like to attend the meeting to assure a smooth transition. Cmr Weintrob said he had space at the Public Works building to store the records. The Solicitor said the new engineer may want to have some or all of those records in his own office. The Cmr said that was fine but a space had been cleaned should they need meeting space, it will be clean & comfortable but they don't have to use it if they don't want to.

Mayor Kelly asked, since last time Cmr Weintrob really didn't take part in any of the discussions, was there anything he wanted to say about these choices, i.e. was he satisfied? Cmr Weintrob said he did take part in a sense – that everything is on the table now. He reiterated his public statements regarding his feelings that from a cost standpoint it will cost higher for us to do it this way - it will always be his feeling and hoped he would be wrong in the future. He asked the Solicitor to clarify his understanding of Title 40. We can have a Municipal Engineer; the Water & Sewer Utility can have its own Engineer; and we could have a Special Projects Engineer?

The Solicitor replied, yes, to all three questions adding that every special project could have a different engineer but noted the law of diminutive returns and too many chefs spoiling the soup is to be considered . A discussion followed Cmr Weintrob's classification of projects with water, sewer, milling & paving as Water/Sewer. The Solicitor offered examples of multi-faceted projects where that would not necessarily be true. Cmr Weintrob remained firm on his opinion that once you have water or sewer - it is a water sewer project. Other examples were offered without any change of opinion. Moving on, the Solicitor said the Commission can set it up any way they want.

Mayor Kelly interjected that when it was discussed last week they were thinking there would be a Municipal Engineer to handle the engineering work with an engineer to handle planning & zoning. Cmr Piatt affirmed the Mayor's understanding. The method of payment for planning/zoning engineer also arose. The Mayor asked if he wanted to suggest other than those discussed. Cmr Weintrob agreed they were three fine firms. Cmr. Piatt said that since the last meeting he came into possession of certain information which that needed to be shared and in light of the facts, wanted that firm removed from any consideration – as it changes the picture.. Solicitor Maguire confirmed that the information was also made aware to him during conversations with the applicants. It wasn't requested and it is what it is. Cmr. Piatt agreed that the case did occur - there was ¼ million settlement and made him wary of further considering that firm.

Mayor Kelly proposed Doran as one who would make a very good Municipal Engineer - saying Doran's presentation was good and their prices were more reasonable than the others. Cmr Piatt agreed their presentation was good, adding that the first 3 presentations (Polistina, Doran, Remington/Vernick) were the strongest. As to Polistina, the Mayor felt they would be helpful with Green Acres and in reviewing their presentation she noted they represented a lot of municipalities in planning & zoning – also of help to us. Cmr Piatt offered that in our state's present environment, it wouldn't hurt to have them aboard as part of our team. The Solicitor agreed wholeheartedly, saying that Vince Polistina impressed him during his presentation – that he heard truth in his statement that everyone who comes in here is going to be good - but there's no one who is going to come in here who will help you more with State agencies than he could. Cmr Weintrob reminded everyone of the political climate in April of 2008 with respect to all of the people being discussed being adamantly for the opposing side - openly endorsing the incumbents. A discussion ensued re state guidelines on what should not be charged to a taxpayer/applicant who does not require an engineer. The Mayor said that Jack Mathews said he sits on many boards without an engineer – has seen one maybe 3 times and explained that the p/z engineer will not charge for sitting at the meeting – only for the review required which charge would be passed to the applicant(s). Cmr Piatt said they should receive something if they come. The Mayor explained that the Engineer doesn't necessarily attend when an application does not require their presence as most applications in a developed city coming before a board, do not require an engineer. She noted that she knew Matt Doran from the AC Board of Education – that he is a good man without a bad word being said about him and that we would be helping citizens of Ventnor as having Polistina on board would help too. Cmr Piatt agreed.

Solicitor Maguire then advised how a duo title would work, i.e. thr Commission may want to have Matt Doran as Municipal Engineer and Vince Polistina as Special Projects Engineer and if you're going to recommend Polistina to the Planning & Zoning Boards –he could also be their named engineer - giving further assurance that if Matt Doran

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doesn't work out as well as hoped, you still have an engineer aboard. With everyone in general agreement, Mayor Kelly asked Solicitor Maguire to write something out to that effect before they went up on the floor,.

Cmr Weintrob asked how the appointment of Doran will effect ACIA with their daily management of projects. Noting the condition of our infrastructure & the emergency work that must be done, lack of work was not an issue. Fralinger, one of firm's interviewed, was proffered as an example of an engineer who came highly recommended and might still be considered in the future - taking into account the myriad of projects Ventnor is facing. The Solicitor cautioned them to stay with discussions of the appointments - not to finalize their votes until they went on the floor.

Related to the engineer's appointment, Resolution No.19 was discussed. The Resolution is broad in wording to allow the Solicitor and the Municipal Engineer to determine if the contract change order could be accomplished legally without stopping work or if another public bid will be necessary. Doing one will not necessarily preclude the other. The change order estimates 50 water laterals @\$1,100 = \$55,000. However, that estimate is for laterals only and does not include unknown contract increases which might exceed the legal change order threshold of 20% (\$297,185).

EXECUTIVE SESSION CLOSED: 7:00 PM

Cmr Piatt moved, seconded by Cmr Weintrob, the Executive Session be ended. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on January 21, 2010 at 7:10 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr. Piatt moved, seconded by Cmr. Weintrob, that the minutes of the 12-16-09 special session engineer interviews, the 1-14-10 session for discussion of engineer appointments and the 12-17-09 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING FURNISHING/DELIVERING WATER METERS/WATER METER SETTING EQUIPMENT

Date of Bid Opening: January 12, 2010 @2:00 PM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk

1. HD Supply Waterworks \$62,415.00
Berlin, NJ
Bid Bond Attached
2. Atlantic Plumbing Supply Corp. \$26,141.00/Setting Equipment only
Long Branch, NJ
\$2614.00 Cashier's Check Attached

Report Submitted By Sandra M. Biagi, RMC/CMC

Cmr. Weintrob moved, seconded by Cmr Piatt the report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING FIRE HOUSE ROOF REPLACEMENT - HELD

Date of Bid Opening: January 14, 2010 @2:00 PM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk

1. Alper Enterprises, Inc. \$53,000.00
Moorestown, NJ
Bid Bond Attached
2. Brown & Guarino, Inc. \$65,500.00
Egg Harbor Twp., NJ
Bid Bond Attached
3. Union Roofing Contractors, Inc. \$43,900.00
Phila., PA
Bid Bond Attached
4. Mike Kobithen Roofing & Insulation, Inc. \$52,000.00
Churchville, PA
Bid Bond Attached
5. Cumberland USA, Inc. \$42,800.00
Ramsey, NJ
Bid Bond Attached
6. Gen II Contracting Co., Inc. \$22,630.00
Clarksburg, NJ
Bid Bond Attached
7. D.A. Nolt, Inc. \$46,377.00
Berlin, NJ
Bid Bond Attached

Report Submitted By Sandra M. Biagi, RMC/CMC, City Clerk

Mayor Kelly moved, seconded by Cmr Weintrob the report be received and filed and held in committee for further study.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS

INTRODUCTION OF ORDINANCE 2010-01

AN ORDINANCE AMENDING CHAPTER 7, SECTION 6, OF
THE CODE OF THE CITY OF VENTNOR CITY

Comr Weintrob moved, seconded by Comr Piatt that Ordinance 2010-01 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

PUBLIC INPUT OR QUESTIONS FOR ANY AGENDA ITEM UNDER CONSENT

Mayor Kelly asked if there were any questions on Resolutions No 01 thru 19 of 2010 before they were voted by Consent.

TIM KREISCHER, 117 N Somerset asked who was chosen as Engineer. MAYOR KELLY responded that MATTHEW F. DORAN will be the MUNICIPAL ENGINEER & the SPECIAL PROJECTS ENGINEER/PLANNING & ZONING that they are recommending to the Planning & Zoning Boards, is Vincent J Polistina & Company. KREISCHER complimented the choice of MATTHEW DORAN and asked what we will be paying him and if we would also be going with ACIA. As to Doran, MAYOR KELLY offered to copy KREISCHER the list of things w/costs and affirmed that we would also be going with ACIA (R12). Responding to confusion from an article appearing today, CMR PIATT explained that his press remarks referred to any service ACIA employed on our behalf would follow the normal public bidding process with contractors.. that ACIA will be managing the process. Further discussion of the press item ensued. KREISCHER questioned why Doran couldn't handle projects already bid using Brigantine as an example. The SOLICITOR noted that while Matt Doran is Brigantine's Engineer, they have used ACIA on certain projects. In response to whether the Engineer would attend Workshop & Commission meetings the MAYOR explained that MR DORAN would attend only when it's necessary. KREISCHER restated his rationale for employing Richard Carter. CMR PIATT attempted to clarify today's article on the subject of financing the proposed projects. The confusion resulted from a public speaker being quoted at the 1/14/10 Workshop.

PRISCILLA BEURET 15 S Richards commended the City for getting new signs (Item#15/R8). MAYOR KELLY explained that the Beautification Committee asked permission to hold a contest to design the City's entrance signs. Hopefully, local artists and people who just like to do drawings will take part. Since our signs needing updating, the MAYOR felt it was a great suggestion and it will turn out very nice.

MIKE WEISEN 326 N Dorset asked if the Zoning Board could expect Mr. Polistina to be at their Board meetings as Mr. Carter had been - that at last night's meeting, without the presence of an engineer, there were questions which went unanswered and a majority could not pass the one case before them. The MAYOR stated that Polistina is expected to attend when needed & that she had spoken with Chairman Reynolds on Monday & asked if an engineer was needed for the meeting as one was not being hired until tonight. Reynolds did not feel the necessity for an engineer to be there. WEISEN spoke of the level of comfort the board members had with Carter's presence & guidance over the years explaining ordinances & the types of variances. That new members, not having the same benefit of experience, felt open without the lack of security of an engineer to guide them. The MAYOR explained that the Board has the right to appoint whoever they choose but the governing body sets the salary for the Engineer. MIKE appreciated that the engineer had been comfortable over the years - like an old pair of slippers and while he was sorry Mr. Carter was leaving he understood that there were other factors involved. The MAYOR said that the only factor she was aware that was involved - was that he told her a year ago he was going to retire and needed one more year and they gave him that year and now, has maybe changed his mind but they had already gone out to see who was out there. The SOLICITOR added that once the Engineer is selected, the board can dictate if he's there or not - that if they want him there, just tell him you want him. MIKE reviewed his learning process as a new member & suggested it might be a good idea for any prospective member to sit a month or two just to observe some of the answers, how to routinely ask questions and learn a little bit before they're thrown in. Even though they have to attend the (state required) class what you learn at the course is not the real world.

MOTION FOR CONSENT AGENDA

There being no one further wishing to speak, Comr Weintrob moved, seconded by Comr Piatt that Resolutions No 1 thru 19 of 2010 be adopted by consent.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 1 OF 2010 - REFUND OF DEPOSITS SPECIAL STRIPER FISHING PIER KEY RETURNS

WHEREAS, the following people purchased a 2009 Striper Licenses in the amount of \$175.00 (\$75.00 for the license & \$100.00 key deposit); and

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WHEREAS, they returned their key before January 5, 2010 and have requested a refund of the \$100.00 key deposit sent to them:

Name	Address	Date Purchased	Key #
Niles D Webb	341 Essex Ave Marmora, NJ 08223	09-18-09	273
Rex Breuer	9 N Newark Ave Ventnor, NJ 08406	09-27-09	274
Harry Franks	1007 Maple Ave Linwood, NJ 08221	10-06-09	276
Joe Crowe	PO Box 676 Pomona, NJ 08240-0676	10-14-09	277

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Chief Financial Officer of the City of Ventnor City is authorized to mark the books and records accordingly.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 1 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 2 OF 2010 - AWARD OF CONTRACT, FURNISHING & DELIVERING OF WATER METERS & WATER METER SETTING EQUIPMENT

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on Tuesday, January 12, 2010 at 2:00PM two (2) bid proposals for WATER METERS & WATER METER SETTING EQUIPMENT; and

WHEREAS, the Water/Sewer Superintendent has reviewed same and have herewith recommended award to the lowest responsible bidder HD SUPPLY WATERWORKS, LTD.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for WATER METERS & WATER METER SETTING EQUIPMENT to HD SUPPLY WATERWORKS, LTD for their Total Amount Bid of \$62,415.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 2 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 3 OF 2010- RENEWAL OF IN-POCKET LIQUOR LICENSE 1022-44-013-004 TJ&J, INC

WHEREAS, there exists in the City of Ventnor City a certain In Pocket Plenary Retail Distribution License, being License #0122-44-013-004 issued to TJ&J, Inc.; and

WHEREAS, said liquor license has been In Pocket since May 30, 2002 thus requiring a Special Ruling from the Division of Alcoholic Beverage under NJSA 33:1-12.39 before renewal by the Governing Body for the period of July 1, 2009 to June 30, 2010; and

WHEREAS, said licensee has received the necessary approval from the Division of Alcoholic Beverage Control under NJSA 33:1-12.39 to permit the renewal of said liquor license for the 2008-2009 licensing year; and

WHEREAS, said licensee paid the annual renewal fee of \$360.00 and the required fee to the Division of Alcoholic Beverage Control of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Plenary Retail Distribution License #0122-44-013-004 issued to TJ&J Inc. is hereby renewed for the 2009-2010 license year.

BE IT FURTHER RESOLVED that as a special condition of said renewal no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2010.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 3 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 4 OF 2010 - ACCEPTING RESIGNATION OF EURIPIDES NOURAGAS

WHEREAS, Euripides Nouragas has tendered his resignation with the City of Ventnor City; and

WHEREAS, the Board of Commissioners of the City of Ventnor City wish to accept such resignation.

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NOW, THEREFORE, BE IT RESOLVED that the Ventnor City Board of Commissioners herein and hereby accepts the resignation of Euripides Nouragas effective 10-31-09.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No.4 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 5 OF 2010 - RECOGNITION OF EMPLOYEES WHO HAVE RETIRED SINCE 5-20-08

WHEREAS, certain employees have retired after serving more than 20 years as an employee or professional appointment with the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners wishes to publicly recognize the following employees for their years of service to the City of Ventnor:

EMPLOYEE NAME	DEPARTMENT	RETIREMENT DATE	YRS OF SERVICE
William M. Johnson	Tax Assessor	02-18-09	21
Frank G. Moore	Public Works	06-01-09	27
Robert A. Streb, Jr.	Police	06-01-09	31
Richard L. Carter	Engineer	12-31-09	25
Wayne Arnold	Police	01-01-10	26
Mary E. Larkin	Police Records	01-01-10	26

NOW, THEREFORE, BE IT RESOLVED that the Ventnor City Board of Commissioners herein and hereby acknowledges those employees hereinbefore listed and offers their thanks and appreciation for their years of dedicated service to the City of Ventnor City and extend their best wishes for a healthy, happy, enjoyable retirement.

BE IT FURTHER RESOLVED that this resolution be spread upon the Official Minutes of the City of Ventnor City.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 5 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 6 OF 2010 - TAX REFUND, OVERPAYMENT

WHEREAS, the 2009 tax on Block 81, Lot 12 known as 7106 Ventnor Ave, Ventnor, NJ and assessed to Mark N & Carol B Cohen was overpaid in the amount of \$1,874.75 due to the homeowner and Chase Home Finance paying; and

WHEREAS, Chase Home Finance, Mail Code OH4-7326, 3415 Vision Drive, Columbus, OH 43219 has requested a refund in the above amount sent to them.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue a refund check as stated above.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Tax Collector of the City of Ventnor City are authorized to mark their books and records accordingly.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 6 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 7 OF 2010 - RESCINDING PETTY CASH FUNDS

WHEREAS, N.J.S. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any County or Municipality by application and resolution, and

WHEREAS, it is the desire of the City of Ventnor City, County of Atlantic that the petty cash funds for the City Clerk's Office and the Police -Detective be rescinded;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City, County of Atlantic, State of New Jersey hereby authorizes such action and that two copies of this resolution be filled with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 7 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

January 21, 2010

RESOLUTION NO. 8 OF 2010 - GRANTING APPROVAL TO VENTNOR BEAUTIFICATION COMMITTEE TO HOLD SIGN DESIGNING CONTEST FOR VENTNOR CITY ENTRANCE SIGNS

WHEREAS, the Ventnor Beautification Committee has requested permission to hold a contest for the designing of signs to be placed at the entrance to the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners wishes to grant such approval for said contest.

NOW, THEREFORE, BE IT RESOLVED that approval is herein and hereby granted to the Ventnor Beautification Committee to hold a sign designing contest for Ventnor City entrance signs.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 8 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 9 OF 2010 - ESTABLISHING EMERGENCY NO PARKING AREAS DURING CONSTRUCTION (BATON ROUGE FROM WINCHESTER TO VENTNOR & TROY FROM MONMOUTH TO WINCHESTER)

WHEREAS, the Ventnor City Governing Body has awarded a Contract to Feriozzi Concrete Company for sewer and roadway improvements under the 2009 CAPITAL SEWER - CDBG Sewer and Roadway Improvements to Troy and Baton Rouge Avenues which will require that no parking be enforced to effectuate the speedy completion of the project and ensure the safety of the traveling public; and

WHEREAS, due to this construction a temporary condition exists necessitating special traffic regulations on the Municipal Street(s) as listed below; and

WHEREAS, in accordance with N.J.S.A. 39:197.3, a Municipality has the right to permit Special Traffic Regulations when circumstances of this type dictate its necessity.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the City of Ventnor City that it hereinafter authorizes the following temporary, special traffic regulations to be implemented in the City of Ventnor City, Atlantic County, New Jersey:

'No Parking' on both sides of:

<u>Roadway</u>	<u>From</u>	<u>To</u>
BATON ROUGE AVENUE	Winchester Avenue	Ventnor Avenue
TROY AVENUE	Monmouth Avenue	Winchester Avenue

AND BE IT FURTHER RESOLVED that prohibition of parking shall expire upon completion of the aforesaid project or thirty (30) days from this date of adoption, whichever is the sooner.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No.9 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 10 OF 2010 - APPROVAL OF EXTENSION OF TIME, MARKLAND DUE TO DETERIORATED STRUCTURAL STEEL REPAIRS

WHEREAS, a contract for repairs to the Ventnor City Public Works Building was awarded to M.B. Markland Contracting Co.; and

WHEREAS, during the performance of said contract severely deteriorated building structural steel supports were discovered requiring additional intense rust removal, coating, additional steel reinforcements and re-stuccoing of damaged area; and

WHEREAS, said work requires temperatures above 40 degrees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter approves extending the completion time of the contract with M.B. Markland Contracting Co. to May 1, 2010.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 10 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 11 OF 2010 - AUTHORIZING INTERLOCAL AGREEMENT WITH ACIA FOR MANAGEMENT SERVICES FOR ROADWAY/SEWER IMPROVEMENTS TO TROY & BATON ROUGE AVES

WHEREAS, the State of New Jersey through the Office of the Governor, encourages Municipalities and Boards to share services with the goal of reducing costs, improving services, and at the same time stabilizing tax rates for the benefit of taxpayers in the State of New Jersey; and

WHEREAS, the Interlocal Services Act, NJSA 40:8A-1 et seq. authorizes the City of Ventnor City in Atlantic County and the Atlantic County Improvement Authority to enter into a Contract for the sharing of services; and

WHEREAS, it is the desire of the Governing Body of the City of Ventnor City to authorize the execution of an Interlocal Governmental Services Agreement with the Atlantic County Improvement Authority for providing project management services for the roadway and sewer improvements to Troy and Baton Rouge Avenues project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City, Atlantic County, New Jersey, as follows:

- (1) The Preambles hereof are incorporated herein as though fully set forth at length.
- (2) The Mayor is hereby authorized to execute, and City Clerk to attest, to an
Interlocal Government Services Agreement with the Atlantic County Improvement Authority for providing project management services for the roadway and sewer improvements to Troy and Baton Rouge Avenues project.
A copy of said Agreement, in substantial form to be executed, is on file in the City Clerk's Office and available for inspection as a Public Document.
- (3) All Resolutions inconsistent with the provisions hereof are hereby immediately repealed upon adoption of this Resolution, which shall be effective immediately according to law.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 11 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 12 OF 2010 - AUTHORIZING INTERLOCAL AGREEMENT WITH ACIA FOR ENGINEERING & PROJECT MANAGEMENT SERVICES FOR SEWER MAIN REPLACEMENT PROJECT PHASE I

WHEREAS, the State of New Jersey through the Office of the Governor, encourages Municipalities and Boards to share services with the goal of reducing costs, improving services, and at the same time stabilizing tax rates for the benefit of taxpayers in the State of New Jersey; and

WHEREAS, the Interlocal Services Act, NJSA 40:8A-1 et seq. authorizes the City of Ventnor City in Atlantic County and the Atlantic County Improvement Authority to enter into a Contract for the sharing of services; and

WHEREAS, it is the desire of the Governing Body of the City of Ventnor City to authorize the execution of an Interlocal Governmental Services Agreement with the Atlantic County Improvement Authority for providing engineering and project management services for the Sewer Main Replacement project, Phase I.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City, Atlantic County, New Jersey, as follows:

- (1) The Preambles hereof are incorporated herein as though fully set forth at length.
- (2) The Mayor is hereby authorized to execute, and City Clerk to attest, to an Interlocal Government Services Agreement with the Atlantic County Improvement Authority for providing engineering and project management services for the Sewer Main Replacement project, Phase I.
A copy of said Agreement, in substantial form to be executed, is on file in the City Clerk's Office and available for inspection as a Public Document.
- (3) All Resolutions inconsistent with the provisions hereof are hereby immediately repealed upon adoption of this Resolution, which shall be effective immediately according to law.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 12 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 13 OF 2010 - AUTHORIZING PAYMENT OF MARTIN BLUMBERG INVOICE FOR ADDITIONAL SERVICES RENDERED - REPAIRS TO PW BUILDING

WHEREAS, Martin Blumberg was awarded a Professional Services Contract for the Design through Construction Phases of the Public Works Complex Main Plant Roof Replacement; and

WHEREAS, due to the discovery of significant latent defects in the building there is a need to increase the project scope of Architectural Services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City herein and hereby approves payment to Martin Blumberg for these additional services rendered.

BE IT FURTHER RESOLVED that the increase in services for this additional scope of work shall not exceed an additional \$9,735.00.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 13 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 14 OF 2010 - AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH CONCORD ATLANTIC ENGINEERS, INC FOR UPGRADES TO LILY PARK SEWERAGE PUMP STATION

WHEREAS, there is a need for professional mechanical and electrical engineering consultation and design services for the project to upgrade the Lily Park Sewerage Pumping Station ; and

WHEREAS, a Proposal has been obtained from Concord Atlantic Engineers, Inc. dated December 10, 2009 for an amount not to exceed \$22,900.00 and is attached hereto; and

WHEREAS, a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it accepts the Proposal from Concord Atlantic Engineers, Inc. to perform mechanical and electrical engineering consultation and design services for the project to upgrade the Lily Park Sewerage Pumping Station in accordance with their Proposal dated December 10, 2009 and attached hereto.

BE IT FURTHER RESOLVED that a Notice of this Contract Award shall be published at least once in the Atlantic City Press pursuant to the requirements of Chapter 198 of the Laws of 1971.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 14 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 15 OF 2010 - GRANTING APPROVAL FOR A CIRCULAR DRIVEWAY AT 15 S. DORSET

WHEREAS, by Resolution No. 22 of 2009 of the Ventnor City Zoning Board of Adjustment, Tiny Houses, LLC was granted certain variances for new construction on the property known as 15 S. Dorset Avenue, Block 61, Lot 3; and

WHEREAS, as a condition of said approval the Zoning Board of Adjustment has recommended that the Ventnor City Board of Commissioners allow a circular driveway with two curb cuts on Dorset Avenue; and

WHEREAS, such allowance would not be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED that the Ventnor City Board of Commissioners herein and hereby grants approval to Tiny Houses, LLC for a circular driveway with two curb cuts on Dorset Avenue at the premises known as 15 S. Dorset Ave., Block 61, Lot 3.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 15 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 16 OF 2010 - APPOINTMENT OF MUNICIPAL ENGINEER

*** WHEREAS Solicitor Maguire advised the Board of Commissioner that a formal motion should be made for the appointment of the Municipal Engineer and a separate motion appointing an alternate Special Projects Engineer which will be memorialized by Professional Service Agreements at a future meeting.

Cmr. Piatt moved, seconded by Cmr. Weintrob, that MATTHEW F. DORAN be appointed as the Municipal Engineer and that VINCENT J. POLISTINA be appointed as the Special Projects Engineer.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 17 OF 2010 - SUPPORTING 2010 CENSUS

WHEREAS an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

WHEREAS more than \$435 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS the information collected by the census is confidential and protected by law;

NOW, THEREFORE, BE IT RESOLVED that the Ventnor City Board of Commissioners is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.

Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.

Support census takers as they help our community complete an accurate count.

Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to Geraldine Clark, Partnership Coordinator of the U.S. Census Bureau and the New Jersey League of Municipalities.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 17 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 18 OF 2010 - EMERGENCY SEWER REPAIR WYE BRANCH/LATERAL, 301 HAMPSHIRE

WHEREAS, a sewer emergency exists requiring the immediate replacement of the wye branch and lateral at 301 Hampshire Drive; and

WHEREAS, the line is at a depth of 6 feet, making it necessary to engage the services of a Utility company to safely perform such repair.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Lafayette Utility Construction Company, Inc. is herein and hereby authorized to perform the emergency repair of the wye branch and lateral at 301 Hampshire Drive.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 18 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 19 OF 2010 - CONTRACT AMENDMENT TO INCLUDE WATER LATERALS (2009 CAPITAL SEWER - CDBG ROADWAY & SEWER IMPROVEMENTS IN BATON ROUGE & TROY AVES)

WHEREAS, on 11-19-09 by Resolution No. 163 of 2009, a contract was awarded to L. Feriozzi Concrete Co. for the 2009 Capital Sewer - CDBG Roadway & Sewer Improvements in Baton Rouge & Troy Aves; and

WHEREAS, the removal and replacement of water laterals was omitted from said plans, specifications & contract; and

WHEREAS, during and coinciding with the performance of the aforementioned contract, the City of Ventnor City desires to include the removal and replacement of water laterals in Baton Rouge and Troy Aves.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it herein and hereby authorizes the preparation of plans and specifications for the removal and replacement of water laterals on Baton Rouge Av from Winchester to Ventnor and Troy Av from Monmouth to Winchester.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 19 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BINGO LICENSE #362 & RAFFLE LICENSE #363 - ST. JAMES R.C. CHURCH

Cmr. Piatt moved, seconded by Cmr. Weintrob that Bingo License #362 and Raffle License #363 for St. James R.C. Church be approved.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$2,629,961.77 and payrolls from 12/19/09 to 12/31/09 in the amount of \$436,993.52 and from 1/1/10 to 1/15/10 in the amount of \$487,739.37 for approval. So ordered

ANNOUNCEMENTS

Mayor Kelly announced FEBRUARY 5, 2010 is NATIONAL WEAR RED DAY FOR WOMEN & hoped we will show support by wearing red for the ladies of our fair city, state & country.

APPOINTMENTS OF MATTHEW F. DORAN AS MUNICIPAL ENGINEER & VINCENT J. POLISTINA AS SPECIAL PROJECTS ENGINEER

*** Solicitor Maguire advised the Board of Commissioner that a formal motion should be made for the appointment of the Municipal Engineer and a separate motion appointing an alternate Special Projects Engineer which will be memorialized by Professional Service Agreements at a future meeting.

Cmr. Piatt moved, seconded by Cmr. Weintrob, that MATTHEW F. DORAN be appointed as the Municipal Engineer and that VINCENT J. POLISTINA be appointed as the Special Projects Engineer.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

PUBLIC COMMENTS MEETING ADJOURNED: 7:36PM

Cmr Piatt moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on February 18, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr. Piatt moved, seconded by Cmr. Weintrob, that the minutes of the 1-21-10-09 Regular Commission meeting and the 1-14-10 & 1-21-10 special sessions held for discussion of the City Engineer position be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

SWEARING IN OF CAPTAIN DONALD CANCELOSI AS POLICE CHIEF

Police Captain Donald Cancelosi & his family were called to the dais after which MAYOR KELLY administered the Oath of Office to DONALD CANCELOSI as CHIEF OF POLICE. Friends, relatives & fellow officers stood and applauded their appreciation.

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-01

The City Clerk read the Title of Ord 2010-01 'AN ORDINANCE AMENDING CHAPTER 7, SECTION 6, OF THE CODE OF THE CITY OF VENTNOR CITY' after which Cmr Weintrob moved the Ordinance be tabled. Mayor Kelly asked him to please state his reason for the motion.

WEINTROB said it was unfortunate that he hadn't read this Ordinance (or change in the Ordinance) until tonight but that this Ordinance clearly takes away all the responsibility from the Commissioners for which they were elected, i.e. to purchase anything in the City of Ventnor or to approve purchases in the City of Ventnor. He didn't think this was the thing intended by state statutes or under our code nor was it intended by the electorate to have the Administrator & Chief Financial Officer, who are employees of the City, be the only ones who can purchase anything in the City or approve anything in the City. Calling emergency appropriations "one of the best examples" he said that if either one of these people are not available & there is an emergency and the Commissioner in charge of that particular area is the only one available, they cannot make a decision on that purchase at that time. He felt it was contrary to basic law & to the bidding process that people elected them to do. He repeated his motion to table Ordinance 2010-01, rework it, review it and put it back on next month.

The City Clerk asked for a second to the motion to table Ord 2010-01. There being no second, the motion died.

The City Clerk requested the Public Hearing be opened. Mayor Kelley moved, seconded by Cmr Piatt the Public hearing of Ordinance 2010-01 be opened.

RICH BOBB 4901 Ventnor Av questioned what the procedures were before and with this Ordinance. The MAYOR deferred to TORO ABODERIN, CFO, who explained that the Ordinance cements what we do right now - that each department has their own budget and the Dept Head, which is the Cmr, has the right to purchase whatever they need for their dept. On the voucher of the PO, there are 3 sections that need signatures. Before it is sent to the vendors, the CFO & the Administrator sign it. When the vendor receives it, they sign the 'vendor' portion & provide the services. After it comes back to finance it goes back to the Dept Head where the requisition originated & he (Cmr) approves the purchase before it goes into the system. The Dept Head then signs his portion & payment is made. WEINTROB disagreed offering his opinion of what/how the procedure occurs for first approval - repeating that that the Ordinance circumvents the Cmrs rights & states clearly that *only* the CFO & the CA have those rights. The CFO clarified that 'H' said that only the CFO & the City Administrator have the right to expend/spend City funds. It is the Cmr that has already encumbered the money within the department. When the dept created the requisition, the Dept Head (Cmr) has already given it the first approval - it is already encumbered. WEINTROB disagreed as the CFO attempted again to explain each step. WEINTROB resumed his disputing of sections, saying he would continue to disagree until legal counsel explained. The SOLICITOR said that as Toro described, and after his review of the Ordinance, he felt very confident that whoever drafted this had patterned it after the statute and the statute is very clear in what has to be done - 1st it has to be a true emergency - it can't just act like an emergency to avoid the bidding laws; 2nd, the department requesting the emergency purchase shall contact the CFO - which means the Dept Head (Cmr) or a significant person like Tom Klein or Dave Smith whereupon the CFO makes sure there is funding available or could be made available in the budget for the emergency purchase. The Dept Head then submits the written request explaining why we had to do this as an emergency. The SOLICITOR said that in reviewing this he felt comfortable. That it is not strange to go through the CFO - that the wording on how the process works is patterned exactly after the statute & is on point as to what you are supposed to do and that he was confident that it is not a usurpation of anyone's power or any type of attempt to bypass someone or limit someone's power. Concluding, he added that in his experience, in all the years he had worked with municipal governments, emergencies come up very rarely but when they do, there is never debate or disagreement that there is an emergency. MAYOR KELLY asked RICH BOBB if he understood & was satisfied by their discussion. He responded in the affirmative.

CMR WEINTROB said he withdrew his motion. (Referencing an earlier motion which died from lack of a second)

Cmr. Piatt moved, seconded by Mayor Kelly, the Public Hearing be closed.

FINAL READING & ADOPTION OF ORDINANCE 2010-01

AN ORDINANCE AMENDING CHAPTER 7, SECTION 6, OF
THE CODE OF THE CITY OF VENTNOR CITY

Cmr Piatt moved, seconded by Mayor Kelly that Ordinance 2010-01 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS

CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

Mayor Kelly asked if there were questions on Resolutions No 20 thru 39 of 2010 before they were voted by Consent.

There being no one wishing to speak, Mayor Kelly moved, seconded by Cmr Piatt that Resolutions No 20 thru 39 of 2010 be adopted by consent.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 20 OF 2010 – ADOPTION OF CORRECTIVE ACTION PLAN - 2008 AUDIT REPORT

BE IT RESOLVED that the Ventnor City Board of Commissioners hereby accepts this Corrective Action Report for the 2008 Audit.

CORRECTIVE ACTION REPORT

City of Ventnor City, Atlantic County

Audit Report Date: March 13, 2009

Finding 08-1

Description:

The City incurred expenditures without an appropriation, over expenditures of appropriations and over expenditures of appropriation reserves.

Analysis:

The Prior CFO did not verify available budget appropriations prior to expenditures being made from the Current Fund. The revenues budgeted in the utility fund did not reflect current year billing rates.

Corrective Action:

An availability of funds is certified prior to expenditures being made.

Implementation Date: January 2, 2009

Finding 08-2

Description:

The payroll agency account was not properly maintained and a shortage of \$8,275 existed in the account at year end.

Analysis:

The prior CFO did not reconcile the agency account to ensure all funds were identified, therefore payments required to be made out of the payroll agency account were unfunded.

Corrective Action:

The payroll agency account will be reconciled on a monthly basis and all remaining balances will be identified.

Implementation Date: July 2009

Finding 08-3

Description:

The Construction Office personnel are charging fees for permits that are not in accordance with the approved ordinance.

Analysis:

Personnel are incorrectly interpreting the fees that have been approved by the governing body.

Corrective Action:

Construction and permit fees should be charged in accordance with approved ordinance. If the approved fees are not appropriate, a new ordinance will be passed by the governing body in 2010.

Implementation Date: April 2009

Finding 08-4

Description:

Of the five properties selected for testing, none of the issued certificates of occupancy were properly added to the tax rolls.

Analysis:

Due to the lack of coordination between the construction office and the tax assessor office, not all properties are included in the added and omitted taxes.

Corrective Action:

A new Tax Assessor was hired and is working in concert with the Construction Office to ensure all CO's that are issued are brought to the Assessor's Office and included in the added and omitted taxes.

Implementation Date: June 2009

Finding 08-5

Description:

The subsidiary ledger for permit fees could not be reconciled by approximately \$1,100 to the quarterly reports printed from the computer system.

Analysis:

Because the Construction Office personnel were unaware that the quarterly reports were required to be in agreement with the detail they did not reconcile the quarterly reports to the computer generated reports.

Corrective Action:

The Construction Office is to reconcile a reconciled permit fee log quarterly.

Implementation Date: April 2009

Finding 08-6

Description:

Fees are not being charged in accordance with the approved ordinances and supporting documentation for the amounts collected is not in agreement with the funds turned over to the finance office. The difference between the fees received and the fees per ordinance were unable to be determined.

Analysis:

Personnel are ignoring fees that have been approved by the governing body and there is no reconciliation done to determine if the proper funds are being turned over to the City for revenues such as the tennis courts and the fishing pier.

Corrective Action:

All fees charged will be in accordance with the approved ordinances and supporting documentation should be maintained to support the amounts being turned over to the finance office.

Implementation Date: April 2009

Finding 08-7

Description:

The trust account reserves have not been analyzed to determine appropriate balances.

Analysis:

Because the trust account reserves have not been analyzed, it was impossible to be determined if the appropriate reserve balances are recorded.

Corrective Action:

The CFO will review all trust reserve balances and analyze them to ensure the correct balances are recorded on a monthly basis.

Implementation Date:

Finding 08-8

Description:

Grants are not being properly posted to the general ledger. Grants have not been analyzed to determine if the funds are still available for use. The total of the grants still available to the City was unable to be determined.

Analysis:

Because the Grants are not properly posted to the General Ledger and have not been analyzed, the totals available were undeterminable.

Corrective Action:

The grants were reviewed to ensure that the funds are available for use and all grants are properly recorded and tracked in the general ledger.

Implementation date: September 2009

Finding 08-9

Description:

The general ledger did not reflect accurate activity for the current year; the current fund did not have any tax activity posted. And receipts and disbursements were inaccurate. No general ledger activity was noted other than in the Current Fund.

Analysis:

The staff was neither trained nor informed as to the purpose and proper use of the General Ledger and therefore did not record activities properly.

Corrective Action:

The staff will be re-trained as to the purpose and use of the General Ledger. The staff will be refrained from making entries directly into the General Ledger.

Implementation date: Work is still in progress.

Finding 08-10

Description:

Bank reconciliations for six out of 22 accounts were not in agreement with the general ledger.

Analysis:

Because of the multiple incorrect entries recorded in the General Ledger it was impossible to accurately reconcile all Bank Accounts to the general ledger.

Corrective Action:

The staff was trained to reconcile all bank accounts on a monthly basis and ensure the balances available are in agreement with the general ledger. The staff was also trained to properly record any adjustments with supporting documentation.

Implementation Date: Work is still in progress.

Finding 08-11

Description:

The City was unable to provide a complete set of financial statements, including related disclosures.

Analysis:

The City does not currently employ or contract with an individual or consultant with knowledge and experience to prepare a complete set of financial statements, including related disclosures.

Corrective Action:

The City will examine the options to determine the most cost effective resolution to bring the City into compliance with the new accounting standard.

Implementation Date: Work still in progress.

Finding 08-12

Description:

No written procedures are maintained by the City for cash receipts or disbursements, including payroll procedures.

Analysis:

Because written procedures have not been maintained by City personnel for procedures followed for all transactions, the City did not have documentation of controls for appropriate monitoring.

Corrective Action:

The staff has been instructed to provide written procedures for all transactions performed, including payroll, cash receipts and disbursements. These procedures are to be maintained as processes change.

Implementation Date: July 2009 but work is still ongoing.

Finding 08-13

Description:

A complete fixed asset listing was unavailable for audit.

Analysis:

The City has not maintained and updated the asset listing for all purchases and sales of City's assets

Corrective Action:

A fixed asset ledger has been established moving forward. In 2010 the City will look into hiring an outside vendor to perform a comprehensive audit of all fixed asset and utilize the current financial system for record keeping.

Implementation Date:

Finding 08-14

Description:

The disbursement account had a remaining balance of approximately \$270,000, which could not be reconciled back to the source.

Analysis:

The staff did not reconcile the funds coming into and out of the disbursement account to ensure that all funds were properly transferred from the correct accounts.

Corrective Action:

It is still impossible to correctly identify the source of the balance in the disbursement account but going forward ensure that funds are transferred from the correct accounts and also eliminate the use of the disbursement account so that all funds have their own separate accounts beginning January 2010.

Implementation Date: November 2009 but work is still ongoing.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 20 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 21 OF 2010 – AUTHORIZING PARTICIPATION IN ATLANTIC COUNTY SPONSORED PARIS GRANT CONTINUATION OF RECORDS PURGING, REORGANIZATION & INVENTORIES SHARED SERVICES PROJECT

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management preservation and storage needs of county and municipal governments; and

WHEREAS, a top priority if the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-2011 grant cycle, priority funding will be given to County Sponsored Municipal Inventory Continuation and Records Reorganization projects; and

WHEREAS, the City of Ventnor City desires to collaborate with Atlantic County in the performance of County Sponsored Municipal Inventory Continuation and Records Reorganization projects; and

WHEREAS, the City of Ventnor City is acknowledging that their eligible funding of \$40,000.00 will be leveraged with Atlantic County; and

WHEREAS, the City of Ventnor City is acknowledging that Atlantic County would be both the lead agency and the applicant for such a proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the City of Ventnor City does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above and to execute and deliver all documents required incident thereto.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 21 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 22 OF 2010- APPROVING VENTNOR BEAUTIFICATION COMMITTEE REQUEST & NORTH BEACH VENTNOR RESIDENTS’ COMMITTEE FOR VC LIFE GUARD BOATS

WHEREAS, the Ventnor Beautification Committee and the North Beach Ventnor Residents’ Committee have requested surplus lifeguard boats to use for decorative purposes only; and

WHEREAS, the City of Ventnor City has two surplus lifeguard boats which are no longer operable and of no monetary value.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it herein and hereby donates one surplus lifeguard boat to the Ventnor Beautification Committee and one surplus lifeguard boat to the North Beach Ventnor Residents’ Committee which boats are no longer operable and of no monetary value.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 22 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 23 OF 2010 – TAX REFUNDS, OVERPAYMENTS

WHEREAS, there are certain properties in the City of Ventnor City that have credit balances on their tax accounts for various reasons; and

WHEREAS, these credits should be refunded as follows:

<u>BLK/LT/QUAL</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>REASON</u>
178/14	Murphy	127 N Wissahickon Ave	\$204.29	Duplicate Payment
237/3	Tracy	307 Windsor Dr	\$736.03	Tax Appeal
51/5	Conklin	19 S Hillside Ave	\$789.39	Homestead Rebate
154/7	VanDuyne	117 N Dudley Ave	\$1,447.96	Duplicate Payment
154/8	VanDuyne	119 N Dudley Ave	\$447.72	Duplicate Payment
129/16	1 st American	20 N Rosborough Ave	\$1,762.47	Duplicate Payment
211/10	Cianci	5400 Balfour Ave	\$3,264.66	Duplicate Payment

69.02/9 CB	Markus	6313 Ocean Ave	\$1,886.68	February 18, 2010
45/14	Eplan/Tedesco	4802 Ventnor Ave	\$2,249.81	Duplicate Payment
				Tax Appeal

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is hereby authorized to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No.23 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 24 OF 2010 – WATER/SEWER REFUNDS, OVERPAYMENTS

WHEREAS, the water/sewer on Block 285, Lot 14 assessed to Thomas Grimley and known as 506 N Oxford Ave, Ventnor, NJ was overpaid in the amount of \$874.50 due to a payment by the homeowner and the mortgage company; and

WHEREAS, Service Link, 4000 Industrial Blvd., Aliquippa, PA 15001 has requested a refund sent to them; and

WHEREAS, the water/sewer on Block 308, Lot 11 known as 610 N Suffolk Ave, Ventnor, NJ and assessed to Gregg & Tiffany Chakov was overpaid in the amount of \$566.30 due to the homeowner and the mortgage company paying; and

WHEREAS, CitiMortgage, 95 Methodist Hill Drive, Suite 100, Rochester, NY 14623 Attn: Refunds has requested a refund sent to them.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City have authorized the Chief Financial Officer of the City of Ventnor City to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 24 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 25 OF 2010 – AUTHORIZING ACUA TO OBTAIN WET & DRY WEATHER FLOW INFORMATION FROM TEMPORARY PUMPING STATION ON HARVARD AVE

WHEREAS, the City of Ventnor City has requested to tie a portion of the City's municipal sewer system directly into the ACUA's regional system at Wellington Avenue and West End Canal; and

WHEREAS, certain engineering data detailing the impacts to the regional system must be provided prior to the request being considered; and

WHEREAS, the ACUA has estimated that the City's share of this effort will be \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City hereby authorizes the ACUA to perform the necessary testing to obtain wet and dry weather flow information from the temporary pumping station on Harvard Avenue.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 25 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 26 OF 2010 – AUTHORIZING ENGINEER TO PURSUE REMAINING PERMITS, FINALIZE DESIGN & AUTHORIZE PUBLIC BID, MILLING & OVERLAY OF ATLANTIC AVE PHASE I, JACKSON TO DORSET (NJ DOT FY2010 MUNICIPAL AID PROGRAM)

WHEREAS, the City of Ventnor City has determined a need to repave a portion of Atlantic Avenue; and

WHEREAS, the City of Ventnor City has previously secured funds from the New Jersey Department of Transportation in the amount of \$190,000.00 and wishes to pursue the design and Public Bid for the project.

NOW, THEREFORE, IT BE RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to pursue all remaining permits, finalize the project design and upon completion of the above, authorize the project to be publicly bid as required.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 26 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 27 OF 2010 – AUTHORIZING ENGINEER TO PURSUE REMAINING PERMITS, FINALIZE DESIGN & AUTHORIZE PUBLIC BID IMPROVEMENTS TO BULKHEAD PW COMPLEX

WHEREAS, the City of Ventnor City has a need for a new Bulkhead located at the Public Works Complex and has secured funds for the same; and

WHEREAS, the City of Ventnor City has previously secured an New Jersey Department of Environmental Permit for the project and wishes to continue with the request for all applicable permits and request Public Bids for the project:

NOW, THEREFORE, IT BE RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to pursue all remaining permits, finalize the project design and upon completion of the above, authorize the project to be publicly bid as required.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 27 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 28 OF 2010 – AUTHORIZING ENGINEER TO PURSUE REMAINING PERMITS, FINALIZE DESIGN & AUTHORIZE PUBLIC BID RECONSTRUCTION OF VARIOUS STREETS

WHEREAS, the City of Ventnor City has determined a need for Sewer, Water and Street Reconstruction as follows:

1. Somerset Avenue- 200 Block North.
2. Victoria Avenue- 600 Block North.
3. Suffolk Avenue- 400 Block North.
4. Balfour Avenue- Between Surrey and Suffolk Avenues. and;

WHEREAS, the City of Ventnor City has previously secured funds within a previous Bond Ordinance and wishes to continue with the request for all applicable permits for the project, and continue with the design and preparation of bid documents:

NOW, THEREFORE, IT BE RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to pursue all remaining permits, finalize the project design and upon completion of the above, authorize the project to be publicly bid as required.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No.28 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 29 OF 2010 – AUTHORIZING ENGINEER TO PURSUE REMAINING PERMITS, FINALIZE DESIGN & AUTHORIZE PUBLIC BID, SANITARY SEWER PUMP STATION (FULTON AVE, VENTNOR HEIGHTS)

WHEREAS, the City of Ventnor City has need for a investigation and repair of the Sanitary Sewer Pump Station located at Fulton Avenue in Ventnor Heights; and

WHEREAS, the City of Ventnor City has previously secured funds for repair or replacement of the pump station and piping as may be needed.

NOW, THEREFORE, IT BE RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to pursue all remaining permits, finalize the project design and upon completion of the above, authorize the project to be publicly bid as required.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 29 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 29A OF 2010 – AUTHORIZING APPLICATION FOR LOAN FROM NJ INFRASTRUCTURE FINANCING PROGRAM

RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY INFRASTRUCTURE FINANCING PROGRAM

WHEREAS, the City of Ventnor City, County of Atlantic, intends to file an Application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the **2010 INSTALLATION OF A PUMP STATION AND FORCE MAIN AT WEST CANAL.**

NOW, THEREFORE, BE IT RESOLVED by the City of Ventnor City Commission that Matthew F. Doran, P.E., P.P., P.L.S., C.M.E., Municipal Engineer be authorized to act as the Authorized Representative to represent the City of Ventnor City in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at Doran Engineering, 840 N. Main Street, Pleasantville, New Jersey 08232, (609) 646-3111 phone, (609) 641-0592 fax).

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 29A of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 30 OF 2010 – AWARD OF CONTRACT FIRE HOUSE ROOF REPLACEMENT TO CUMBERLAND USA, INC IN THE AMOUNT OF \$42,800

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on January 14, 2010 at 2:00PM seven (7) bid proposals for THE ROOF REPLACEMENT AT THE NEW HAVEN & WINCHESTER AVE FIREHOUSE; and

WHEREAS, Peter C. Weiss, Architect has reviewed same and has herewith recommended award to the second lowest bidder CUMBERLAND USA, INC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for THE ROOF REPLACEMENT AT THE NEW HAVEN & WINCHESTER AVE FIREHOUSE to CUMBERLAND USA, INC for their Total Amount Bid of \$42,800; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer shall be attached hereto.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 30 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 31 OF 2010 – AUTHORIZING INTERLOCAL SERVICE AGREEMENT WITH ACIA FOR ADMINISTRATION OF CDBG PROGRAM (YEAR 2010) FOR PROJECT KNOWN AS LILY PARK FORCE MAIN MODIFICATION

WHEREAS, the City of Ventnor has opted to participate in the Atlantic County Community Development Block Grant (CDGB) Program for FY 2009; and

WHEREAS, as a participant, the City of Ventnor expects to be allocated \$68,779.00 for Fiscal Year 2009 for the project known as Lily Park Force Main Modification; and

WHEREAS, in order to be allocated CDGB funds, the City of Ventnor must enter into an interlocal service agreement with the Atlantic County Improvement Authority, the administrator of the Atlantic County CDGB Entitlement Program.

NOW, THEREFORE, BE IT RESOLVED that the Agreement by and between the Atlantic County Improvement Authority and the City of Ventnor, which is attached hereto, is approved and Mayor and the Municipal Clerk are authorized to sign said agreement.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 31 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 32 OF 2010 – AUTHORIZING CHANGE ORDER #2, M.B. MARKLAND CO , ALTERATIONS TO PUBLIC WORKS BLDG

WHEREAS, the Board of Commissioners of the City of Ventnor City entered into a Contract with M.B. Markland Contracting Co on October 20, 2009 for the TOWER & WALL RESTORATION, FLAT ROOF REPLACEMENT & TILE ROOF PATCHING AT THE VENTNOR CITY PUBLIC WORKS BUILDING for the total amount bid of \$574,400.00; and

WHEREAS, it was necessary to include or adjust various contract work, all as necessary for the successful completion of the project as outlined in Change Order No. 2, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Change Order No. 2 for the TOWER & WALL RESTORATION, FLAT ROOF REPLACEMENT & TILE ROOF PATCHING AT THE VENTNOR CITY PUBLIC WORKS BUILDING, which Change Order will increase the Original Contract Amount by \$50,940.41 thus bring the Total Adjusted Contract Amount to \$657,076.74; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued from the Municipal Chief Financial Officer be attached to this Resolution.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 32 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 33 OF 2010 – AUTHORIZING CHANGE ORDER #1, 2009 CAPITAL SEWER - CDBG ROADWAY AND SEWER IMPROVEMENTS IN BATON ROUGE AND TROY AVES

WHEREAS, the City of Ventnor City did award a contract for “2009 Capital Sewer – CDBG, Roadway and Sewer Improvements in Troy Avenue – From Monmouth to Winchester Avenues, Baton Rouge Avenue – From Winchester to Ventnor Avenues” and did enter into a contract with L. Feriozzi Concrete Company in the amount of \$297,185.00; and

WHEREAS, during performance of the project, it was determined that the existing water services were in disrepair and that fifty-two (52) would be replaced in order to properly complete and enhance the project. The additional work being herein enclosed in Appendix A;

NOW, THEREFORE, BE IT RESOLVED that the Contract for the “2009 Capital Sewer – CDBG, Roadway and Sewer Improvements in Troy Avenue – From Monmouth to Winchester Avenues, Baton Rouge Avenue – From Winchester to Ventnor Avenues” be amended from \$297,185.00 to \$349,185.00; a Net Increase of \$52,000.00

**APPENDIX A
WORK CHANGE ORDER #1
2009 CAPITAL SEWER - CDBG
ROADWAY AND SEWER IMPROVEMENTS TO
TROY AVENUE – Monmouth to Winchester
BATON ROUGE AVENUE – Winchester to Ventnor
City of Ventnor City
Municipal Project No. V2338
Doran #11434**

Item	Description	Contract Quantity	Unit	Unit Price	Total
1	Maintenance and Protection of Traffic	LS	LS	\$29,338.00	\$29,338.00
2	Earth Excavation for Test Pits	10	CY	\$100.00	\$1,000.00
3	Milling, 2" Average Depth	3,500	SY	\$4.25	\$14,875.00
4	Removal of Concrete Roadway (Base and Surface)	144	SY	\$0.50	\$72.00
5	Permanent Trench Restoration, HMA, Mix I-2, 4"th	225	TON	\$82.00	\$18,450.00
6	Hot Mix Asphalt Surface Course, Mix I-5 2" th	500	TON	\$60.00	\$30,000.00
7	Remove and Replace 6"x8"x18" Vertical Concrete Curb	2,250	LF	\$16.00	\$36,000.00
8	Remove and Replace 6" x 24" Concrete Gutter	2,250	LF	\$15.00	\$33,750.00
9	Remove and Replace 6"x48" Concrete Rocker Gutter	60	LF	\$30.00	\$1,800.00
10	Remove and Replace Concrete Sidewalk, 4"th	500	SY	\$55.00	\$27,500.00
11	Remove and Replace Concrete Driveway Aprons, 6"th	140	SY	\$48.00	\$6,720.00
12	Remove and Replace 8" Sanitary Sewer Main	1,100	LF	\$66.00	\$72,600.00
13	Remove and Replace Sanitary Sewer Manhole	3	UN	\$2,950.00	\$8,850.00
14	Repair Sanitary Sewer Manhole	2	UN	\$500.00	\$1,000.00
15	Remove and Replace 6" Sanitary Sewer Lateral	725	LF	\$11.00	\$7,975.00
16	Reset Water Valve Boxes (if & where directed)	3	UN	\$75.00	\$225.00
17	Reset Manhole Castings (if & where directed)	2	UN	\$350.00	\$700.00
18	Retrofit Inlets	2	UN	\$450.00	\$900.00
19	Public Sidewalk Curb Ramp Delineation	24	SY	\$220.00	\$5,280.00
20	Traffic Markings, Lines, Long Life, Epoxy Resin (IWD)	150	LF	\$1.00	\$150.00
				SUB TOTAL	\$297,185.00
	Supplemental Agreement				
SA-1	Water Service	52	UN	\$1,000.00	\$52,000.00
				AMENDED CONTRACT TOTAL	\$349,185.00

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 33 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 34 OF 2010 – CONFIRMING APPOINTMENT OF MATTHEW DORAN AS MUNICIPAL ENGINEER

WHEREAS, the City of Ventnor is desirous of entering into a Professional Services Contract with Matthew Doran, P.E., of Doran Engineering, 840 North Main Street, Pleasantville, New Jersey 08232; and

WHEREAS, the City of Ventnor is desirous of using such knowledge and expertise of Matthew Doran to implement the services required herein; and

WHEREAS, a Professional Services Contract may be awarded without competitive bidding pursuant to the Open Public Contracts Law; and

WHEREAS, Matthew Doran was selected pursuant to a fair and open process as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY AS FOLLOWS:

Section I: Matthew Doran is hereby awarded a Professional Services Contract to perform all engineering services on an as needed basis as directed by the City of Ventnor.

Section II: A Professional Services Contract is awarded to Matthew Doran pursuant to the following conditions:

- A. Nature of Contract: The nature of the contract is to complete any and all tasks and engineering services as so required.
- B. Duration: The duration of the contract shall be for a period of one (1) year from the date of January 1, 2010.
- C. Service and Amount: The amount for the services to be provided pursuant to this contract are set forth in a certain contract entered into between Matthew Doran and the City of Ventnor which is attached hereto and incorporated in this Resolution by this reference.

Section III: This Resolution detailing the terms and conditions of the Professional Contract with Matthew Doran of Doran Services Engineering is to be placed on file and made available for public inspection in the Office of the City Clerk of the City of Ventnor. Said Resolution should be made available for public inspection upon request. The City Clerk shall cause to be published in the official newspaper of the City of Ventnor a brief notice stating the nature, duration, service and amount of the contract and that the Resolution is on file and available for public inspection in the City Clerk's Office.

Section IV: The award of the contract pursuant to this Resolution shall become effective immediately upon adoption.

BE IT SO RESOLVED.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 34 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 35 OF 2010 – CONFIRMING APPOINTMENT OF VINCENT POLISTINA AS SPECIAL PROJECTS ENGINEER

WHEREAS, the City of Ventnor is desirous of entering into a Professional Services Contract with Vincent J. Polistina, PE,PP, of Polistina & Associates, 6684 Washington Avenue, Egg Harbor Township, New Jersey 08234 as an Alternate Engineer; and

WHEREAS, a Professional Services Contract may be awarded without competitive bidding pursuant to the Open Public Contracts Law; and

WHEREAS, this contract is being awarded pursuant to the fair and open process as set forth in State statute.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY AS FOLLOWS:

Section I: Vincent J. Polistina of Polistina & Associates is hereby awarded a Professional Services Contract as the Alternate Engineer for the City of Ventnor to be used on an as needed basis if the City Engineer is unable to perform engineering services on any project for any reason.

Section II: A Professional Services Contract is awarded to Vincent J. Polistina pursuant to the following conditions:

- A. Nature of Contract: The nature of the contract is to complete any and all engineering tasks on an as needed basis as the Alternate Engineer for the City of Ventnor.
- B. Duration: The duration of the contract shall be for a period of one (1) year from the date of January 1, 2010
- C. Service and Amount: The amount for the services to be provided pursuant to this contract are set forth in the contract entered into between Vincent J. Polistina and the City of Ventnor which is attached hereto and incorporated in this Resolution by this reference.

February 18, 2010

Section III: This Resolution detailing the terms and conditions of the Professional Services Contract entered into between the City of Ventnor and Vincent J. Polistina is to be placed on file and made available for public inspection in the Office of the City Clerk of the City of Ventnor. Said Resolution should be made available for public inspection upon request. The City Clerk shall cause to be published in the official newspaper of the City of Ventnor, a brief notice stating the nature, duration, service and amount of the contract and that the Resolution is on file and available for public inspection in the City Clerk's Office.

Section IV: The award of the contract pursuant to this Resolution shall become effective immediately upon adoption.

BE IT SO RESOLVED.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 35 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 36 OF 2010 – WAIVING PENALTY WAIVED FOR TAX PAYMENTS POSTMARKED BY 2-10-10 OR RECEIVED BY 2-11-10

WHEREAS, interest penalties are assessed for tax payments made after the tenth of the month in which they are due; and

WHEREAS, severe weather in the area during the first two weeks of February caused the closing of Ventnor City Hall on February 10, 2010 and the disruption of mail service thus casing many tax payments to be received late; and

WHEREAS, the Ventnor City Board of Commissioners desires to waive the penalty for tax payments postmarked by February 10, 2010 or received by February 11, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Ventnor City Board of Commissioners herein and hereby waive the penalty for tax payments postmarked by February 10, 2010 or received by February 11, 2010.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 36 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 37 OF 2010 – AUTHORIZING 3YR CONTRACT WITH COMTEC COMMUNICATIONS AND BROADVIEW NETWORKS FOR TELEPHONE SYSTEM UPGRADES & BILL CONSOLIDATION

WHEREAS, there exists a need for the upgrading and bill consolidation of the telephone system within the City of Ventnor City; and

WHEREAS, a proposal has been received from Comtec Communications and Broadview Networks for such services; and

WHEREAS, it is in the best interest of the City of Ventnor City to accept such proposal.

NOW, THEREFORE, BE IT RESOLVED that the Ventnor City Board of Commissioners herein and hereby authorizes the execution of a 3 year contract with Comtec Communications and Broadview Networks for telephone system upgrades and bill consolidation.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 37 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 38 OF 2010 – ESTABLISHING POLICE DEPARTMENT PETTY CASH FUND

WHEREAS, N.J.S. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any County or Municipality by application and resolution, and

WHEREAS, it is the desire of the City of Ventnor City, County of Atlantic to establish such a fund for the Police Department—Detective in the amount of \$1,000.00; and

WHEREAS, the custodian for this fund is, the Chief of Police, who is bonded for the amount of \$50,000.00 such custodian, shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City, County of Atlantic, State of New Jersey hereby authorizes such action and that two copies of this resolution be filled with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 38 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 39 OF 2010 – AUTHORIZING PAYMENT TO XTC CONSULTING FOR TELECOMMUNICATION BILLING REVIEW & AUDIT

WHEREAS on May 5th of 2008, the then Finance Officer, entered into a contract with XTC Consulting, on behalf of the City, to conduct a complete analysis of the City's telecommunications network and service; and

WHEREAS, XTC Consulting conducted the analysis and identified procedures that produced refunds and savings for the City of Ventnor City; and

WHEREAS, the City's Network Administrator, Jim Pacanowski and Police Network Administrator, Sgt. Marc Franco have reviewed the analysis and agreed that the City benefited from the procedures that were identified by XTC Consulting; and

WHEREAS, the City has budgeted for this contract in the 2010 budget;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City, County of Atlantic, State of New Jersey hereby authorizes payment of \$7,400.42 to XTC Consulting for the services rendered.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 39 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$3,533,671.08 and payrolls from 1/16/10 to 1/29/10 in the amount of \$433,987.61 and from 1/30/10 to 2/12/10 in the amount of \$489,118.22 for approval. So ordered

APPOINTMENT OF PETER COURTER AS ALT #1 MEMBER OF ZONING BD OF ADJUSTMENT TO FILL UNEXPIRED TERM OF STEPHEN RICE UNTIL 12-1-11

Mayor Kelly announced the appointment of Peter Courter to the Zoning Board of Adjustment as Alternate #1 & noted that she had received a letter from Mr. Courter requesting he be considered to serve on the board..

PUBLIC COMMENTS

TIM KREISCHER, 117 N Somerset asked why R30, \$42,800/firehouse roof is being bonded when \$50,000 was set aside in the 2008 Budget for repair. He guessed what the cost might be with bonding vs cash. The MAYOR explained unexpended balances, reserved funds – how they may be used. She declared that the roof was in such bad shape, it had to be done. After further similar questions, MAYOR KELLY asked KREISCHER why he didn't just fix the roof when he was in office. He said they planned to but the election changed that - but they could have in the 7 ½ months following. The Mayor countered that the firehouse roof had been bad for quite awhile and when they got in office, they found so many things - they didn't know where to begin. It was the Chief who told her the firehouse roof had to be done. KREISCHER posed more budget funding & disbursement questions relative to surplus. CFO Aboderin responded. The MAYOR reiterated the same responses she had given KREISCHER previously to the same questions he was repeating tonight. In response to his assertion that the roof bonded will cost \$75,000 - the Mayor restated that he knew the roof had to be done & he should have done it! Further opinions were expressed on bonding vs cash.

KREISCHER asked for the City's position on the County Waste Flow Issue with ACUA. The MAYOR & CMR PIATT said that it sounds good on the surface but needed to know more about it. KREISCHER said it appeared from the chart that Ventnor might save \$30-35,000 but was concerned that if it did not go through, Ventnor's bond rating could suffer if ACUA defaults. Referring to the western part of the county coming to the Freeholder Meeting in opposition – he wondered why the eastern seaboard communities hadn't. The MAYOR stated how privileged Ventnor was to have Rick Dovey come himself to explain it all in detail, that they have continued to stay in contact and that our Freeholders have been properly representing us in the media. KREISCHER thought the Commissioner should reopen the meeting & adopt a resolution supporting the waste flow system to let the Freeholders know they have some support from the eastern part of the county. The MAYOR felt sure they already knew they had that support.

KREISCHER said that while he was not unhappy with the quality of education provided by ACHS after last year's ACHS tuition increase from \$16 to \$20,000 per student & there being only 1 sending district representative (Ventnor) allowed to sit on the ACBOE, he suggested that the sending districts should file a Federal Law Suit against the State of NJ for violating our civil rights of taxation without representation. He expounded upon lack of representation being a major point of the lawsuit noting that the 1994-95 lawsuit changed the law of representation. He said he had already asked our BOE but has had not seen any action due to money being tight & they don't want to spend the money.

DENNIS KELLY, 106 S CAMBRIDGE addressed the capital improvement issue of the firehouse roof. He explained that in an attempt to bring things into perspective, he went back through the budgets from 2003 thru 2008. For Improvement to Fire Stations in 2003, 2004 & 2005 nothing was budgeted in Capital Improvement. In 2006, \$30,000 was appropriated for the fire stations and nothing was spent. The \$30,000 was held in reserve. In 2007, \$50,000 was appropriated for improvements to the fire stations and nothing was spent. The \$50,000 was held in reserve. So when the \$50,000 was placed in the appropriation for 2008 as stated by former Mayor Kreischer, they had to do that - because you're required every other year after you don't spend the money, to spend the money that you appropriated two years before. That's point #1. Point No.2 Appropriated for all accounts in 2008 \$763,000 \$123,402 was spent & \$639,848 was held in reserve. The Mayor gave the reasons why – as a new administration they wanted to see what money we had. The money appropriated in 2008 reverts directly to what was appropriated & expended in 2006. In 2006, \$615,350 was appropriated. They reserved \$338,127 which meant that of the \$763,000 in the 2008 Budget they had to appropriate at least \$338,000 because they didn't spend that 2 years before. In summation, he said he just wanted to fill them in; that we need to have all the facts before we get up and start presenting things - asking why you didn't spend this or why you didn't do this. And, as far as the fire stations - they should have been repaired in 2006 because the money was appropriated.

ANNOUNCEMENTS

The Mayor thanked Emergency Management Coordinator, Bill Melfi, Supt Dave Smith, Supt Tom Klein, Chief Sabo, Chief Cancelosi, the Dispatch personnel & City Administrator, Sandy Biagi for all the help they gave to us and the residents during the big snow storm & the ones that came one after another.

ADJOURNED: 8:01PM

Cmr Piatt moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on March 18, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr. Piatt moved, seconded by Cmr. Weintrob, that the minutes of the 2-18-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-02

AN ORDINANCE REGULATING THE PLACEMENT AND USE OF DUMPSTERS & PORTABLE STORAGE UNITS WITHIN THE CITY OF VENTNOR CITY

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-02 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

The governing body voice concern that the 48 hour time limit for portable dumpsters could be too short if the unit was placed over a weekend. It was agreed that if a portable dumpster is placed over a weekend the 48 hour limit should be extended to 72 hours. Prior to making this change and posting the Ordinance for public hearing, the City Clerk will inform the Code Official of the 72 hour weekend time limit extension.

INTRODUCTION OF ORDINANCE 2010-03

ORDINANCE AMENDING CHAPTER 206-4 OF THE CODE OF THE CITY OF VENTNOR CITY TO INCREASE FEES FOR USE OF TENNIS COURTS

Mayor Kelly moved, seconded by Cmr Weintrob that Ordinance 2010-03 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS

CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

Mayor Kelly asked if there were questions on Resolutions No 40 thru 47 of 2010 before they were voted by Consent. Commissioner Weintrob requested that each Resolution be voted on separately. Cmr. Piatt seconded his request.

RESOLUTION NO. 40 OF 2010 – AUTHORIZING ASSESSOR TO FILE PETITION OF APPEALS TO CORRECT ERRORS & ASSESSMENTS

WHEREAS, from time to time the Assessor discovers an error in calculation, transposing, measurement or typographical errors, in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax lists for the tax year; and

WHEREAS, the governing body of the Taxing District of Ventnor City is desirous that every taxpayer pays his fair share of taxes; and

WHEREAS, if the above discovered errors are not corrected, the taxpayers affected would not be paying their fare share of taxes; and

WHEREAS, the method for correcting such errors is to file a Petition of Appeal for the current tax year with the Atlantic County Board of Taxation; and

WHEREAS, the errors were not caused by the taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Taxing District of Ventnor City that the Assessor is hereby authorized to act as the agent for the Taxing District and file a Petition of Appeal or Appeals for the tax year 2010 with the Atlantic County Board of Taxation to correct such errors and assessments to the correct value.

BE IT FURTHER RESOLVED that a copy of any Petition of Appeal filed with the Atlantic County Board of Taxation under this Resolution be filed with the Municipal Clerk.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Atlantic County Board of Taxation with any such Petition of Appeal.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 40 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 41 OF 2010 - AMENDING TEMPORARY BUDGET

CURRENT FUND				
GENERAL GOVERNMENT FUNCTIONS	FCOA	2010	Amended	Amended
		Temporary	Amended	Temporary
		Budget	Amount	Appropriation
Mayor's Office				
Salaries and Wages	20-110-010	15,691.20	14,196.80	29,888.00
Other Expenses	20-110-020	2,387.70	3,692.30	6,080.00
Police				
Salaries and Wages	25-240-010	976,747.28	883,723.72	1,860,471.00
Other Expenses	25-210-020	31,368.75	30,881.25	62,250.00
Uniform Fire Safety				
Other Expenses	25-265-020	2,326.54	2,105.46	4,432.00
Fire Department				
Salaries and Wages	25-265-010	963,262.39	871,522.61	1,834,785.00
Other Expenses	25-265-020	35,810.78	36,979.22	72,790.00
Radio & Communication				
Salaries and Wages	25-250-010	110,771.06	100,220.94	210,992.00
Other Expenses	25-265-020	4,784.06	11,159.94	15,944.00
Office of Emergency Management				
Salaries and Wages	25-252-010	25,958.89	23,487.11	49,446.00
Other Expenses	25-252-020	7,410.90	89.10	7,500.00
Dog Control	27-340-020	2,100.00	2,100.00	4,200.00
Electrical Division				
Salaries and Wages	26-300-010	29,732.85	26,901.15	56,634.00
Other Expenses	26-300-020	5,721.98	5,177.02	10,899.00
Celebration of Public Events	30-420-299	3,937.50	0.00	3,937.50
Zoning Commission				
Salaries and Wages	21-185-010	656.25	593.75	1,250.00
Other Expenses	21-185-020	5,444.25	2,055.75	7,500.00
Beach Patrol				
Salaries and Wages	28-380-010	110,775.00	0.00	110,775.00
Other Expenses	28-380-020	18,684.88	0.12	18,685.00
Beach Control				
Salaries and Wages	28-381-010	4,462.50	0.00	4,462.50
Other Expenses	28-381-020	5,000.00	0.00	5,000.00
Public Works Commissioner				
Salaries and Wages	20-114-010	2,625.00	2,375.00	5,000.00
Other Expenses	20-114-020	52.50	(7.50)	45.00
Streets & Roads				
Salaries and Wages	26-290-010	119,742.53	108,338.47	228,081.00
Other Expenses	26-290-020	19,207.13	17,422.87	36,630.00
Motor Vehicle Maintenance				
Salaries and Wages	26-315-010	60,119.06	54,395.94	114,515.00
Other Expenses	26-315-020	14,702.63	13,302.37	28,005.00
Building & Grounds				
Salaries and Wages	26-310-010	43,188.60	56,171.40	99,360.00
Other Expenses	26-310-020	51,157.05	46,284.95	97,442.00
Beach & Boardwalk	26-310-303	52,681.65		52,681.65
Recreation				
Salaries and Wages	28-370-010	35,112.00	40,637.00	75,749.00
Other Expenses	28-370-020	32,983.13	29,591.87	62,575.00
City Engineer				
Salaries and Wages	20-165-010	7,825.91	0.00	7,825.91
Other Expenses	20-165-020	2,231.25	47,768.75	50,000.00
Solid Waste/Recycling				
Salaries and Wages	26-305-010	12,364.80	22,635.20	35,000.00
Other Expenses	26-305-020	288,750.00	261,250.00	550,000.00
Finance Commissioner				
Salaries and Wages	20-112-010	2,625.00	2,375.00	5,000.00
Other Expenses	20-112-020	65.63	(20.63)	45.00

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Legal Services Costs				
Salaries and Wages	20-155-010	9,843.75	(9,843.75)	0.00
Other Expenses	20-155-020	39,375.00	45,468.75	84,843.75
City Clerk				
Salaries and Wages	20-120-010	46,470.90	42,045.10	88,516.00
Other Expenses	20-120-020	10,425.45	9,432.55	19,858.00
Revision/Codification of Ordinances	20-120-320	1,916.25	1,733.75	3,650.00
Election Expenses	20-120-420	5,775.00	0.00	5,775.00
Planning Board				
Salaries and Wages	20-180-010	656.25	543.75	1,200.00
Other Expenses	21-180-020	5,610.94	(0.94)	5,610.00
Financial Management				
Salaries and Wages	20-130-010	59,186.93	53,550.07	112,737.00
Other Expenses	20-130-020	25,910.06	23,464.94	49,375.00
Auditing Fees	20-131-235	13,125.00	0.00	13,125.00
Assessment of Taxes				
Salaries and Wages	20-150-010	33,286.58	1,713.42	35,000.00
Other Expenses	20-150-020	6,564.34	(0.34)	6,564.00
Collection of Taxes				
Salaries and Wages	20-145-010	20,154.23	18,234.77	38,389.00
Other Expenses	20-145-020	3,453.19	3,174.81	6,628.00
Information Technology				
Salaries and Wages	20-140-010	11,355.75	10,274.25	21,630.00
Other Expenses	20-140-020	13,256.25	(0.25)	13,256.00
Municipal Court				
Salaries and Wages	43-490-010	52,582.95	47,575.05	100,158.00
Other Expenses	43-490-020	3,156.04	2,854.96	6,011.00
Prosecutor				
Salaries and Wages	43-492-010	8,137.50	7,362.50	15,500.00
Public Defender				
Salaries and Wages	43-495-010	2,362.50	2,037.50	4,400.00
INSURANCE				
Other Insurance Premiums	23-211-000	65,625.00	0.00	65,625.00
Worker Compensation Insurance	23-215-000	118,125.00	281,875.00	400,000.00
Health Insurance	23-220-000	525,000.00	475,000.00	1,000,000.00
Construction Code				
Salaries and Wages	22-195-010	62,766.11	56,788.39	119,554.50
Other Expenses	22-195-020	2,047.50	0.00	2,047.50
Housing Code				
Salaries and Wages	22-196-010	22,371.04	20,239.96	42,611.00
Other Expenses	22-196-020	1,707.30	1,544.70	3,252.00
Electrical & Plumbing Inspections				
Salaries and Wages	22-197-010	2,377.99	5,512.01	7,890.00
Other Expenses	22-197-020	65.63	(65.63)	0.00
Utility Expenses				
Gasoline	31-460-000	44,625.00	40,375.00	85,000.00
Electricity	31-430-000	128,625.00	116,375.00	245,000.00
Telephone	31-440-000	14,437.50	13,062.50	27,500.00
Natural Gas	31-446-000	28,875.00	26,125.00	55,000.00
STATUTORY EXPENDITURES				
Contribution to:				
Unemployment	36-473-000	15,750.00	4,250.00	20,000.00
Social Security System (O.A.S.I.)	36-472-000	60,375.00	54,625.00	115,000.00
Consolidated P&FRS	36-474-000	10,086.30	(2,951.30)	7,135.00
Medicare Insurance	36-476-000	32,812.50	29,687.50	62,500.00
Lifeguard Pension Fund	36-477-000	0.00	0.00	0.00
Police & Firemens Retirement System NJ	36-475-000	441,724.24	1,144,995.76	1,586,720.00
Public Employees Retirement System of NJ	36-471-000	82,431.56	274,491.44	356,923.00
Defined Contribution Retirement Plan	36-478-000	0.00	500.00	500.00
Interlocal Municipal Service Agreements				
Borough of Longport-UCC				
Salaries & Wages	22-198-010	6,431.25	11,068.75	17,500.00
Other Expense	22-198-020	2,756.25	0.00	2,756.25
Borough of Longport-Engineering				
Salaries & Wages	22-165-010	15,435.00	(15,435.00)	0.00

Other Expense	22-165-020	5,250.00	(5,250.00)	0.00
CAPITAL IMPROVEMENTS				
Capital Improvement Fund	44-901-000	150,000.00	0.00	150,000.00
MUNICIPAL DEBT SERVICE				
Bond Principal - General	45-920-000	1,055,000.00	0.00	1,055,000.00
Bonds Interest - General	45-930-000	212,551.26	4,999.74	217,551.00
Bond Principal - School	48-920-000	1,020,000.00	0.00	1,020,000.00
Bond Interest - School	48-930-000	397,851.26	201,323.74	599,175.00
Interest on BAN	45-935-000	144,539.10	25,134.90	169,674.00
Green Trust Loan	45-940-000	31,091.60	0.00	31,091.60
		\$ 8,183,816.88	\$5,741,300.28	\$13,923,107.16
WATER/SEWER UTILITY FUND				
WATER/SEWER UTILITY FUND	FCOA			
Operating				
Salaries and Wages	55-501-010	\$246,606.68	223,120.32	469,727.00
Other Expenses	55-502-020	\$252,510.52	234,229.48	486,740.00
ACUA Sewer Shared Costs	55-502-300	\$407,804.29	362,377.71	770,182.00
STATUTORY EXPENDITURES				
Contribution to:				
Unemployment	55-542-000	262.50	237.50	500.00
Social Security System (O.A.S.I.)	55-541-000	23,625.00	21,375.00	45,000.00
CAPITAL IMPROVEMENTS				
Capital Improvement Fund	55-512-000	75,000.00	0.00	75,000.00
MUNICIPAL DEBT SERVICE				
Bond Principal	55-520-000	155,000.00	0.00	155,000.00
Interest on Notes	55-522-000	19,745.00	0.00	19,745.00
Interest on Bonds	55-523-000	23,025.00	0.00	23,025.00
		\$1,203,578.99		\$2,044,919.00

Cmr. Piatt moved, seconded by Cmr. Weintrob that Resolution No. 41 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 42 OF 2010 – SETTING DATE OF ABANDONED VEHICLE AUCTION

WHEREAS, the City of Ventnor City is interested in aiding in the sale of certain vehicles which are identified in Schedule A attached hereto and made a part hereof; and

WHEREAS, said vehicles have remained unclaimed by the owner or other persons having legal right to same within the required period pursuant to NJ Statutes; and

WHEREAS, the City of Ventnor City is desirous of aiding in the sale of said vehicles at a public auction; and

WHEREAS, pursuant to NJ Statutes said vehicles may be sold.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the City Clerk of the City of Ventnor City is hereby authorized to coordinate a public auction at a public place of those motor vehicles identified in Schedule A.

BE IT FURTHER RESOLVED that said public auction shall be held on Tuesday, April 6, 2010 at 10AM, prevailing time, at the Ventnor City Public Works Complex, Cornwall and Winchester Aves., Ventnor City, NJ.

BE IT FURTHER RESOLVED that Notice of said public auction has been given in writing by certified mail, return receipt requested, to the appropriate parties in accordance with NJ Statutes.

BE IT FURTHER RESOLVED THAT Notice of said public auction has also been given by certified mail, return receipt requested, to the holder of any security interest filed with the Director of the Division of Motor Vehicles of the State of NJ at least ten (10) days prior to the date of the public auction.

BE IT FURTHER RESOLVED that the Notice of said public auction shall be published one (1) time at least ten (10) days prior to the date of the sale in one (1) or more newspapers published in the State of NJ and circulating in the municipality in which the motor vehicles are held.

BE IT FURTHER RESOLVED that all vehicles listed in Schedule A shall be sold a one (1) lot to the highest bidder.

BE IT FURTHER RESOLVED that the sale of all motor vehicles is final, absolute and the purchaser of the vehicles is required to pay for the vehicles in full in cash or by certified check at the auction.

BE IT FURTHER RESOLVED that the successful bidder shall remove all vehicles from the site no later than fourteen (14) days from the date of the sale.

SCHEDULE "A"

#	Control #	Year	Make	Model	Vehicle Identification #	Mileage	Towing
1	08-1123	1991	Chevy	Caviler	1G1JC84G4M7274454	156,458	Point Auto
2	08-1124	1990	Dodge	Caravan	2B4FK4530LR704379	154,620	Point Auto
3	08-1127	1999	Ford	Explorer	1FMRU1860XLA22174	N/A	Point Auto
4	08-1128	1992	Honda	Civic	JHMEH9694NS003034	216,903	Point Auto
5	09-1140	1991	Mazda	626	1YVGD22B1M5174059	132,460	Point Auto
6	09-1145	1998	Honda	Civic	1HGEJ8245WL092894	120,705	Fourteen
7	09-1147	1994	Dodge	Van	2B4GH45R4RR612417	161,947	Fourteen
8	09-1148	1992	Ford	Escort	1FAPP15J8NW153334	35,595	Point Auto
9	10-1150	1998	Chevy	Lumina	2G1WL52MXW9140465	192,492	Point Auto
10	10-1152	1999	Infinity	I-30	JNKCA21AXXT778990	254,707	Point Auto

Cmr. moved Weintrob, seconded by Cmr. Piatt that Resolution No.42 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 43 OF 2010 – TAX REFUNDS, OVERPAYMENTS

WHEREAS, the 2006 tax on Block 235, Lot 3 known as 211 N Lafayette Ave, Ventnor, NJ and assessed to Thomas & Jessica Federico was overpaid in the amount of \$1,003.57 due to the title company and the mortgage company paying; and

WHEREAS, Mr. & Mrs. Federico have requested a refund in the amount of \$1,003.57 sent to them at the above address; and

WHEREAS, the 2010 tax on Block 5, Lot C1814 assessed to Stephen & Phyllis Port and known as 5000 Boardwalk #1814, Ventnor, NJ was overpaid in the amount of \$3,297.95 due to a duplicate payment; and

WHEREAS, Mr. & Mrs. Port have requested a refund in the above amount sent to them at 3506 Shawnee Ave, Altoona, PA 16602; and

WHEREAS, the 2010 tax on Block 414.01, Lot 6 assessed to Charles & Danya Middlesworth and known as 907 N Cambridge Ave, Ventnor, NJ was overpaid in the amount of \$1,470.18 due to overpayments; and

WHEREAS, Mr. & Mrs. Middlesworth have requested a refund in the amount of \$1,470.18 sent to them at 8 S Suffolk Ave, Ventnor, NJ; and

WHEREAS, the 2005 tax on Block 276, Lot 10 assessed to Meg Abruzzese and known as 307 Essex Court, Ventnor, NJ was overpaid in the amount of \$1,099.76 due to a 100% Veteran’s Exemption; and

WHEREAS, Ms. Abruzzese has requested a refund sent to her.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Tax Collector and the Chief Financial Officer of the City of Ventnor City are authorized to mark their books and records accordingly.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 43 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 44 OF 2010 – AUTHORIZING INTERLOCAL AGREEMENT WITH LONGPORT FOR SHARING OF CODE ENFORCEMENT OFFICIAL

WHEREAS, the City of Ventnor City and the Borough of Longport have shared the services of a Construction Code Official and related Sub-code Officials since 1999; and

WHEREAS, the City of Ventnor City is desirous of continuing this interlocal shared services agreement with the Borough of Longport for an additional one (1) year period; and

WHEREAS, the City of Ventnor City and the Borough of Longport have agreed that the contract should be renewed under the same terms and conditions for an additional one (1) year period, increasing the total contract amount to \$37,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the interlocal services agreement with the Borough of Longport for furnishing the services of a Construction Code

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Official and related Sub-code Officials is herein and hereby approved under the same terms and conditions for an additional one (1) year with the total contract amount being raised to \$37,500.00.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 44 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 45 OF 2010 – NAMING FRALINGER ENGINEERING CONFLICT OF INTEREST ENGINEER

WHEREAS, the City of Ventnor is desirous of entering into a Professional Services Contract with Fralinger Engineering, 629 Shiloh Pike, Bridgeton, New Jersey 08302 as a Conflict of Interest Engineer; and

WHEREAS, a Professional Services Contract may be awarded without competitive bidding pursuant to the Open Public Contracts Law; and

WHEREAS, this contract is being awarded pursuant to the fair and open process as set forth in State statute.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY AS FOLLOWS:

Section I: Fralinger Engineering is hereby awarded a Professional Services Contract as the Conflict of Interest Engineer for the City of Ventnor to be used on an as needed basis if the City Engineer or Alternate Engineer is unable to perform engineering services on any project due to a conflict of interest.

Section II: A Professional Services Contract is awarded to Fralinger Engineering pursuant to the following conditions:

A. Nature of Contract: The nature of the contract is to complete any and all engineering tasks on an as needed basis as the Conflict of Interest Engineer for the City of Ventnor.

B. Duration: The duration of the contract shall be for a period of one (1) year from the date of January 1, 2010

C. Service and Amount: The amount for the services to be provided pursuant to this contract are set forth in the contract entered into between Fralinger Engineering and the City of Ventnor which is attached hereto and incorporated in this Resolution by this reference.

Section III: This Resolution detailing the terms and conditions of the Professional Services Contract entered into between the City of Ventnor and Fralinger Engineering is to be placed on file and made available for public inspection in the Office of the City Clerk of the City of Ventnor. Said Resolution should be made available for public inspection upon request. The City Clerk shall cause to be published in the official newspaper of the City of Ventnor, a brief notice stating the nature, duration, service and amount of the contract and that the Resolution is on file and available for public inspection in the City Clerk's Office.

Section IV: The award of the contract pursuant to this Resolution shall become effective immediately upon adoption.

BE IT SO RESOLVED.

Cmr. Piatt moved, seconded by Mayor Kelly that Resolution No. 45 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

No: Commissioner Weintrob

RESOLUTION NO. 46 OF 2010 – AUTHORIZING APPLICATION FOR RECYCLING TONNAGE GRANT

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, it is 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 the City of Ventnor City to apply for such tonnage grants will memorialize the commitment of the City of Ventnor City to recycling and indicate the assent of the Board of Commissioners of the City of Ventnor City to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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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 Board of Commissioners of the City of Ventnor City that the City of Ventnor City hereby endorses the submission of a Municipal Recycling Tonnage Grant Application for 2010 to the New Jersey Department of Environmental Protection, Office of Recycling and designates David P. Smith, Superintendent of Public Works, City Hall, 6201 Atlantic Avenue, Ventnor City, NJ 08406 to ensure that the said Application is properly filed.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 46 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 47 OF 2010 – ACCEPTING RESIGNATION OF PUBLIC SAFETY TELECOMMUNICATOR MICHAEL J. PARKER

WHEREAS, Michael J. Parker has submitted a letter of resignation from his position as Ventnor City Public Safety Telecommunicator effective March 18, 2010; and

WHEREAS, the Ventnor City Board of Commissioners has agreed to accept the resignation of Michael J. Parker.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that it herein and hereby accepts the resignation of Michael J. Parker as Ventnor City Public Safety Telecommunicator effective March 18, 2010.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No.47 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$4,473,535.78 and payrolls from 2/13/10 to 2/26/10 in the amount of \$459,550.90 and from 2/27/10 to 3/12/10 in the amount of \$429,179.89 for approval. So ordered

APPOINTMENT OF MICHAEL ADVENA AS ALT #2 MEMBER OF ZONING BD OF ADJUSTMENT

Mayor Kelly announced the appointment of Michael Advena to the Zoning Board of Adjustment as Alternate #2 for a 2 yr term from 3/18/10 to 3/18/12 – adding that he is already seated on the Planning Board and that this appointment will allow him to act as the liaison to the Planning and Zoning Boards.

Mayor Kelly moved, seconded by Cmr Piatt, the appointment of Michael Advena be ratified.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

ANNOUNCEMENTS

Mayor Kelly announced four (4) JIF ACHIEVEMENT & RECOGNITION AWARDS received by Ventnor City. 1) 2009 Safety Incentive Program Silver Qualifier Award 2) Fire Chief Bert Sabo received special recognition for safety efforts by hosting a First Aid, CPR and AED training for city employees. 3) Safety Incentive Program Certificate Of Achievement awarded to employees & volunteers for loss ratio average (85.1%) being below the JIF three-year loss ratio average (88.5%). 4) Safety Incentive Program Certificate of Achievement awarded to employees for using 100% available transitional duty days in 2009.

Administrator/City Clerk Biagi lauded all employees for their diligence with JIF-MEL liability programs & for their attendance at the safety training seminars, viewing required safety videos, learning Hazmat regulations, etc. She praised Fire Chief Sabo & VCFD members for offering excellent in-house programs, particularly defibrillator training & offered special thanks to Supt Tom Klein & Chief Sabo for the water rescue disks purchased from awarded safety monies which will be installed in every fire, police, public works vehicle as a reachable, instant aid to saving lives.

Other announcements: The 2010 Clean Ocean Action Beach Sweeps will be Saturday, April 24th & October 23rd and that May 1, 2010 is “Silver Star Banner Day” and the Citywide Yard Sale will be held on Saturday, August 14th & Sunday, August 15th.

Cmr Weintrob reiterated his concerns with the Citywide Yard Sale & his suggestion to have Ventnor & Ventnor Heights split up in 2 days with one held Saturday & the other Sunday using Margate as example noting last year’s enormous undertaking in one day & saying that some people were not able to get to all the sales in one day. City Clerk Biagi offered the sale’s history and stated why city-wide residents should continue to be afforded their own choice & convenience of either day, 2 days or not to hold a sale. The purpose of the Citywide Yard Sale is to offer residents the opportunity of joining, without cost & without the need to formally apply for a permit. Some list their addresses, others don’t. For the City to announce which area’s sale day is Saturday & which one is Sunday may preclude those whose Sabbath falls on the day declared or may simply be perceived as insensitive by others.

1) Cmr Weintrob reported vandalism to the fishing pier this past Tuesday when someone broke into the pier throwing two, possibly four, 750lb concrete benches into the water off the pier’s end -causing damage to the railings as a result. Wire cutters were used to cut the fencing to reach the lock & gain access. He referred to his continued request for surveillance cameras in the City’s public areas to monitor & record such activity - that not having cameras was a

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major factor in someone having time to toss 750lb benches off the pier/damaging railings, unobserved. He also voiced concern that the pier might have to be closed to have the damaged railings repaired.

2) Cmr. Weintrob spoke of his request to increase the W&S rates to cover a approximate \$200,000 shortfall. Cmr Piatt interjected that when they discussed this originally, he had favored waiting for a time when all meters were installed and/or a time when the Finance Dept could make a recommendation re a minimum rate. At that time there were no recommendations & the meters were not installed. At this time the recommendation for the Finance Dept is an increase in the minimum bill of \$30. Other factors such as increased projections of storm water runoffs/infiltration due to recent storms were examined. Disputed & unresolved was the method collection (W&S rate vs. local budget). Cmr Piatt said he would check again with the Auditor but that was the last recommendation he had.

3) Cmr. Weintrob announced that after working on the Green Acres Trust for about 1½ year, the reimbursement for the pier has come to fruition. In October, when he met with the head of the Green Acres, he learned of a program that would allow a building to be placed on the pier with a 25% grant & a 75% loan. A portion of the loan could be volunteer time & money. It is conceivable that the City could put up a building on the pier next winter that would cost the city virtually nothing & have both a concession area for someone to sell fishing equipment, hamburgers, hot dogs, etc. and a locker room for pier members. He said he would be receiving everything from Green Acres on Monday or Tuesday – that there were contract laws & things we need to comply with that need to be reviewed. The head of the Green Acres program is coming down with contracts & reimbursement money in the amount of \$2,140,000 Ventnor spent on the pier. When the contracts come down this week, he will turn them over to Mayor Kelly & Solicitor Maguire for review. At the present time we have allocated \$730,000 in our previous Capital Funds, leaving \$1.4Million as something to possibly be used in our current budget if it comes in on time. Our pier bill will be paid.

The Mayor was glad that it finally came through but said she will feel better when she sees the check.

PUBLIC COMMENTS

DENNIS KELLY – 106 S Cambridge cautioned that the money that comes in from the Green Acres needs to be used to pay of the BAN where we borrowed the money to put the money back in the budget that we used to pay for it.

GEORGIEANNE ROSS, 123 N Swarthmore asked what the real purpose of the building on the pier was? CMR WEINTROB described a locker room for people to rent lockers to put their fishing equipment in and a concession where we could put coffee out there, rent and/or sell rods, someone could lease the property from us which could allow us to get rid of the Pier Master & allow the people who take over that rental to sell the pier passes, give the money to the City & pay them a stipend for each pier pass they sell - saving us \$18,000-20,000 in payroll that we're paying right now & by renting it, it would give us money to pay off all the other bonds & costs of the pier & possibly put some money into recreation. He added that he forgot to mention that all of the revenue that comes from the pier's Green Acres project must go into a recreation fund or a recreation line item It can't be used for anything else. In response to MS ROSS " So it must stay in that track?" CMR WEINTROB replied, "Yes, Ma'am." MS ROSS further reasoned that if we have people getting on the pier & dismantling 750 lb benches – don't we need to take care of that first? To have a building with lockers, etc. would serve as a beacon –it would be easy takings compared to these benches. The CMR felt it went hand in hand with security ... recalling that the previous building in the old pier had been broken into a number of times over the years & they did damage in there. MS ROSS questioned if the liability was worth that building being put there. CMR WEINTROB said he thought the pier was the center of the City & he felt we could make it secure. MS ROSS also congratulated the City of Ventnor for all their departments excellent handing of the three snow storms.

ADJOURNED: 7:41PM

Cmr Piatt moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on April 15, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Weintrob moved, seconded by Cmr Piatt, that the minutes of the 3-18-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-02

The Deputy City Clerk read the Title of Ord 2010-02 'AN ORDINANCE REGULATING THE PLACEMENT AND USE OF DUMPSTERS & PORTABLE STORAGE UNITS WITHIN THE CITY OF VENTNOR CITY' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-02 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-03

The Deputy City Clerk read the Title of Ord 2010-03 'ORDINANCE AMENDING CHAPTER 206-4 OF THE CODE OF THE CITY OF VENTNOR CITY TO INCREASE FEES FOR USE OF TENNIS COURTS' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

Mr. LOU TINEL, 20 S. Baton Rouge Ave spoke in opposition to the increase in tennis court fees, stating the \$7 was ample. When asked if a profit is made or just offering a service, Cmr Weintrob responded it is a service to residents and non residents. Mr. Tinel further questioned if different fees could be changed for resident and non residents to which the Cmr responded that state law does not permit the charging of different fees for residents and non residents only senior citizens/non seniors. When asked if fees were going to be charged for the use of the basketball courts, Cmr. Weintrob responded No – we man the tennis courts, 8am to 8pm and the fees pay salaries and operational costs of maintaining the bathrooms, i.e. cleaning up, painting, etc. and felt that the increase was not too high.

There being no one further wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-03 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-04

ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES & AUTHORIZING CITY ADMINISTRATOR TO IMPLEMENT SAID PRACTICES WITH ALL OFFICIALS, APPOINTEES, EMPLOYEES, PERSPECTIVE EMPLOYEES, VOLUNTEERS & INDEPENDENT CONTRACTORS OF THE CITY OF VENTNOR

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-04 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-05

CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Cmr Weintrob moved, seconded by Cmr Piatt that Ordinance 2010-05 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-06

ORDINANCE AMENDING CHAPTER 98-3 OF THE CODE OF THE CITY OF VENTNOR CITY TO INCREASE UNIFORM CONSTRUCTION CODE FEES

Mayor Kelly moved, seconded by Cmr Weintrob that Ordinance 2010-06 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-07

ORDINANCE AMENDING CHP 102-147 & CHP 102-160.4 OF THE VENTNOR CITY CODE
TO ESTABLISH CERTAIN ZONING PERMIT FEES

Cmr Weintrob moved, seconded by Cmr Piatt that Ordinance 2010-07 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-08

AN ORDINANCE AMENDING & SUPPLEMENTING CHAPTER 214 (VEHICLES & TRAFFIC)
OF THE CODE OF THE CITY OF VENTNOR CITY TO REMOVE THE PARKING METERS
ON BATON ROUGE AVE BETWEEN VENTNOR & CALLENDER AVES & ON
VENTNOR AVE BETWEEN RICHARDS & BUFFALO AVE

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-08 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-02

AN ORDINANCE REGULATING THE PLACEMENT AND USE OF DUMPSTERS &
PORTABLE STORAGE UNITS WITHIN THE CITY OF VENTNOR CITY

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-02 be adopted.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

No: Commissioner Weintrob

FINAL READING & ADOPTION OF ORDINANCE 2010-03

ORDINANCE AMENDING CHAPTER 206-4 OF THE CODE OF THE CITY OF
VENTNOR CITY TO INCREASE FEES FOR USE OF TENNIS COURTS

Cmr Weintrob moved, seconded by Cmr Piatt that Ordinance 2010-03 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS

CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

Mayor Kelly asked if there were questions on Resolutions No 48 thru 54 of 2010 before they were voted by Consent.

There being no one wishing to speak, Mayor Kelly moved, seconded by Cmr Piatt that Resolutions No 48 thru 54 of 2010 be adopted by consent.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 48 OF 2010 – AUTHORIZING PARTICIPATION IN NJ CLICK IT OR TICKET SEAT BELT ENFORCEMENT GRANT PROGRAM

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety is presently sponsoring a Click It or Ticket Seat Belt Enforcement Grant Program; and

WHEREAS, under the program the Division of Highway Traffic Safety will pay up to \$4,000 in overtime enforcement grant funding, to be utilized during the two week Click It or Ticket campaign from May 24, 2010 to June 6, 2010; and

WHEREAS, the City of Ventnor City wishes to participate in this Click It or Ticket Seat Belt Enforcement Grant Program; and

WHEREAS, the Ventnor City Police Department has completed the required application and will adhere to all the components of the grant guidelines; and

WHEREAS, since this is a reimbursement grant the City of Ventnor will incur the costs of the program then submit the required documentation to the Division of Highway Traffic Safety for reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that it herein authorizes the Police Department to participate in the State of New Jersey Click It or Ticket Seat Belt Enforcement Grant Program.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 48 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 49 OF 2010 - EMERGENCY APPROPRIATION OF FUNDS, SEWER EMERGENCY @ BURGHLEY & WELLINGTON AVES

WHEREAS, a sewer emergency exists requiring the immediate repair at Burghley an Wellington Avenues; and

WHEREAS, the nature of the emergency repair makes is necessary to engage the services of a Utility company to safely perform such repair.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that WECO Construction Co. is herein and hereby authorized to perform the emergency sewer repair at Burghley and Wellington Avenues.

BE IT FURTHER RESOLVED that said emergency repair shall not exceed \$36,422.66.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 49 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 50 OF 2010 – AUTHORIZING CHANGE ORDER #3, M.B. MARKLAND CO, ALTERATIONS TO PUBLIC WORKS BLDG

WHEREAS, the Board of Commissioners of the City of Ventnor City entered into a Contract with M.B. Markland Contracting Co on October 20, 2009 for the TOWER & WALL RESTORATION, FLAT ROOF REPLACEMENT & TILE ROOF PATCHING AT THE VENTNOR CITY PUBLIC WORKS BUILDING for the total amount bid of \$574,400.00; and

WHEREAS, it was necessary to include or adjust various contract work, all as necessary for the successful completion of the project as outlined in Change Order No. 3, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Change Order No. 3 for the TOWER & WALL RESTORATION, FLAT ROOF REPLACEMENT & TILE ROOF PATCHING AT THE VENTNOR CITY PUBLIC WORKS BUILDING, which Change Order will increase the Original Contract Amount by \$2,222.00 thus bring the Total Adjusted Contract Amount to \$659,298.74; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued from the Municipal Chief Financial Officer be attached to this Resolution.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No.50 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 51 OF 2010 – AUTHORIZING GREEN ACRES PROJECT AGREEMENT FOR REHABILITATION OF FISHING PIER

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provided loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Ventnor City desires to further the public interest by obtaining a loan for \$1,333,225 and/or a grant of \$806,775 from the State to fund the following projects(s): REHABILITATION OF VENTNOR FISHING PIER.

NOW, THEREFORE, the governing body resolved that the Mayor or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding awarded; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE VENTNOR CITY BOARD OF COMMISSIONERS

1. That the Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Rehabilitation of Ventnor Fishing Pier, and;
2. that the applicant has its matching share of the project, if a match is required in the amount of \$1,087,100.
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;

4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 51 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 52 OF 2010 – AUTHORIZING WATER/SEWER CREDIT, BILLING ERROR

WHEREAS, the property at 6004 Ventnor Ave, Ventnor, NJ known as Block 63, Lot 10 and assessed to John S Florin & Donna M Graham was previously used as a private residence and a doctor's office and billed for 2 water/sewer units; and

WHEREAS, the records in the Code Enforcement office show that this property is a single family dwelling, without a doctor's office; and

WHEREAS, they have been billed in error for 2 water/sewer units since the purchase of the property in December, 2006; and

WHEREAS, Mr Florin & Ms Graham have requested a credit in the amount of \$1,545.00 applied to their account.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Tax Collector of the City of Ventnor City is authorized to issue a credit as stated above.

BE IT FURTHER RESOLVED that the Tax Collector and the Chief Financial Officer of the City of Ventnor City are authorized to mark their books and records accordingly.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 52 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 53 OF 2010 – EMERGENCY APPROPRIATION OF FUNDS, WATER/SEWER EMERGENCY, WELL #8

WHEREAS, an emergency exists requiring the immediate repair of Ventnor City's Well #8; and

WHEREAS, the nature of the emergency repair makes is necessary to engage the services of a company specializing in wells and pumps to safely perform such repair.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Layne Christensen company is herein and hereby authorized to perform the emergency repairs to Well #8.

BE IT FURTHER RESOLVED that said emergency repair shall not exceed \$60,000.00.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 53 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 54 OF 2010 – ADOPTING CHANGES TO EXISTING DEFERRED COMPENSATION PLAN PURSUANT TO INTERNAL REVENUE CODE REGULATIONS & PROCEDURES

WHEREAS, the Ventnor City (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective December 19, 1997, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the Job Creation and Worker Assistance Act of 2002 amended Section 457 of the Internal Revenue Code (the "Code"); and

WHEREAS, the Internal Revenue Service ("IRS") issued final Code Section 457 regulations on July 11, 2003 and proposed Code Section 415 regulations issued May 31, 2005 that modified the Code Section 457 regulations; and

WHEREAS, the IRS has issued model amendments (Revenue Procedure 2004-56) and guidance regarding rollover contributions to eligible retirement plans (Revenue Procedure 2004-12) that apply to Section 457 Plans; and

WHEREAS, the IRS has set a deadline of December 31, 2005, for State and local governmental Section 457(b) plan sponsors to adopt or amend their plans to conform with the Code, regulations, and interpretative guidance; and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code, regulations, and interpretative guidance; and

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WHEREAS, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code, regulations, and interpretative guidance; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan;

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 55-PD-VALIC-110305 by the Director of the Division of Local Governmental Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Governmental Services.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 54 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The Deputy City Clerk read bills in the amount of \$3,633,263.57 and payrolls from 3/13/10 to 3/26/10 in the amount of \$436,103.85 and from 3/27/10 to 4/09/10 in the amount of \$448,874.53 for approval. So ordered

ANNOUNCEMENTS/REMARKS

Before opening the public portion of the meeting, Mayor Kelly questioned an ad she saw in today's Current about the tennis courts and someone that is giving private lessons there. Cmr Piatt saw the ad but know nothing about it. Cmr. Weintrob did not see the ad but when informed the person who ran the ad was Lee Mendel, said that Mr. Mendel has been running this clinic annually and paying the City for the past 10 years approximately \$1500 for the use of the courts in the afternoons. The Mayor requested that the Solicitor contact Mr. Mendel to find out the detail of these clinics, how much he pays to Ventnor and insure that he has the proper insurance coverage with a copy of the policy being forwarded to Ventnor City. Solicitor Maguire said he will contact Mr. Mendel next week.

PUBLIC COMMENTS

Mayor Kelly asked if anyone from the public wished to address the Commission. There being no one wishing to be heard, the Mayor asked each Commissioner if he had anything to discuss.

REMARKS

Cmr. Piatt, spoke on the budget process which has been ongoing for several weeks. The various departments were asked to submit their budgets to finance department. These budget requests, along with increases in health care rates and about \$700,000 in health care premium payments (we are self-insured) amounted to a very severe deficit of \$2.5M. The Chief Financial Officer and Commissioners have been working with department heads and labor unions and the deficit has been decreased to a little over \$500,000. This deficit still remains therefore, the City has submitted a plan of layoffs and furloughs to the Department of Community Affairs. The specifics of the plan cannot be release since, like litigation, this is a negotiation in process. Meetings with the administrative staff were held today. With all the news about what is happening in other communities, the Cmr wanted the public to know that it is a similar situation here in Ventnor We are managing the situation well, getting cooperation from most of the organized groups and departments and understanding from the administrative staff. When the plan is approved by the State it will be made public.

Mayor Kelly interjected that at the Commission Meeting in May the budget will be introduced. Cmr. Piatt confirmed that the budget will be ready for introduction at the May meeting, calling it a fluid situation, a moving target - the longer you wait, the more expenses accumulate and the deficit grows. By waiting until May we should know about the State's plan and possibly have other alternatives.

Cmr Weintrob, referencing the discussion at last month's commission meeting regarding the 2010 Water/Sewer projected budget figures vs budget figures he submitted, questioned when he receive answers to the "detail questionnaire" he sent to the CFO (with copies to the Mayor and Cmr. Piatt) asking for explanations as to how certain figures were derived and clarification of errors, if any, in the budgets he prepared. Cmr. Piatt explained that adjustments were made to the budget requests to make up the \$2.5M deficit and figures for such items as health insurance premiums are not negotiated and cannot be adjusted. Cmr. Piatt said he will have the CFO compare what the figures presented by the Cmr to what she has, and explain the differences. When asked when he can expect to hear, Cmr. Piatt said he will speak to Ms. Aboderin and see if they can get it to him in a reasonable time.

ADJOURNED: 7:20PM

Cmr Piatt moved, seconded by Mayor Kelly, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on May 20, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Piatt moved, seconded by Cmr Weintrob, that the minutes of the 4-15-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-04

The City Clerk read the Title of Ord 2010-04 'ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES & AUTHORIZING CITY ADMINISTRATOR TO IMPLEMENT SAID PRACTICES WITH ALL OFFICIALS, APPOINTEES, EMPLOYEES, PERSPECTIVE EMPLOYEES, VOLUNTEERS & INDEPENDENT CONTRACTORS OF THE CITY OF VENTNOR' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Cmr Piatt, seconded by Cmr Weintrob the Public Hearing on Ordinance 2010-04 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-05

The City Clerk read the Title of Ord 2010-05 'CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 45.14)' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Cmr Piatt seconded by Cmr Weintrob the Public Hearing on Ordinance 2010-05 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-06

The City Clerk read the Title of Ord 2010-06 'ORDINANCE AMENDING CHAPTER 98-3 OF THE CODE OF THE CITY OF VENTNOR CITY TO INCREASE UNIFORM CONSTRUCTION CODE FEES' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

Cmr Weintrob asked if engineer fees were included within the Ordinance. The Mayor responded in the affirmative.

There being no one further wishing to be heard, it was moved by Cmr Piatt, seconded by Cmr Weintrob the Public Hearing on Ordinance 2010-06 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-07

The City Clerk read the Title of Ord 2010-07 'ORDINANCE AMENDING CHP 102-147 & CHP 102-160.4 OF THE VENTNOR CITY CODE TO ESTABLISH CERTAIN ZONING PERMIT FEES' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Cmr Weintrob, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-07 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-08

The City Clerk read the Title of Ord 2010-08 'AN ORDINANCE AMENDING & SUPPLEMENTING CHAPTER 214 (VEHICLES & TRAFFIC) OF THE CODE OF THE CITY OF VENTNOR CITY TO REMOVE THE PARKING METERS ON BATON ROUGE AVE BETWEEN VENTNOR & CALLENDER AVES & ON VENTNOR AVE BETWEEN RICHARDS & BUFFALO AVE' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

Cmr Weintrob repeated his objections to the removal of meters between Richards & Buffalo on Ventnor explaining he would rather see designated spots in front of doctor's offices throughout the City to allow that the senior citizens & handicapped persons going for medical care would not have to walk so far after parking their car. That at least the two meters restrict individuals working in the area from all day-parking leaving the better chance for those going

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to the doctor's office. The Mayor restated her objections as offered at the workshop, that when people put money in the meter & don't get out of the doctor's in time, they receive a ticket as the police are only doing their job. She further explained that handicap signs allow anyone to park as long as they want at those meters - they don't have to be at the doctors. Having had requests from the residents, we are trying it without meters and if it doesn't work, we will try something else.

There being no one further wishing to be heard, it was moved by Cmr Piatt, seconded by Cmr Weintrob the Public Hearing on Ordinance 2010-08 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt and Mayor Kelly

No: Commissioner Weintrob

INTRODUCTION OF ORDINANCE 2010-09

AN ORDINANCE AMENDING & SUPPLEMENTING CHAPTER 214
(VEHICLES and TRAFFIC) OF THE CODE OF THE CITY OF VENTNOR CITY TO
REMOVE THE FIRE ZONE ON NEW HAVEN AVE AT THE BOARDWALK

The Mayor offered that the Fire Chief affirmed the zone was removed over a year ago & this just cleans that up.

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-09 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-04

ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND
AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT SAID PRACTICES
WITH ALL OFFICIALS, APPOINTEES, EMPLOYEES, PERSPECTIVE EMPLOYEES,
VOLUNTEERS AND INDEPENDENT CONTRACTORS OF THE CITY OF VENTNOR

Mayor Kelly moved, seconded by Cmr Weintrob that Ordinance 2010-04 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-05

CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-05 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-06

ORDINANCE AMENDING CHAPTER 98-3 OF THE CODE OF THE CITY OF
VENTNOR CITY TO INCREASE UNIFORM CONSTRUCTION CODE FEES

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-06 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-07

ORDINANCE AMENDING CHP 102-147 & CHP 102-160.4 OF THE VENTNOR
CITY CODE TO ESTABLISH CERTAIN ZONING PERMIT FEES

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-07 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-08

AN ORDINANCE AMENDING & SUPPLEMENTING CHAPTER 214
(VEHICLES and TRAFFIC) OF THE CODE OF THE CITY OF VENTNOR CITY TO
REMOVE THE PARKING METERS ON BATON ROUGE AVE BETWEEN VENTNOR &
CALLENDER AVES & ON VENTNOR AVE BETWEEN RICHARDS & BUFFALO AVE

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-08 be adopted.

Roll Call Vote: Yeas: Commissioner Piatt and Mayor Kelly

No: Commissioner Weintrob

NEW BUSINESS

INTRODUCTION OF 2010 MUNICIPAL BUDGET

The Mayor announced the Introduction of Ventnor City's 2010 Municipal Budget with Total General Appropriations in the amount of \$ 25,995,321.00. The 2010 Municipal Budget Synopsis will be advertised pursuant to law in the June 1, 2010 issue of the Press of Atlantic City. The Public Hearing of the Ventnor City 2010 Municipal Budget will be held on June 17, 2010 at 7:00pm at the Regular Commission Meeting.

The 2010 Municipal Budget for the City of Ventnor appears on the following pages as introduced and transmitted to the State of NJ Division of Local Government Services.

Cmr Piatt moved, seconded by Cmr Weintrob the 2010 Municipal Budget be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2010 MUNICIPAL BUDGET DISCUSSION

Cmr Weintrob asked if the budget included the general layoff plan for city hall employees, closing of city hall or other facilities, layoffs or non-layoffs of police. Mayor Kelly said he had received the same layoff at the time she & Cmr Piatt did - the plan submitted to the State when it was finalized – that the things in that plan are now in this budget. Cmr Piatt added that the plan was described in great detail at the Workshop meeting. The ‘not for public’ information Weintrob referred to, went directly to the Solicitor. The deficit which could not be recovered by any other cuts was identified & given to the administrator & finance dept who went through & attached the layoff plan which was submitted directly to the solicitor who entered everything in the format the state requires. Once that was done everyone was issued copies at the same time. Weintrob affirmed that to be true but felt they should have had executive session with input from legal counsel as to available options. Piatt explained how the total budget deficit was divided amongst departments that many came forward offering solutions & cuts to the deficits assigned to their depts. & where there was no solution or offer made to cut, that was where the layoff programs ended up, formulated - developed by law. He emphasized that no one on this Commission wants to layoff anybody. Weintrob said he had no problem with the process but felt as an elected official his ideas should have been heard. Piatt reminded him that his dept had submitted a corrective action. Weintrob said he should have had input into city hall closings in summer months. Piatt said he has every opportunity to voice his objections as he was tonight - but would like to hear what Weintrob’s remedy would be in terms of making up the revenue that would be lost by eliminating this proposal to reduce the budget deficit. Weintrob disagreed with cutting city services & personnel saying \$1.5B property needs Police/Fire/PW protection & services. Even with a diligent reduction of \$2.5M deficit down to a manageable level, with a cap limitation on taxes, Piatt asked where the money would come from without remedies coming forth. Weintrob’s response to increase taxes was met by a negative audience response. The Mayor reminded Weintrob he was aware the \$2.5M deficit had to be brought down & there had to be layoffs. She explained that, the only thing not supplied to police auditor Foti in March was the 2010 Budget - as it did not exist. Tonight the 2010 Budget was introduced & we will have until the June 17th public hearing to do amendments. She said Ptlm Fussner (PBA #97) told her yesterday that they would like to meet with her tomorrow. The introduced budget will be given to Fussner after the meeting & we will move on. Between now & June 17th you have the time to go through the budget with the understanding that although we are raising taxes – we do not want them raised enormously & cannot do that by law as it would put us over the cap limitation. Weintrob’s suggestion of a \$.06 tax increase & the chances of Trenton granting a cap waiver in this environment was debated. The Mayor spoke of the enormous amount of time she spent going over her departments, looking at the many people - of cuts that must be made - & hearing from residents who cannot afford enormous tax increases which we wouldn’t be allowed to do, anyway. Having been working hard on behalf of our residents & employees.. we are right there within \$720 to the cap. We have a month to look at it and hear more suggestions. The finance committee will go from there. Toro, Nancy & Auditor Ken Moore have been here working with us the past couple of weeks and everyone has had the opportunity to discuss where we are. She thanked the 3 officers who were nice enough to come in separately to meet with her & reminded the audience that any questions would be heard at the public portion & answered at that time.

Mayor Kelly requested & received affirmation that Resolutions #55-66 be read & voted upon individually.

RESOLUTION NO. 55 OF 2010 – SETTING 2010 WATER/SEWER RATES

WHEREAS, the Ventnor City Water and Sewer Utility has reviewed the projected operational costs of said Utility for 2010; and

WHEREAS, upon completion of such review, the 2010 schedule of Rates and Charges for the operation of the Ventnor City Water and Sewer Utility was determined and a schedule was prepared and is attached hereto and made a part hereof; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of approving said 2010 Schedule of Rates and Charges and recording same in the official minutes of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that this Resolution be and the same is hereby adopted and that the City Clerk be directed to post the 2010 approved Schedule of Rates and Charges for the Ventnor City Water and Sewer Utility and record same within the official minutes of the City of Ventnor City, New Jersey, all in accordance with Chapter 186 and Chapter 220 of the Code of the City of Ventnor City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

VENTNOR CITY WATER AND SEWER UTILITY
2010 RATES AND CHARGES

OPERATIONAL COSTS (Bi-annual billing, March and September, due within 30 days of billing)

This cost per unit is computed by taking the Atlantic County Utilities Authority’s 2010 projected billing to Ventnor City and adding the 2010 projected operational cost of the Ventnor City Water and Sewer Utility Budget, plus a percentage allowance for uncollected funds. The total of these figures divided by the number of units within Ventnor City = \$640.00

Cmr. Piatt moved, seconded by Mayor Kelly that Resolution No. 55 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

Cmr. Weintrob questioned the amount of increase & how it would be collected in the September billing.

RESOLUTION NO. 56 OF 2010 - AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH ACUA FOR SOLID WASTE DISPOSAL

WHEREAS, the State of New Jersey through the Office of the Governor, encourages Municipalities and Boards to share services with the goal of reducing costs, improving services, and at the same time stabilizing tax rates for the benefit of taxpayers in the State of New Jersey; and

WHEREAS, the Interlocal Services Act, NJSA 40:8A-1 et seq. authorizes the City of Ventnor City in Atlantic County and the Atlantic County Utilities Authority to enter into a Contract for the sharing of services; and

WHEREAS, it is the desire of the Governing Body of the City of Ventnor City to authorize the execution of an Interlocal Governmental Services Agreement with the Atlantic County Utilities Authority for providing solid waste disposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City, Atlantic County, New Jersey, as follows:

- (1) The Preambles hereof are incorporated herein as though fully set forth at length.
- (2) The Mayor is hereby authorized to execute, and City Clerk to attest, to an Interlocal Government Services Agreement with the Atlantic County Utilities Authority for providing project solid waste disposal. A copy of said Agreement, in substantial form to be executed, is on file in the City Clerk's Office and available for inspection as a Public Document.
- (3) All Resolutions inconsistent with the provisions hereof are hereby immediately repealed upon adoption of this Resolution, which shall be effective immediately according to law.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 56 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 57 OF 2010 – AUTHORIZING PLACEMENT OF KENNY WAYLAND MEMORIAL PLAQUE ON OAKLAND AVE BOARDWALK PAVILION

WHEREAS, Kenny Wayland was a member of the Ventnor City Fire Department who tragically lost his life while fighting a fire at the high-rise building known as 5000 Boardwalk; and

WHEREAS, members of the Ventnor City Fire Department annually honor the memory of Kenny Wayland by holding the KENNY WAYLAND MEMORIAL RUN for the purpose of raising funds for the KENNY WAYLAND MEMORIAL SCHOLARSHIP FUND; and

WHEREAS, members of the Ventnor City Fire Department have requested permission to further honor Kenny Wayland by the placement of a Memorial Plaque on the Boardwalk pavilion at Oakland Ave; and

WHEREAS, the Ventnor City Board of Commissioners wishes to approve this request.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it herein and hereby permits members of the Ventnor City Fire Department to place a Memorial Plaque on the Boardwalk pavilion at Oakland Ave in honor of Kenny Wayland.

Cmr Weintrob moved, seconded by Cmr. Piatt that Resolution No.57 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 58 OF 2010 – REFUND OF DEPOSIT FOR USE OF COMMUNITY BUILDING

WHEREAS, on February 25, 1999, the Ventnor City Board of Commissioners adopted Resolution No. 48 of 1999, which Resolution adopted the policy and fee schedule for use of the Community Building and other public premises owned by the City of Ventnor City; and

WHEREAS, under said Resolution, anyone applying for the use of the Community Building must pay a \$100.00 deposit along with the required fee, which deposit would be refunded after the building was inspected following such event and found to be left in satisfactory condition; and

WHEREAS, the following persons paid the required \$100.00 deposit and are eligible to receive such refund.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that the Chief Financial Officer is herein and hereby authorized to issue a refund check in the amount of \$100.00 to the following persons.

NAME & ADDRESS	DEPOSIT DATE	DATE USED	May 20, 2010
			REFUND AMOUNT
Jose Lugo 28 Coquille Beach Dr. Brigantine, NJ 08203	03-12-10	04-30-10	\$100.00

Cmr. Piatt moved, seconded by Cmr. Weintrob that Resolution No. 58 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 59 OF 2010 – APPROVING PARTICIPATION IN SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIV OF CRIMINAL JUSTICE, DEPT OF LAW & PUBLIC SAFETY

WHEREAS, the City of Ventnor City wishes to apply for funding for a project under the Safe and Secure Communities Program; and

WHEREAS, the Ventnor City Board of Commissioners has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the City of Ventnor City for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that:

- 1) As a matter of public policy the City of Ventnor City wishes to participate to the fullest extent possible with the Department of Law and Public Safety
- 2) The Attorney General will receive funds on behalf of the applicant
- 3) The division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds
- 4) The division of Criminal Justice shall initiate allocations to each applicant as authorized by law.

Grant#P-4963

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 59 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

Cmr Weintrob asked for details of the grant. Mayor Kelly explained that we are still entitled by our maintaining 38 officers. If the number drops the \$60,000 is reduced proportionately.

RESOLUTION NO. 60 OF 2010 – TAX REFUNDS, OVERPAYMENTS

WHEREAS, the 2010 tax on Block 179, Lot 19 known as 112 N Wissahickon Ave, Ventnor, NJ assessed to Mahmuda Akhtar was overpaid in the amount of \$859.70 due to a Homestead Rebate and the mortgage company paying; and

WHEREAS, Mr. Akhtar has requested a refund in the above amount sent to him at 9 Equestrian Road, Egg Harbor Township, NJ 08234; and

WHEREAS, the 2010 tax on Block 169, Lot 51 known as 126 A & B N Portland Ave, Ventnor, NJ assessed to Khairul Mostofa was overpaid in the amount of \$732.52 due to a Homestead Rebate and the mortgage company paying; and

WHEREAS, Mr. Mostofa has requested a refund in the above amount sent to him at 126 N Portland Ave, Ventnor, NJ 08406; and

WHEREAS, the 2006 tax on Block 66, Lot 4 known as 9 S Harvard Ave, Ventnor, NJ assessed to Lance & Anna May Landgraf was overpaid in the amount of \$1,369.58 due to a duplicate payment; and

WHEREAS, Mr. & Mrs. Landgraf have requested a refund sent to them in the above amount; and

WHEREAS, the 2009 tax on Block 71, Lot 11 known as 5 S New Haven Ave, Ventnor, NJ assessed to Harris Fox & Joanne Steinberg was overpaid in the amount of \$1,303.49 due to a tax appeal; and

WHEREAS, Mr. Fox & Ms. Steinberg have requested a refund sent to them at 2401 Pennsylvania Ave #17, Philadelphia, PA 19130-3054.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Tax Collector and the Chief Financial Officer of the City of Ventnor City are authorized to mark their books and records accordingly.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 60 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 61 OF 2010 – AMENDING TEMPORARY BUDGET

CURRENT FUND				
GENERAL GOVERNMENT FUNCTIONS	FCOA	2010 Temporary Budget	Amended Amount	Amended Temporary Appropriation
Mayor's Office				
Salaries and Wages	20-110-010	15,691.20	14,196.80	29,888.00
Other Expenses	20-110-020	2,387.70	5,612.30	8,000.00
Police				
Salaries and Wages	25-240-010	976,747.28	883,723.72	1,860,471.00
Other Expenses	25-210-020	31,368.75	55,631.25	87,000.00
Uniform Fire Safety				
Other Expenses	25-265-020	2,326.54	2,105.46	4,432.00
Fire Department				
Salaries and Wages	25-265-010	963,262.39	871,522.61	1,834,785.00
Other Expenses	25-265-020	35,810.78	36,979.22	72,790.00
Radio & Communication				
Salaries and Wages	25-250-010	110,771.06	100,220.94	210,992.00
Other Expenses	25-250-020	4,784.06	17,909.94	22,694.00
Office of Emergency Management				
Salaries and Wages	25-252-010	25,958.89	23,487.11	49,446.00
Other Expenses	25-252-020	7,410.90	1,089.10	8,500.00
Dog Control	27-340-020	2,100.00	2,100.00	4,200.00
Electrical Division				
Salaries and Wages	26-300-010	29,732.85	26,901.15	56,634.00
Other Expenses	26-300-020	5,721.98	5,177.02	10,899.00
Celebration of Public Events	30-420-299	3,937.50	0.00	3,937.50
Zoning Commission				
Salaries and Wages	21-185-010	656.25	593.75	1,250.00
Other Expenses	21-185-020	5,444.25	4,555.75	10,000.00
Beach Patrol				
Salaries and Wages	28-380-010	110,775.00	0.00	110,775.00
Other Expenses	28-380-020	18,684.88	0.12	18,685.00
Beach Control				
Salaries and Wages	28-381-010	4,462.50	0.00	4,462.50
Other Expenses	28-381-020	5,000.00	0.00	5,000.00
Public Works Commissioner				
Salaries and Wages	20-114-010	2,625.00	2,375.00	5,000.00
Other Expenses	20-114-020	52.50	(7.50)	45.00
Streets & Roads				
Salaries and Wages	26-290-010	119,742.53	108,338.47	228,081.00
Other Expenses	26-290-020	19,207.13	17,422.87	36,630.00
Motor Vehicle Maintenance				
Salaries and Wages	26-315-010	60,119.06	54,395.94	114,515.00
Other Expenses	26-315-020	14,702.63	20,297.37	35,000.00
Building & Grounds				
Salaries and Wages	26-310-010	43,188.60	56,171.40	99,360.00
Other Expenses	26-310-020	51,157.05	46,284.95	97,442.00
Beach & Boardwalk	26-310-303	52,681.65		52,681.65
Recreation				
Salaries and Wages	28-370-010	35,112.00	40,637.00	75,749.00
Other Expenses	28-370-020	32,983.13	29,591.87	62,575.00
City Engineer				
Salaries and Wages	20-165-010	7,825.91	0.00	7,825.91
Other Expenses	20-165-020	2,231.25	47,768.75	50,000.00

Solid Waste/Recycling				
Salaries and Wages	26-305-010	12,364.80	22,635.20	35,000.00
Other Expenses	26-305-020	288,750.00	361,250.00	650,000.00
Finance Commissioner				
Salaries and Wages	20-112-010	2,625.00	2,375.00	5,000.00
Other Expenses	20-112-020	65.63	(20.63)	45.00
Legal Services Costs				
Salaries and Wages	20-155-010	9,843.75	(9,843.75)	0.00
Other Expenses	20-155-020	39,375.00	50,625.00	90,000.00
City Clerk				
Salaries and Wages	20-120-010	46,470.90	42,045.10	88,516.00
Other Expenses	20-120-020	10,425.45	14,574.55	25,000.00
Revision/Codification of Ordinances	20-120-320	1,916.25	1,733.75	3,650.00
Election Expenses	20-120-420	5,775.00	0.00	5,775.00
Planning Board				
Salaries and Wages	20-180-010	656.25	543.75	1,200.00
Other Expenses	20-180-020	5,610.94	(0.94)	5,610.00
Financial Management				
Salaries and Wages	20-130-010	59,186.93	53,550.07	112,737.00
Other Expenses	20-130-020	25,910.06	23,464.94	49,375.00
Auditing Fees	20-131-235	13,125.00	0.00	13,125.00
Assessment of Taxes				
Salaries and Wages	20-150-010	33,286.58	1,713.42	35,000.00
Other Expenses	20-150-020	6,564.34	3,435.66	10,000.00
Collection of Taxes				
Salaries and Wages	20-145-010	20,154.23	18,234.77	38,389.00
Other Expenses	20-145-020	3,453.19	3,174.81	6,628.00
Information Technology				
Salaries and Wages	20-140-010	11,355.75	10,274.25	21,630.00
Other Expenses	20-140-020	13,256.25	2,743.75	16,000.00
Municipal Court				
Salaries and Wages	43-490-010	52,582.95	47,575.05	100,158.00
Other Expenses	43-490-020	3,156.04	2,854.96	6,011.00
Prosecutor				
Salaries and Wages	43-492-010	8,137.50	7,362.50	15,500.00
Public Defender				
Salaries and Wages	43-495-010	2,362.50	2,037.50	4,400.00
INSURANCE				
Other Insurance Premiums	23-211-000	65,625.00	0.00	65,625.00
Worker Compensation Insurance	23-215-000	118,125.00	531,875.00	650,000.00
Health Insurance	23-220-000	525,000.00	900,153.00	1,425,153.00
Construction Code				
Salaries and Wages	22-195-010	62,766.11	56,788.39	119,554.50
Other Expenses	22-195-020	2,047.50	952.50	3,000.00
Housing Code				
Salaries and Wages	22-196-010	22,371.04	20,239.96	42,611.00
Other Expenses	22-196-020	1,707.30	1,544.70	3,252.00
Electrical & Plumbing Inspections				
Salaries and Wages	22-197-010	2,377.99	5,512.01	7,890.00
Other Expenses	22-197-020	65.63	(65.63)	0.00
Utility Expenses				
	31-460-000	44,625.00	40,375.00	85,000.00
Gasoline				
Electricity	31-430-000	128,625.00	116,375.00	245,000.00
Telephone	31-440-000	14,437.50	14,562.50	29,000.00
Natural Gas	31-446-000	28,875.00	71,125.00	100,000.00
STATUTORY EXPENDITURES				
Contribution to:				
Unemployment	36-473-000	15,750.00	4,250.00	20,000.00
Social Security System (O.A.S.I.)	36-472-000	60,375.00	54,625.00	115,000.00
Consolidated P&FRS	36-474-000	10,086.30	(2,951.30)	7,135.00
Medicare Insurance	36-476-000	32,812.50	29,687.50	62,500.00
Lifeguard Pension Fund	36-477-000	0.00	0.00	0.00

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Police & Firemens Retirement System NJ	36-475-000	441,724.24	1,144,995.76	1,586,720.00
Public Employees Retirement System of NJ	36-471-000	82,431.56	274,491.44	356,923.00
Defined Contribution Retirement Plan	36-478-000	0.00	500.00	500.00
Interlocal Municipal Service Agreements				
Borough of Longport-UCC				
Salaries & Wages	22-198-010	6,431.25	11,068.75	17,500.00
Other Expense	22-198-020	2,756.25	0.00	2,756.25
Borough of Longport-Engineering				
Salaries & Wages	22-165-010	15,435.00	(15,435.00)	0.00
Other Expense	22-165-020	5,250.00	(5,250.00)	0.00
CAPITAL IMPROVEMENTS				
Capital Improvement Fund	44-901-000	150,000.00	0.00	150,000.00
MUNICIPAL DEBT SERVICE				
Bond Principal - General	45-920-000	1,055,000.00	0.00	1,055,000.00
Bonds Interest - General	45-930-000	212,551.26	4,999.74	217,551.00
Bond Principal - School	48-920-000	1,020,000.00	0.00	1,020,000.00
Bond Interest - School	48-930-000	397,851.26	201,323.74	599,175.00
Interest on BAN	45-935-000	144,539.10	25,134.90	169,674.00
Green Trust Loan	45-940-000	31,091.60	0.00	31,091.60
		\$ 8,181,806.88	\$6,624,299.03	\$14,806,105.91
WATER/SEWER UTILITY FUND				
WATER/SEWER UTILITY FUND FCOA				
Operating				
Salaries and Wages	55-501-010	\$246,606.68	230,393.32	477,000.00
Other Expenses	55-502-020	\$252,510.52	449,933.16	702,443.68
ACUA Sewer Shared Costs	55-502-300	\$407,804.29	870,475.71	1,278,280.00
STATUTORY EXPENDITURES				
Contribution to:				
Unemployment	55-542-000	262.50	237.50	500.00
Social Security System (O.A.S.I.)	55-541-000	23,625.00	21,375.00	45,000.00
CAPITAL IMPROVEMENTS				
Capital Improvement Fund	55-512-000	75,000.00	0.00	75,000.00
MUNICIPAL DEBT SERVICE				
Bond Principal	55-520-000	155,000.00	0.00	155,000.00
Interest on Notes	55-522-000	19,745.00	0.00	19,745.00
Interest on Bonds	55-523-000	23,025.00	0.00	23,025.00
		\$1,203,578.99		\$2,775,993.68

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 61 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 62 OF 2010 – AMENDING R 37-10 TO AUTHORIZE LEASE/PURCHASE AGREEMENT WITH MUNICIPAL CAPITAL CORP ON BEHALF OF COMTEC COMMUNICATIONS (NEW PHONE SERVICE)

WHEREAS, by Resolution No. 37 of 2010 the City authorized a contract with Comtec Communications for the upgrading of the telephone system within the City of Ventnor City; and

WHEREAS, as part of the contract with Comtec Communications it is necessary to include a lease/purchase agreement with Municipal Capital Corp.

NOW, THEREFORE, BE IT RESOLVED that the Ventnor City Board of Commissioners herein and hereby authorizes the execution of a lease/purchase agreement with Municipal Capital Corp. for the upgrading of the telephone system.

Cmr. Piatt moved, seconded by Mayor Kelly that Resolution No.62 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 63 OF 2010 – AUTHORIZING EMERGENCY SEWER REPAIR AT FULTON & HARVARD TO ARTHUR R HENRY, INC IN AN AMOUNT NOT TO EXCEED \$12,000

WHEREAS, a sewer emergency exists requiring the immediate repair at Harvard and Fulton Avenues; and

WHEREAS, the nature of the emergency repair makes is necessary to engage the services of a Utility company to safely perform such repair.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Arthur R. Henry, Inc. is herein and hereby authorized to perform the emergency sewer repair at Harvard and Fulton Avenues.

BE IT FURTHER RESOLVED that said emergency repair shall not exceed \$12,000.00.

Cmr Weintrob moved, seconded by Cmr. Piatt that Resolution No. 63 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 64 OF 2010 – AUTHORIZING CHANGE ORDER #4, M.B. MARKLAND CO , ALTERATIONS TO PUBLIC WORKS BLDG (\$4,419.00)

WHEREAS, the Board of Commissioners of the City of Ventnor City entered into a Contract with M.B. Markland Contracting Co on October 20, 2009 for the TOWER & WALL RESTORATION, FLAT ROOF REPLACEMENT & TILE ROOF PATCHING AT THE VENTNOR CITY PUBLIC WORKS BUILDING for the total amount bid of \$574,400.00; and

WHEREAS, it was necessary to include or adjust various contract work, all as necessary for the successful completion of the project as outlined in Change Order No. 4, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Change Order No. 4 for the TOWER & WALL RESTORATION, FLAT ROOF REPLACEMENT & TILE ROOF PATCHING AT THE VENTNOR CITY PUBLIC WORKS BUILDING, which Change Order will increase the Original Contract Amount by \$4,419.00 thus bring the Total Adjusted Contract Amount to \$663,717.74; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued from the Municipal Chief Financial Officer be attached to this Resolution.

Cmr Weintrob moved, seconded by Cmr. Piatt that Resolution No. 64 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 65 OF 2010 – APPROVAL OF EXTENSION OF CONTRACT COMPLETION TIME TO MARKLAND - UNFAVORABLE WEATHER CONDITIONS (TEMPS NOT ABOVE 40 DEGREES)

WHEREAS, by Resolution No. 10 of 2010, M.B. Markland Contracting Co was granted an extension to the contract completion time for repairs to the Ventnor City Public Works Building until May 1, 2010; and

WHEREAS, due to continued unfavorable weather conditions, the contractor requires an additional month to complete all repairs; and

WHEREAS, Martin Blumberg, Architect has recommended extending said contract until June 1, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter approves extending the completion time of the contract with M.B. Markland Contracting Co. to June 1, 2010.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 65 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 66 OF 2010 – AUTHORIZING EMERGENCY WATER/SEWER REPAIR (COLLAPSED LATERAL & WYE BRANCH AT 7 N. NEWPORT AVE) TO ARTHUR R HENRY, INC

WHEREAS, a 6" lateral and wye branch at 7 N. Newport Avenue collapsed and required immediate repair; and

WHEREAS, the nature of the emergency repair makes is necessary to engage the services of a Utility company to safely perform such repair.

May 20, 2010

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Arthur R. Henry, Inc is herein and hereby authorized to perform the emergency repair of the collapsed lateral and wye branch at 7 N. Newport Avenue.

Cmr. Piatt moved, seconded by Cmr Weintrob that Resolution No. 66 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$8,299,316.72 and payrolls from 4/10/10 to 4/23/10 in the amount of \$637,023.50, from 4/24/10 to 5/7/10 in the amount of \$450,322.80 and from 5/8/10 to 5/21/10 in the amount of \$416,052.28 for approval. So ordered

Cmr. Weintrob asked if the bill list he requested & received from the CFO today, contained every bill from every City department in the \$8,299,316.72 total. CFO Aboderin affirmed that it is the same list.

REAPPOINTMENT OF JOAN GLICK TO THE BOARD OF EDUCATION & REAPPOINTMENT OF PETER WEISS TO PLANNING BOARD Mayor Kelly announced the reappointment of Joan Glick to the Board of Education for a 3 yr term (5-16-10 to 5-15-13) & the reappointment Peter Weiss to the Planning Board for a 4 yr term (1-1-10 to 1-1-14).

ANNOUNCEMENTS

- Mayor Kelly announced that the BOARDWALK RUNNERS have offered a donation for purchase & installation of a water fountain at Cornwall Ave & Boardwalk in MEMORY of JIM LATZ.
- VCPD Bicycle Safety Rodeo will be held on Saturday, June 5, 2010 at the parking lot Titus Field playground

PUBLIC COMMENTS:

PBA#97 representative JOSEPH FUSSNER related that after they met in February with Cmr. Piatt, CFO Aboderin, & Business Admin. Biagi to discuss some of their options, they reported back & the membership voted to get a professional analysis done on the financial documents. The missing document was the 2010 Budget which appeared on the April Agenda but was pulled. He felt a deadline should have been given such as a week - for them to come back with an offer &, if that deadline was not met - then layoff notices would be given out. The opposite occurred & layoff notices were given out. The MAYOR reiterated that the budget was not given to them in February because there was no such document - it did not exist. She had done exactly as she said she would. & he would get a copy at the meeting's end, as promised. Budget changes were being made right up until now. Solicitor MAGUIRE explained that layoff notices were given out because of the 45 day requirement. Nancy Sbrolla added that State Aid figures hadn't been received earlier. FUSSNER blamed the City that the union turnout tonight was because 6 layoff notices occurred - 6 officers lives were put in turmoil before they had the budget in their hands. The Mayor had not done as she promised. MAYOR KELLY said she could say the same - that she had always been up front with him -that she wasn't part of the team he met with but had met with them a couple of times, told them each time & explained to Mr. Alterman (PBA atty) seen here tonight. The MAYOR said she was sorry they were at this juncture tonight but didn't know what else she could do, since they had no choice. Discussion as to what time of day State approval of the layoffs was sent/received. FUSSNER asked how you could devise a layoff plan without having a budget? The MAYOR said they knew the amount needed to get under the cap. Cmr PIATT said the answer is in the reverse in the City's case - that when there is a cap - how would you devise a budget without the layoff plan. Because there was a deficit, the layoff plan had to be part of the budget. In response to who formulated the budget, PIATT said the departments contributed their budget to the finance department. Then there was a first round of cuts after the \$2.5M deficit was identified - to reduce it which came from all departments. The MAYOR asked FUSSNER if he was coming in to meet with her tomorrow as he said yesterday. FUSSNER said 'absolutely he'd come in & speak with her, we're going to go over the budget'.

Cmr WEINTROB asked if a copy of all line items of all departments will be available to FUSSNER tomorrow -that with a zero based budget every line item shows what is approved & not approved. The MAYOR said that the people who will be looking at the budget will understand it - Mr. Foti will know what he is looking at. Cmr WEINTROB disagreed. Cmr PIATT assured FUSSNER that he will get answers to any questions asked. Other queries included the surplus left in 2008 - 2009 budgets; the increase vs holding the tax rate, why Cmr Weintrob wasn't afforded the same information that Mayor Kelly & Cmr Piatt had. PIATT assured Weintrob he has had access to the same information. WEINTROB asked how he had access. The MAYOR responded that all day long emails are coming, going from him asking for all sorts of things - that as far as she knows, he gets the information requested and has never seen him absolutely refused anything. WEINTROB said he asked the CFO if in the budget she handed out today had any relationship to police negotiations - if the budget that was going up 2.3 cents had any allocation for whether the PD settled or had lay offs. She told him she hadn't the slightest idea if it was included or not. The CFO suggested he read his emails aloud. His email asked: 'what role do the police play in the meeting tonight?'. If he read his emails out to the people they could hear what was asked for & asked him to please read her answers as well He asks for one thing and when it comes down to it - he comes up and says something different.

FUSSNER suggested the City ask for the cap waiver even if they're denied. That many municipalities are receiving waivers. The MAYOR said it was a point to look into but doubted those municipalities were getting the waiver believed ... perhaps the police would give her that list tomorrow. She noted that when the ladies recently went to a cap meeting, the main question repeated was 'what are you doing to cut taxes in your municipality'.

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SONNY LOADENTHAL, 13 S Baton Rouge, spoke as a supporter, asking why every department but Weintrob's offered names for layoffs. WEINTROB said that PW negotiated/gave up \$300,00 to avoid layoffs. He repeated his adamant opposition to police layoffs, proposing a higher tax increase, instead. PIATT challenged deficit amounts & remarks Weintrob attributed to him.

MARIA MONTES, 106 Booker Av, EHT, spoke as the only remaining bilingual City Hall employee to be laid off - & complained of not getting heard. She angrily asked the City to lay her off this Monday not wait until July 2nd. The MAYOR reminded her that they have met & spoken several times - that the last few days she has been quite busy but had told MARIA she could meet the Solicitor & with her tomorrow. MS MONTES then directed her hostility to Cmr Piatt for his absence/unavailability & on to City Clerk/Admin/HR Biagi for having been given too many hats.

JOHN OLIVE 4919 Ventnor thanked the Commission for accomplishing a 'no tax increase' in 2009 unlike 5 yrs prior to their election when his taxes increased 63%. He handed in photos depicting 6" unsatisfactory repair to a curb broken during snow removal and a street long ignored now filled with potholes. He spoke of pride, investing 175' of new sidewalk around his property - hoping that others will follow. MAYOR KELLY thanked Mr. Olive & offered assurance that Cmr Weintrob would look into the situation tomorrow.

CHARLES COSTELLO, 417 Somerset asked for their personal opinions with the layoffs proposed, do you feel that we will still be safe? The MAYOR complimented our 'sage' older officers for the fine job they do & expressed her belief that as talks continue things will work themselves out - that we might still be able to negotiate to keep our younger officers. Responding to the budget deficit vs safety, PIATT reiterated his concerns with continued hope that the Police Department will rise to the occasion and help the City find the best solution. WEINTROB discussed the Boardwalk Specials & Bike Patrol - services performed by police - now gone. He compared stats of local police calls, response times, crime rates & manpower logistics with other communities. Agreeing that nobody wants higher taxes & nobody wants to lose police officers, COSTELLO asked who would sit in to negotiate the compromise - concerned with the unity factor of the Commission. The MAYOR explained that she would probably be the one.

GEORGIEANNE ROSS, 123 N Swarthmore offered dismay at attitudes shown tonight. She spoke of her love for all members of the Police Department and this Mayor & Commissioners. She noted the prior administration raised the taxes for everything & people can't afford it. You can't raise taxes all the time - there must be mediation to this.

SANDY VESPERTINO 5301 BURK Av spoke as a resident calling 'phenomenal' the job VCPD does - supporting whatever could be done to save the 6 officers. He noted the well-known reputation of our Police-Fire's 911 response time & extolled the virtues of the Code Enforcement personnel. In a 2nd issue, VESPERTINO asked re the sewer line in the bay - where we stand with completion of the process. The CITY ENGINEER stated his recommendation to proceed was a directional bore, a force main under West Canal & build a pump station underground at the end of Fulton & Harvard. Bids for drilling across will be received in June & while that is going on they'll start designing the pump station. VESPERTINO criticized the City for having paid \$10,300 for the last 22 months nearly \$.25M to rent a sewer pump & suggested that a pump could have been bought & resold for \$75,000. *Note:* Pump rental decision was determined by former City Engineer, Richard Carter who remained for 17 months of the 22 months in question. New City Engineer was appointed Jan 2010. CITY ENGINEER, MATT DORAN explained that there's a temporary force main that has a primary pump & a back-up pump (2 pumps, both of which are capable if one breaks down to continue the flow), fuel tanks, coffer, etc. The SOLICITOR added that the City had no plan since the pipe had been there since the 1920s. WEINTROB explained that on the 1st bid it was believed that there was a cradle in the ground that was satisfactory & could be used again. While doing a coffer dam, they found the cradle that we were going to put the pipe on wasn't there. That & problems with the contractor at the time, stopped the project right then & there & it had to be redesigned. VESPERTINO added that you really need to get the Engineer to check the rental prices - see if the City's really getting ripped off. He improperly added "\$.25M is a lot of police officers - I believe that would cover 6 of them". MAYOR KELLY quickly corrected him saying, "that's a bond, that isn't the current expense budget where their money would be, Sandy, as you know. VESPERTINO suggested more Commission meetings be scheduled to speed the project along if you're going to pay rental on the machine. WEINTROB explained the City had passed resolutions a couple of months ago that as soon as we get plan the plan in place, we can go out for bids & we don't need to come back before a Commission Meeting to do that.

JOE FUSSNER spoke, addressing the Mayor's comments about other officers coming to speak with her. He strongly suggested that unless it was he, Domenic Cappella or Steve Doyle, the MAYOR should not be speaking to anyone else - that would be an unfair labor practice.

DOMENIC CAPPELLA, SR, 526 Pacific, AC spoke as a Police Officer's father, a former Business Administrator and a resident who raised & educated his family in Ventnor City - appealed to both sides to please sit down & find a way to settle this without officers being laid off.

CASSANDRA SHOBER, 210 Newark presented a list of the things that PBA has done for the City above & beyond their working so diligently to keep us safe. They pay for our Barbecue, our National Night Out, for our movies & Special Events, one police officer teaches a class at the school, provide the Dare Program & have been generous sponsors of the local Cub Scout & Boy Scout Troop. She offered her opinion re the relevancy of school bussing, children walking, school crossing guards to police layoffs. The MAYOR spoke of the drives she had taken in September out of concern for the younger children - & her surprise at the small number of students who walk to school - perhaps due to car pools. She reiterated her hope that now, with the Police having their budget in hand, perhaps some of these things will change. MS SHOBER asked who was on the finance committee - what they do? The Mayor said she was unaware as they had nothing to do with our budget. Cmr PIATT said the finance committee that formed the original 2009 Budget where they developed the zero based budget process. In the 2010 process when it was known there would be a deficit, they felt it would be unfair to involve private citizens in a situation where there may be a layoff or furlough situation - so the finance committee has not met for a long time. They do exist but have

not met. MS SHOBER wished to know how someone might become part of that committee & if was by appointment.. MAYOR KELLY explained that these people were not a part of the Commission like the beautification committee, they were citizens who wanted to volunteer in the areas they were interested in – noting the sheets (signup forms) filled out at their 1st barbecue. PIATT suggested that since the finance chairman resigned anyone who is interested should give their letter to him & he would forward it. SHOBER noted that in the past, liquor licenses & city wage taxes were brought up and how much money is being generated from the Cultural Arts Center – and if that is offsetting any costs to the City.

TIM KREISCHER 117 N Somerset commented on the hour State approval of the Layoff plan was received last Thursday vs when Commission was notified. Regarding police in negotiations, he felt more figures should have been given. The MAYOR explained that everything we had was given but with the changing numbers, they felt they needed more –they wanted to see the Introduced Budget. He described police capabilities, multi-tasking & the logistics involved in response time. Reading of 80% increase in crime, KREISCHER questioned cutting police officers or forcing out older members making the big money. The MAYOR said he should know that Police doesn't have officers that old/near retirement. The Fire Dept package was developed by their members & she repeatedly received assurance that no one was being forced to retire. Now, with the Introduced Budget in hand, the Mayor was hopeful Police will work this out. When KREISCHER asked particulars of shift, manpower & operational numbers, Police Chief Cancelosi spoke out, cautioning that such information should not be put out for public consumption. Past and present contracts were discussed. Undisputed was that continued accelerated increases in contractual agreements, whether mandated by arbitration or negotiated in good faith, have brought us to this juncture. Cmr WEINTROB asked if the difference between the Feb document & the Introduced Budget was the amount the State is taking back & questioned the 4% cap figure. The CFO responded that the earlier document contained all the requests that came in from the departments & after that, cuts were made. Also noted was that the 4% cap was a State formula & a copy of the NJ worksheet was available. Also questioned and discussed was what effect Code Enforcement layoffs would have to the rental licensing program, revenues, etc. Other discussions were trash/recycling contracts, W/S Utility (% salaries that should/should not be included), comparison of health benefits costs, etc The CFO said City investigated the state plan, independents(self insured & not) & the 'equal or better' contractual clauses.

MIKE GLICKSTEIN, 437 Berkshire said a majority of people here have a problem with a \$125 increase (30%) over their present \$515 water bill. He asked if some sort of exemption could be made for duplexes that pay \$1,030 from being increased to \$1,280. He spoke of the inequity of everyone paying the same amount. The MAYOR said for a long time the meters were not read. Once the meters are read, the bills will be very different because you'll be billed based on your usage. Referring to 300 property tax appeals about to be heard, GLICKSTEIN asked how the City planned to cover the shortfall that will occur once they're brought down. The MAYOR said the loss is spread among all the taxpayers. With a 4 day work week happening on the administrative side, he asked if anything could be done on the Public Works side to stagger/massage them to work 4 days a week & operate on a 5 day basis. WEINTROB said that the fact the union has given up overtime for comp time will cause problems for the rest of the year as the willingness to come in for comp time instead of overtime presents its own problems & nightmares with staffing in emergencies. Recognizing that the \$20,000 cost per high school student may increase dramatically, GLICKSTEIN suggested that Ventnor consider changing its status as a high school sending district and combine downbeach with other sending district communities to form a charter school on the Margate property. The MAYOR explained that we are meeting with Margate re shared services as the new Commissioner of Education wants schools to look into shared services before consolidation. She reported that the Mayors feel legislation should be enacted to put a cap on ACHS spending –on how much they can charge us because it is hurting us in running our municipality. With a \$10M loss in revenue, AC wants to pass it on to the sending districts. MAYOR KELLY said she has passed this on to the Governor's Office through a representative with whom she communicates.

STEWART ALTERMAN, Attorney for PBA 97 accused Mayor Kelly of holding back budgetary information she should have provided to Police accountant, Foti. The MAYOR recited the 2008 Report of the Audit, 2008-2009 Adopted Budgets & the 2009 Annual Financial Statement Unaudited as documents he requested & received. The last thing was the 2010 Introduced Budget which did not exist. ALTERMAN reference his April 7, 2010 OPRA request & discussion ensued with CITY CLERK Biagi, CFO Aboderin & SOLICITOR Maguire responding as to documents requested, given & which were not made available due to ongoing negotiations. Re the Layoff Plan was sent to NJDOP on April 6th & State approval was received via FAX May 13th. On May 14th Notice was given to the employees effected, their union representatives & NJDOP (Civil Service). Notwithstanding procedures being followed, ALTERMAN felt that upon the afternoon receipt of the fax, the City should have immediately disclosed the State's approval then or at the 7PM Workshop – implying that the union or public should be told *before* the employees involved. The SOLICITOR adamantly disagreed, reciting procedures followed. The MAYOR offered a comprehensive explanation of the deficit & budgetary problems the City faced being \$2.5M *over* the 4% cap. As a union member, she felt the unions should be asked what they could do to help the City with the situation. Some did. PBA wanted to wait for the Introduced Budget. When she was advised that it couldn't be introduced at a workshop – only at a Commission Meeting, it was introduced tonight. The SOLICITOR asked why PBA hadn't submitted a plan as the others had. ALTERMAN reflected on the decrease in police staffing from a high 8 years ago, while violent & non violent crimes & call volumes increased. Donating levity relief, MAGUIRE asked if the figures can be verified. CANCELOSI affirmed they were taken from Annual Yearly Reports. ALTERMAN concluded saying if two things that drive property values are public safety & schools - when public safety is diminished, who is responsible?

KEN LYONS, NJ STATE PBA REP & 22 year active Law Enforcement Officer & LE student, explained the philosophy of crime displacement & how when pushed - moves away. That is done by proactive police work which requires more people out on the street & higher visibility. He referred to numerous examples where contracts have been reopened, a settlement has come to fruition when it is discovered more is needed. Last night in Jackson, \$1.5M shortfall turned into \$2.5M after they had reached concessions & later withdrew them. He commended VCPD for their professionalism shown, their willingness to open up their contract, sit down & talk,. He questioned statements heard tonight & touched upon frustrations Alterman faced tonight not having the documents he needed. Concluding,

he hoped no one would act in haste tomorrow. That Foti would be given the time to look over the documents so that educated commitments could be made. LYONS presented a letter addressed to the Board from the PBA Exec VP.

DOMENIC CAPPELLA, 5700 Edgewater PBA member & resident, said the Mayor knew there was a cash flow problem in 2008 & she didn't raise taxes. She told them it wasn't their fault nor their worry - but they're paying for it now and the citizens will be paying for it with their safety at risk. *Note:* Mayor Kelly was elected to Commission May 2008 & assumed the budget prepared by the prior Board of Commissioners who were not reelected to serve.

AMY WEINTROB, 819 Surrey, prefaced with full disclosure that she was Cmr Weintrob's daughter- asking the Solicitor if the comment he made in response to Stewart's (Alterman) comment about Cmr Weintrob not having information, seemed to allude to the fact that he is lying. He said, "No". She related her observations & perceptions of the constant battle her father has had during the past 2 years re his requests for & receipt of information. She quoted emails back & forth from the Commissioners & recent denials from the CFO. She referred to Cmr Piatt's response re prioritizing & his OPRA request to the City Clerk. She asked when it was disclosed to the Mayor & Cmr Piatt that the state had approved the Layoffs. Cmr PIATT said he did not know that evening. He also commented on the issue of Cmr Weintrob's request for documents from the finance dept. That while we were in the throes of the budget issues, we were inundated with requests from Cmr Weintrob - most of which seemed irrelevant to our mission of resolving the budget. He told Cmr Weintrob there were times he had to wait for his request to be filled and that as far as he knows, he has gotten everything he asks for - he just doesn't get it when he wants it. In response to why he requested that Cmr Weintrob come through him, Cmr Piatt said that was in response to his belief that Cmr Weintrob was harassing CFO Aboderin. She was feeling harassed & was inundated with those kind of requests. AMY asked if the City Clerk felt harassed when a sitting Commissioner asked for information . CLERK Biagi asked to be enlightened as to the OPRA request involved since copies of all formal requests are kept. Cmr WEINTROB said he asked for any information that Cmr Piatt had in relationship with the State of NJ or anybody asking about the forensic audit & was told by Cmr Piatt that he couldn't have that information - he had to make an OPRA request. The SOLICITOR again made clear that he was not calling Cmr WEINTROB a liar - that part of his duty is to represent Steve & he has a personal liking of Steve. He wasn't calling Steve a liar but did want to be very clear that there are definitely times when Steve is confused & what he says is 'I requested this and they didn't give it to me'. As Toro said, 'show me the email that you sent' when you see what you actually said, it turns out it different. Cmr WEINTROB read aloud the entire email of his questions & the responses from the CFO and the Mayor after which a lengthy discussion ensued.

PRISCILLA BEURET 15 S Richards offered her appreciation of all the views expressed tonight but felt that a time limit of 10-12 minutes would cut-off some of the dissertations that went way beyond. She hoped that solutions could be found.

MIKE WEISEN 326 Dorset asked if there was a ratio for the number of officers for this city for the number of people who live in it and the number of calls they make and the type of crimes they are attending to. MIKE felt that 38 seemed low but was the number that should at least be maintained. He described two past incidences involving his bike shop and a recent personal experience with a verbal abuse situation near his home- which required police response. In expressing his reactions to the officers prompt & professional handling of the situations and the follow-up courtesy call he received from Lt Biagi in the aftermath, he felt he could not say enough in praise of our Police. He added his belief that if you put this to a vote of the taxpayers of Ventnor and ask them if they would pay a little bit more money to keep 6 extra police officers on duty, he firmly believed most of them would say, yes.

SANDY VESPERTINO asked if Commission could rescind the ACUA Resolution tonight & if the answer is no, could an appeal be put into place. The Solicitor explained that they could rescind the Resolution if they wanted to. but did remember that the City & ACUA was receiving many complaints regarding the previous hauler. The MAYOR said the people are enjoying having their trash & recycling together on the same day. She also said that the first thing we have to do is have our meeting with police before I would do anything. VESPERTINO said that as it is our 3rd highest item of expense - if we saved 10% of that cost we could probably save a police officer.

LEE SIROTA, 14 N Wyoming referred to a newspaper list of Atlantic County's highest property taxes that appeared a few months ago which showing Ventnor is #3 in taxes - and without concessions we would be shooting for #1. Having been in real estate for years Ms SIROTA understood the true effect of skyrocketing taxes. With more foreclosures come more vacancies. People cannot afford any more taxes. 2nd home buyers will stop buying - Look around & see the For Sale signs. It will get even worse if the taxes continue to go up. What she hoped to see was a balance between services & fiscal responsibility. She asked what the City pays into the pension for City Hall employees, Police & Fire etc, The ability to cut the City's contribution to the employees pension was touched upon with the MAYOR not wanting to do that. The CFO said the pension check due April 1st were PERS, \$356,923.00 and PFRS \$1,586,720.00. & explained that was the City's share and the employees contribute their share.

DOMENIC CAPPELLA addressed his comments to Ms SIROTA noting the added expenditures for the Boardwalk, beaches, trash pickups, as the price to be paid for living at the shore. MS SIROTA explained her 50 year residency including the years when her taxes were \$400 - including water & sewerage. DOMENIC argued that you're paying for what you get here - you have luxuries here - maybe a little bit higher than the surrounding communities & it should be. He also complained of the State & municipal past practices re borrowing from the pensions. Cmr WEINTROB also responded to Ms SIROTA naming EHT, & Galloway Twp as examples of not having a fire department, a boardwalk or beach & offered comparisons of properties paying more in EHT than a property assessed the same in Ventnor.

JOHN OLIVE called the meeting the worse he has ever seen in Ventnor .. the fragmented, squabbling, in-fighting - it's a terrible thing to see. As to the Police Department - it's the finest there is. Absolutely the best. I know this. This administration, the best. He complimented the 0% tax increase in 2009 & minimal increase this year. He offered

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hope that some kind of a compromise – there has to be a give & take. There's a risk in losing jobs but there's a risk in losing houses when people can't afford the taxes. He spoke of the unbridled spending & powerful interest groups that have had their way with politicians & the result is – taxes increase. He again hoped that an agreement can be met – with the understanding the what is given to Police comes from the taxpayers who have about had it. NJ has the highest tax burden in the entire nation.

TIM KREISCHER asked the Solicitor a legal question re Alterman's OPRA request. A discussion ensued re PBA's concern with the validity of a draft document and their reluctance to rely on a document with possible changing numbers. TIM voiced his opinion that the State Layoff Approval should have been made public on Thursday night before the individuals received their Layoff Notice on Friday. Cmr PIATT again responded it wasn't a big issue with him but that he did not know. KREISCHER also questioned the amount of emails being sent between WEINTROB & the CFO when they were just down the hall from each other.

ADJOURNED: 10:46 PM

Cmr Piatt moved, seconded by Mayor Kelly, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on June 17, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

PUBLIC HEARING ON 2010 MUNICIPAL BUDGET

The Mayor announced the Public Hearing on the 2010 Municipal Budget after which Commission Weintrob moved, seconded by Cmr Piatt, the Public Hearing on the 2010 Municipal Budget be open.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

Municipal Auditor, Ken Moore stated that when he spoke with the State two days ago, they were at least 2 weeks behind in doing any budget reviews & explained that we are able to have the Public Hearing tonight but will not take a vote on the Adoption.

Cmr Piatt prefaced for general public information, that a tentative agreement has been made between the City's bargaining unit & the PBA bargaining unit. Hoping it will work out positively, in the meantime, we aren't going to discuss any of the details until such time as the membership has reviewed and voted on it.

DAN CAHILL, 210 Cambridge questioned the credibility of ongoing negotiations referring to earlier deficit figures and percentages from which the Fire Dept & others negotiated. CMR PIATT responded that the negotiation process has been ongoing for 3 mo and with the fluidity of the budget, spending as you go, the numbers have a tendency to change. Matters of equity within the departments will not be discussed until after the PBA has reviewed, settled or modified their Agreement. CMR WEINTROB asked if the Police do settle, will that have a positive effect on the other department numbers. CMR PIATT said we'll wait & see, that with other issues still impacting the budget there is a possibility that some agreements may have to be looked at again but not as you think. Hopefully with PBA Agreement in hand, we'll discuss that together.

SANDY VESPERTINO 5301 Burk compared 2010-2009-2008, WC & S/W calculations & totals. CFO Aboderin explained the effect of receiving rebates later & their application to the appropriated figures shown.

TIM KREISCHER, 117 N Somerset asked if extraordinary health costs couldn't be handled as an emergency, using 3yr averaging, paid for by a BAN. The AUDITOR explained the \$700,000 did not effect surplus & wasn't listed in the Special Emergency category. Summer specials, union/non-union raises, furloughs, layoff dates & the effects of layoffs on construction permits, rental, trash & maintenance programs were questioned. As to the City's revenue efforts, the MAYOR lauded the Assessor's success in getting every property on the rolls including added assessments like 2-story additions & Administrator BIAGI added that the Tax Collector was also staying on top of it all & noted that liens, foreclosures & bankruptcies were not having much negative effect with banks & mortgage companies paying the taxes first. The AUDITOR responded to 3 year tax collection averaging by pointing out that tax appeals are still coming in & with a \$7.5M drop last year, that would be a 1 year fix only. KREISCHER'S suggestions were not of long term resolve but interim measures to stave off July 2nd layoffs. The MAYOR concernedly said, "It's a tough decision to make" as she was not looking for a one year fix and... not seeing too much light in the tunnel, she asked, "What happens for next year?" KREISCHER also questioned the amount received from the sale of 5008 Ventnor Ave. The SOLICITOR explained the \$145,000 modified payment schedule PDF requested by the developer's atty because of his inability to pay the full amount. \$30,000 has been paid, \$30,000 is due July 31st. (\$30,000 by 7/31 & \$55,000 by 12/31). The modified schedule was accepted to avoid protracted court action which can drag out payments for years & results in a judgment to *collect* money which we already have in the Agreement. Cmr WEINTROB said he was not made part of this decision and if he had been asked, he would have voted against the modified schedule and voted to take it to court. Speaking as a former Mayor & initiator of the now defunct NE Redevelopment, KREISCHER said he'd have handled the property by seizure, reiterating his philosophy of buying up ratables such as 5008 Ventnor while criticizing his successors for modifying a schedule of payments from the property he was going to give to the developers. The MAYOR affirmed this was the best deal we could do with Alsentzer's inability to get the money. The SOLICITOR restated that a resolution was not needed because the Agreement remains unchanged. It is still in place. A lengthy discourse ensued with KREISCHER telling the Solicitor how the decision should have been made - how he would have handled it. Solicitor MAGUIRE countered that it was disingenuous for him to say we're not taking action quick enough, as action was now being taken on a property that had sat vacant for so long. Responding to whether the grant writer was still being paid & if he obtained any new grants for us, Mayor KELLY & Cmr PIATT said he was no longer being paid but will continue to work until he obtains new grants for us in the amount we paid. The grant writer has applied for various grants but has not yet gotten us any new ones. Admin BIAGI confirmed that police, fire, PW's & the engineer still apply for their normal county, state-aid & federal grants.

RICHARD GOBER, 26 N Hillside spoke of his amusement that the previous administration who was going to *give away* the 5008 property to Alsentzer, didn't understand why a modified payment schedule to the *sale* made sense. Tax sales & interest earned paid by investors @18% were noted as positive revenues. GOBER lauded all three Commissioners for doing the best job possible in a financial crisis shared with 90% of NJ communities. a state wide continuing to look for solutions to public safety layoffs. The AUDITOR explained the 3.5% appropriations cap vs. the 4% levy cap using the 3 budget segments of spending against revenue & tax levy and what effect appropriation

increases has on caps & taxation in this budget & next. Also discussed was the exorbitant amount Ventnor pays to send their regular & special needs students to Atlantic City High School @\$20,400/\$33,000 respectively and the emergent need for the sending districts to seek a more cost effective alternative education to ACHS. Non resident homeowners were appreciated as positive assets who have no negative impact on our school systems and utilize solid waste & sanitation services part-time.

MARK RABINOWITZ, 108 S Wissahickon introduced himself as an NRO/non resident owner. He stated that \$18M of this \$26M budget or 70% is paid by NROs yet most cuts were being made in the only areas used by them. He pointed with concern to cuts suggested on police, boardwalk & beach patrols & offered alternate money saving such as privatizing vehicle repair. Mayor KELLY explained why some of his questions & suggestions solutions couldn't be addressed as the teams are still in negotiation & appear close to an agreement. How PW & Water/Sewer responds to weekend emergency calls, i.e. is schedule voluntary or mandatory and how they were paid (overtime comp time) was discussed.

ED ARENTZ 215 Wissahickon blamed the outlandish \$20,400/\$6M year high school tuition Ventnor pays for the budgetary constraints, layoffs, furloughs & cutbacks our fire, police & other departments have been forced to deal with. With Stockton College tuition at \$16,000 & the 2nd highest high school tuition/MRHS at \$12,000 – Ventnor has little choice but to pull out of ACHS or find alternates in a voucher system. The Auditor explained the workings of the school budget/tax vs. local budget/purpose tax. The MAYOR stated the State Dept of Education controls/sets the formula & regulates high school tuition. When the formula was changed a year or so ago it didn't help us. It gave us the increase. Mayors from Ventnor, Margate, Longport & Brigantine had called the Governor's office to let him know that they understood what he is trying to do to halt the runaway train but he needs to come down & look at the ACHS tuition situation. The SOLICITOR said there is not an option not to pay the bill - you would be assessed interest & penalties. The MAYOR stated the County Supt has been made aware that with a reduction in enrollment ACHS staff must be reduced. Another option was to hold 9th grade locally. Everyone agreed that an alternative must be found quickly.

Fire Chief BERT SABO, 402 N Harvard addressed their \$600,000 negotiations noting that with only 4 men more than Margate, VCFD responds to double their calls. He offered concern at what they might be faced with in the future. He referred to his men as EMT-1st responders on every call - even with beach patrol in the water. He noted that 25-35 of his men are taxpayers living in town. He worried that after they had tried to do the right thing, if the City was looking out for their best interests - that as negotiations go, it was going to be tough in the coming years. Cmr WEINTOB questioned the decrease in the FD medical supplies line item. SABO explained the general fund & how the ambulance billing money is received/distributed. He described the difficulties of dealing with 40 men on 9 man shifts/8 minimum who had already worked 150-200 hrs comp on the bridge and responded to WEINTROB's questions on PW employee response to emergency calls by explaining how he handles that in his department. In conclusion, the MAYOR suggested to Chief SABO that we all wait until we hear what the Police Agreement says.

DOMINIC CAPPELLA, Washington Ave. referenced a June 15th letter & asked if they were going to oppose the 2.5% cap. The MAYOR said she was told of the letter but hadn't received a copy but didn't expect to oppose the cap at this time because she felt the runaway train has to be stopped. It's being done more quickly than she might like but if some concessions are made by the legislators, it will be good for everybody.

There being no one further wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt, the Public Hearing on the 2010 Municipal Budget be closed.

Roll Call Vote:
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-09

The City Clerk read the Title of Ord 2010-09 'AN ORDINANCE AMENDING & SUPPLEMENTING CHP 214 (VEHICLES and TRAFFIC) OF THE CODE OF THE CITY OF VENTNOR CITY TO REMOVE THE FIRE ZONE ON NEW HAVEN AVE AT THE BOARDWALK' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly seconded by Cmr Piatt the Public Hearing on Ordinance 2010-09 be closed.

Roll Call Vote:
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - ATLANTIC AVE PAVING

Date of Bid Opening: June 8, 2010 @11:00 AM
Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk

- | | |
|--|--------------|
| 1. Arawak Paving Co.
Hammonton, NJ
Bid Bond Attached | \$165,400.00 |
| 2. Johnson Baron Corp
Forked River, NJ
Bid Bond Attached | \$157,165.97 |

- 3. American Asphalt Co., Inc \$139,139.13
W. Collingswood Heights, NJ
Bid Bond Attached
- 4. South State, Inc. \$159,964.00
Bridgeton, NJ
Bid Bond Attached
- 5. A.P. Construction, Inc. \$259,090.00
Blackwood, NJ
Bid Bond Attached
- 6. A.E. Stone, Inc. \$133,200.00
Egg Harbor Twp., NJ \$133,220.00*
Bid Bond Attached *Corrected amount

Report Submitted By Sandra M. Biagi, RMC/CMC

Mayor Kelly moved, seconded by Cmr Piatt the report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - WEST CANAL BORE

Date of Bid Opening: June 9, 2010 @ 11:00 AM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk

- 1. WECO Construction, Inc. \$247,428.60
Egg Harbor Twp., NJ
Bid Bond Attached
- 2. Kline Construction Co., Inc. \$170,920.00
Galloway, NJ
Bid Bond Attached
- 3. Elk Pipeline, Inc. \$371,400.00
Franklinville, NJ
Bid Bond Attached

Report Submitted By: Sandra M. Biagi, RMC/CMC, City Clerk

Mayor Kelly moved, seconded by Cmr Piatt the report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-09

AN ORDINANCE AMENDING & SUPPLEMENTING CHP 214
(VEHICLES and TRAFFIC) OF THE CODE OF THE CITY OF VENTNOR CITY
TO REMOVE THE FIRE ZONE ON NEW HAVEN AVE AT THE BOARDWALK

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-09 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RECEIPT OF 2009 AUDIT REPORT

Cmr. Piatt moved, seconded by Mayor Kelly that the 2009 Audit Report be received and filed according to law.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS - CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

The City Clerk asked if the Board wished to adopt Resolutions No 67 thru 77 by Consent

Cmr. Weintrob moved, seconded by Cmr Piatt that Resolutions No 67 thru 77 of 2010 be adopted by consent.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 67 OF 2010 – AUTHORIZING READING OF 2010 BUDGET BY TITLE ONLY

WHEREAS, NJSA 40A:4-8 as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body,

providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 67 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 68 OF 2010 -2010-2011 LIQUOR LICENSE RENEWALS

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS of the City of Ventnor City, New Jersey, that Plenary Retail Distribution Licenses as set forth below heretofore issued by the City of Ventnor City shall be and hereby are renewed from the period of July 1, 2010 to June 30, 2011 to the persons and locations as set forth below.

BE IT FURTHER RESOLVED that the licensees having paid their annual renewal fee of \$360.00 and the required fee to the Division of Alcoholic Beverage Control of \$200.00, that the City Clerk is designated to issue, sign and deliver the license renewal on behalf of the City of Ventnor City to the following premises:

NAME OF LICENSEE	LICENSED PREMISES	LICENSE NUMBER
Parekh Corp. T/A Bloom’s Liquor Store	6500 Ventnor Ave	0122-44-001-007
Sulochanba, LLC T/A Moonlight Liquor	5216 Atlantic Ave	0122-44-002-011
Famcamp, Inc. T/A White Star Liquors	6812-14 Ventnor Ave	0122-44-003-004
Shaiva, LLC T/A HAG Liquors	5113 Ventnor Ave	0122-44-004-007
V&R, Inc. T/A Florida Cold Cuts of Ventnor	7301 Ventnor Ave	0122-44-005-003
Jay Sikotar, LLC T/A Community Liquors	137 N. Dorset Ave	0122-44-006-007
Basia’s Inc. T/A Basia’s Deli & Liquor	4825 Atlantic Ave	0122-44-009-005
Ventnor City Liquor & Wines Inc T/A Plaza Liquors or Plaza Discount Liquors	5030 Wellington Ave	0122-44-012-003

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 68 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 69 OF 2010 – COMMUNITY BUILDING DEPOSIT REFUND

WHEREAS, on February 25, 1999, the Ventnor City Board of Commissioners adopted Resolution No. 48 of 1999, which Resolution adopted the policy and fee schedule for use of the Community Building and other public premises owned by the City of Ventnor City; and

WHEREAS, under said Resolution, anyone applying for the use of the Community Building must pay a \$100.00 deposit along with the required fee, which deposit would be refunded after the building was inspected following such event and found to be left ins satisfactory condition; and

WHEREAS, the following persons paid the required \$100.00 deposit and are eligible to receive such refund.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that the Chief Financial Officer is herein and hereby authorized to issue a refund check in the amount of \$100.00 to the following persons.

NAME & ADDRESS	DEPOSIT DATE	DATE USED	REFUND AMOUNT
Breakers on the Boardwalk Condo	5-14-10	6-5-10	\$100.00

5400 Boardwalk Ventnor, NJ 08406

Cmr Weintrob moved, seconded by Cmr. Piatt that Resolution No.69 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 70 OF 2010 – RENEWAL OF INTERLOCAL AGREEMENT WITH ACIA FOR THE PROGRAM INCOME-HOUSING REHABILITATION PROGRAM

WHEREAS, the City of Ventnor City entered into an interlocal service agreement with Atlantic County Improvement Authority (ACIA) in 2001 for the administration of the program income from small cities grants for housing rehabilitation; and

WHEREAS, said agreement was renewed for additional three year terms in 2004 and 2007; and

WHEREAS, said agreement renewal expires June 29, 2010 and the City of Ventnor is desirous of renewing said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it herein and hereby renews its agreement with the ACIA for the administration of the program income from small cities grants for housing rehabilitation.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to sign said agreement on behalf of the City of Ventnor City.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 70 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 71 OF 2010 – AUTHORIZING SALE OF CITY OWNED VEHICLES & EQUIPMENT

WHEREAS, the City of Ventnor City has certain vehicles & equipment which are no longer needed for public use; and

WHEREAS, it is the intention of the City of Ventnor City to offer said vehicles and equipment for sale to the highest bidder after appropriate advertisement has been placed in the newspaper circulating in said municipality in accordance with NJSA 40A:12-13.1; and

WHEREAS, a list of said vehicles and equipment intended for sale is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter authorizes the City Clerk to advertise in the PRESS by 2 insertions at least once a week, during 2 consecutive weeks, the last public auction to be not earlier than seven days prior to said sale of those items not needed for public use, attached hereto and made a part hereof. Said sale shall be held on Wednesday, the 7th day of July, 2010 at 10:00AM, prevailing time, in the City Yard, North Cornwall & Winchester Aves, Ventnor City, NJ.

The City of Ventnor City makes no warranties or representations as to the condition of said vehicles to be sold and sells said vehicles and equipment in an “as is” condition.

BE IT FURTHER RESOLVED that the City of Ventnor City reserves the right to reject any and all bids.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 71 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 72 OF 2010 – AWARD OF BID, ATLANTIC AVE PAVING

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on Tuesday, June 8, 2010 at 11:00AM six bid proposals for IMPROVEMENTS TO ATLANTIC AVE; and

WHEREAS, the Municipal Engineer has reviewed same and has herewith recommended award to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for IMPROVEMENTS TO ATLANTIC AVE to A.E. STONE, INC. for their Total Amount Bid of \$133,220.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 72 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 73 OF 2010 – AWARD OF BID, WEST CANAL BORE

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on Wednesday, June 9, 2010 at 11:00AM three bid proposals for the WEST CANAL SANITARY SEWER DIRECTIONAL BORE; and

WHEREAS, the Municipal Engineer has reviewed same and has herewith recommended award to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for the WEST CANAL SANITARY SEWER DIRECTIONAL BORE to KLINE CONSTRUCTION CO, INC. for their Total Amount Bid of \$170,920.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 73 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 74 OF 2010 – AUTHORIZING AWARD OF PROFESSIONAL CONTRACT TO CONCORD ATLANTIC ENGINEERS, INC FOR VC LIBRARY & CULTURAL ARTS CENTER HVAC ASSESSMENT STUDY/REPORT

WHEREAS, a need exists for professional mechanical engineering consultation services to perform an HVAC assessment study and report for the Ventnor City Library and Cultural Arts Center facility; and

WHEREAS, a Proposal has been obtained from Concord Atlantic Engineers, Inc. dated June 10, 2010 for an amount not to exceed \$9,200.00 and is attached hereto; and

WHEREAS, a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it accepts the Proposal from Concord Atlantic Engineers, Inc. to perform an HVAC assessment study and report for the Ventnor City Library and Cultural Arts Center facility in accordance with their Proposal dated June 10, 2010 and attached hereto.

BE IT FURTHER RESOLVED that a Notice of this Contract Award shall be published at least once in the Atlantic City Press pursuant to the requirements of Chapter 198 of the Laws of 1971.

Cmr Weintrob moved, seconded by Cmr. Piatt that Resolution No. 74 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 75 OF 2010 – TAX REFUND, OVERPAYMENT

WHEREAS, the 2010 tax on Block 130, Lot 17 known as 20-22 N Wyoming Avenue, Ventnor, NJ and assessed to Frederick M Spitalnick was overpaid in the amount of \$1,669.00 due to the mortgage company and the title company paying; and

WHEREAS, Wells Fargo Home Mortgage has requested a refund in the above amount sent to Mr. Spitalnick, 20 N Wyoming Avenue, Ventnor, NJ 08406,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue a refund check as stated above.

BE IT FURTHER RESOLVED that the Tax Collector and the Chief Financial Officer of the City of Ventnor City are authorized to mark their books and records accordingly.

Cmr Weintrob moved, seconded by Cmr. Piatt that Resolution No. 75 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 76 OF 2010 – RESOLUTION OF COMPLIANCE, 2009 AUDIT REPORT

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Ventnor City Municipal Clerk as per the requirements of NJSA40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S.52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Findings and Questioned Costs” or “Findings and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Findings and Questioned Costs” or “Findings and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S.52:27BB—52 — to wit:

R.S.52:27BB—52 — “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office.”

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor City, hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Cmr. Weintrob moved, seconded by Cmr. Piatt that Resolution No. 76 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 77 OF 2010 – AMENDING 2010 TEMPORARY BUDGET

CURRENT FUND				
GENERAL GOVERNMENT FUNCTIONS	FCOA	2010 Temporary Budget	Amended Amount	Amended Temporary Appropriation
Mayor's Office				
Salaries and Wages	20-110-010	15,691.20	16,308.80	32,000.00
Other Expenses	20-110-020	2,387.70	5,612.30	8,000.00
Police				
Salaries and Wages	25-240-010	976,747.28	1,023,252.72	2,000,000.00
Other Expenses	25-210-020	31,368.75	58,631.25	90,000.00
Uniform Fire Safety				
Other Expenses	25-265-020	2,326.54	2,173.46	4,500.00
Fire Department				
Salaries and Wages	25-265-010	963,262.39	1,336,737.61	2,300,000.00
Other Expenses	25-265-020	35,810.78	39,189.22	75,000.00
Radio & Communication				
Salaries and Wages	25-250-010	110,771.06	149,228.94	260,000.00
Other Expenses	25-265-020	4,784.06	12,215.94	17,000.00
Office of Emergency Management				
Salaries and Wages	25-252-010	25,958.89	24,041.11	50,000.00
Other Expenses	25-252-020	7,410.90	1,589.10	9,000.00
Dog Control	27-340-020	2,100.00	2,900.00	5,000.00
Electrical Division				
Salaries and Wages	26-300-010	29,732.85	35,767.15	65,500.00
Other Expenses	26-300-020	5,721.98	6,278.02	12,000.00
Celebration of Public Events	30-420-299	3,937.50	(3,937.50)	0.00
Zoning Commission				
Salaries and Wages	21-185-010	656.25	1,093.75	1,750.00
Other Expenses	21-185-020	5,444.25	4,555.75	10,000.00
Beach Patrol				
Salaries and Wages	28-380-010	110,775.00	123,225.00	234,000.00
Other Expenses	28-380-020	18,684.88	(61.03)	18,623.85
Beach Control				
Salaries and Wages	28-381-010	4,462.50	37.50	4,500.00

Other Expenses	28-381-020	5,000.00	0.00	5,000.00
Public Works Commissioner				
Salaries and Wages	20-114-010	2,625.00	3,175.00	5,800.00
Other Expenses	20-114-020	52.50	(7.50)	45.00
Streets & Roads				
Salaries and Wages	26-290-010	119,742.53	117,257.47	237,000.00
Other Expenses	26-290-020	19,207.13	20,792.87	40,000.00
Motor Vehicle Maintenance				
Salaries and Wages	26-315-010	60,119.06	76,880.94	137,000.00
Other Expenses	26-315-020	14,702.63	22,297.37	37,000.00
Building & Grounds				
Salaries and Wages	26-310-010	43,188.60	56,311.40	99,500.00
Other Expenses	26-310-020	51,157.05	46,284.95	97,442.00
Beach & Boardwalk	26-310-303	52,681.65		52,681.65
Recreation				
Salaries and Wages	28-370-010	35,112.00	55,138.00	90,250.00
Other Expenses	28-370-020	32,983.13	96,816.87	129,800.00
City Engineer				
Salaries and Wages	20-165-010	7,825.91	0.00	7,825.91
Other Expenses	20-165-020	2,231.25	47,768.75	50,000.00
Solid Waste/Recycling				
Salaries and Wages	26-305-010	12,364.80	22,635.20	35,000.00
Other Expenses	26-305-020	288,750.00	461,250.00	750,000.00
Finance Commissioner				
Salaries and Wages	20-112-010	2,625.00	3,175.00	5,800.00
Other Expenses	20-112-020	65.63	(20.63)	45.00
Legal Services Costs				
Salaries and Wages	20-155-010	9,843.75	(9,843.75)	0.00
Other Expenses	20-155-020	39,375.00	81,625.00	121,000.00
City Clerk				
Salaries and Wages	20-120-010	46,470.90	51,529.10	98,000.00
Other Expenses	20-120-020	10,425.45	14,574.55	25,000.00
Revision/Codification of Ordinances	20-120-320	1,916.25	1,733.75	3,650.00
Election Expenses	20-120-420	5,775.00	0.00	5,775.00
Planning Board				
Salaries and Wages	20-180-010	656.25	1,043.75	1,700.00
Other Expenses	21-180-020	5,610.94	889.06	6,500.00
Financial Management				
Salaries and Wages	20-130-010	59,186.93	60,813.07	120,000.00
Other Expenses	20-130-020	25,910.06	23,464.94	49,375.00
Auditing Fees	20-131-235	13,125.00	11,875.00	25,000.00
Assessment of Taxes				
Salaries and Wages	20-150-010	33,286.58	7,295.92	40,582.50
Other Expenses	20-150-020	6,564.34	3,435.66	10,000.00
Collection of Taxes				
Salaries and Wages	20-145-010	20,154.23	22,145.77	42,300.00
Other Expenses	20-145-020	3,453.19	6,546.81	10,000.00
Information Technology				
Salaries and Wages	20-140-010	11,355.75	16,244.25	27,600.00
Other Expenses	20-140-020	13,256.25	11,743.75	25,000.00
Municipal Court				
Salaries and Wages	43-490-010	52,582.95	55,417.05	108,000.00
Other Expenses	43-490-020	3,156.04	2,854.96	6,011.00
Prosecutor				
Salaries and Wages	43-492-010	8,137.50	10,862.50	19,000.00
Public Defender				
Salaries and Wages	43-495-010	2,362.50	2,887.50	5,250.00
INSURANCE				
Other Insurance Premiums	23-211-000	65,625.00	0.00	65,625.00
Worker Compensation Insurance	23-215-000	118,125.00	531,875.00	650,000.00
Health Insurance	23-220-000	525,000.00	900,153.00	1,425,153.00
Construction Code				
Salaries and Wages	22-195-010	62,766.11	57,233.89	120,000.00

Other Expenses	22-195-020	2,047.50	952.50	3,000.00
Housing Code				
Salaries and Wages	22-196-010	22,371.04	27,628.96	50,000.00
Other Expenses	22-196-020	1,707.30	2,292.70	4,000.00
Electrical & Plumbing Inspections				
Salaries and Wages	22-197-010	2,377.99	5,512.01	7,890.00
Other Expenses	22-197-020	65.63	(65.63)	0.00
Utility Expenses				
Gasoline	31-460-000	44,625.00	40,375.00	85,000.00
Electricity	31-430-000	128,625.00	198,375.00	327,000.00
Telephone	31-440-000	14,437.50	20,562.50	35,000.00
Natural Gas	31-446-000	28,875.00	71,125.00	100,000.00
STATUTORY EXPENDITURES				
Contribution to:				
Unemployment	36-473-000	15,750.00	4,250.00	20,000.00
Social Security System (O.A.S.I.)	36-472-000	60,375.00	54,625.00	115,000.00
Consolidated P&FRS	36-474-000	10,086.30	(2,951.30)	7,135.00
Medicare Insurance	36-476-000	32,812.50	29,687.50	62,500.00
Lifeguard Pension Fund	36-477-000	0.00	0.00	0.00
Police & Firemens Retirement System NJ	36-475-000	441,724.24	1,144,995.76	1,586,720.00
Public Employees Retirement System of NJ	36-471-000	82,431.56	274,491.44	356,923.00
Defined Contribution Retirement Plan	36-478-000	0.00	500.00	500.00
Interlocal Municipal Service Agreements				
Borough of Longport-UCC				
Salaries & Wages	22-198-010	6,431.25	11,068.75	17,500.00
Other Expense	22-198-020	2,756.25	0.00	2,756.25
Borough of Longport-Engineering				
Salaries & Wages	22-165-010	15,435.00	(15,435.00)	0.00
Other Expense	22-165-020	5,250.00	(5,250.00)	0.00
CAPITAL IMPROVEMENTS				
Capital Improvement Fund	44-901-000	150,000.00	0.00	150,000.00
MUNICIPAL DEBT SERVICE				
Bond Principal - General	45-920-000	1,055,000.00	0.00	1,055,000.00
Bonds Interest - General	45-930-000	212,551.26	4,999.74	217,551.00
Bond Principal - School	48-920-000	1,020,000.00	0.00	1,020,000.00
Bond Interest - School	48-930-000	397,851.26	201,323.74	599,175.00
Interest on BAN	45-935-000	144,539.10	25,134.90	169,674.00
Green Trust Loan	45-940-000	31,091.60	0.00	31,091.60
		\$ 8,181,806.88	\$7,829,193.88	\$16,011,000.76
WATER/SEWER UTILITY FUND				
WATER/SEWER UTILITY FUND	FCOA			
Operating				
Salaries and Wages	55-501-010	\$246,606.68	343,393.32	590,000.00
Other Expenses	55-502-020	\$252,510.52	567,489.48	820,000.00
ACUA Sewer Shared Costs	55-502-300	\$407,804.29	872,195.71	1,280,000.00
STATUTORY EXPENDITURES				
Contribution to:				
Unemployment	55-542-000	262.50	237.50	500.00
Social Security System (O.A.S.I.)	55-541-000	23,625.00	21,375.00	45,000.00
CAPITAL IMPROVEMENTS				
Capital Improvement Fund	55-512-000	75,000.00	0.00	75,000.00
MUNICIPAL DEBT SERVICE				
Bond Principal	55-520-000	155,000.00	0.00	155,000.00
Interest on Notes	55-522-000	19,745.00	0.00	19,745.00
Interest on Bonds	55-523-000	23,025.00	0.00	23,025.00
		\$1,203,578.99		\$3,008,270.00

Cmr Weintrob moved, seconded by Cmr. Piatt that Resolution No. 77 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF RAFFLE LICENSE #364 - RUTH NEWMAN SHAPIRO CANCER & HEART FUND

Mayor Kelly moved, seconded by Cmr. Piatt that Raffle License #364 for the Ruth Newman Shapiro be approved.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$653,105.13 and payrolls from 5/22/10 to 6/04/10 in the amount of \$415,959.49 and from 6/5/10 to 6/18/10 in the amount of \$434,074.25 for approval

Cmr Piatt moved, seconded by Cmr Weintrob, the bills & payrolls be approved.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPOINTMENT OF JAMES PACANOWSKI TO THE BOARD OF EDUCATION

Mayor Kelly announced the appointment of James Pacanowski to the Board of Education for a 3 yr term (5-16-10 to 5-15-13).

Mayor Kelly moved, seconded by Cmr Weintrob, the appointment be ratified.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

PUBLIC COMMENTS

JOHN OLIVE, 4919 Ventnor again reported that his street & a chip out of his sidewalk which occurred 5 months ago had still not been repaired – that after 4 calls to PW & their promises of repair, the condition still exists. OLIVE read the history of the problem as he had reported it at a prior meeting. He spoke of his repeated phone calls & messages to Cmr WEINTROB which went unanswered. Re the question of video taping Marion Ave, WEINTROB said they will continue taping the island in September. OLIVE asked what Weintrob meant when he spoke of a fishing pier concession at last week's workshop & quoted a price range saying that the price did not matter. WEINTROB said that if we have contractor willing to put the sweat equity into doing the work, it shouldn't cost the City any money. If we put a price of \$500,000 on it, the State would give us a grant for \$125,00 which would cover the materials. He also explained that the Engineer is working on that premise.

RICH BOBB, 4901 Ventnor said that his research found the fee Ventnor pays to ACHS to be the highest sending district fee in the nation. He showed the Atlantic City voter's impact on Ventnor's school budget by explaining that the AC tax rate is comprised of 80% Casinos, 10% non-resident owners & 10% resident owners, the resident voter has the 100% ability to pass any school or municipal budget they want. For added revenue, he suggested charging multi-family units a trash collection fee. 4915 Ventnor, originally a SF dwelling now 4-units has constant turnovers leaving their entire contents out for collection. With the City paying trash by the ton, these units are operating as a business. He compared public employment vs. private sector in handling layoffs, salaries, pensions, discipline, & suggested solutions in consolidation of downbeach police/fire, parking enforcement revenues, routine stops. Speaking directly to Cmr Weintrob he listed a few unanswered complaints including a safety issue concerning a PW bucket truck, street sweeper operations, curb damages by City snow plow still unrepaired and a recent verified situation involving 2 PW vehicles @Northbeach Café was ignored. WEINTROB stated he acted on some of the complaints as soon as he received them & advised BOBB in the future to write down the truck number & call him immediately.

SANDY VESPERTINO 5301 BURK complained at the absence of Atlantic Ave Flags on Memorial Weekend and questioned the scope of R73 West Canal Bore. The ENGINEER offered full details & update of the project. The cost of the pump rental was revisited. Cmr. WEINTROB stated the project was being fast-tracked w/bids to be received in July. The ENGINEER said the pump will probably be needed for 6-8 months more as much has happened: 1) the collapse 2) B&B's trouble 3)the wait for ACUA to give or not give permission to tie into their line. The discussion concluded with projected costs & timelines expected.

BOB LAVITA, 510 Burghley voiced concern that we continue police backup cars on stops.

CHUCK LEIBER, 5804 Boardwalk offered the conundrum of everyone being right & felt that we must look for other sources of income. The MAYOR said a few revenue sales suggested last week were a pier permit, used clothing & a municipal store. Mr LEIBER complimented the brain power available and suggested that since we're all on the same issue, a committee be formed for the sole purpose of finding ways to raise money without raising taxes.

R GOBER thanked Commission for having Saturday night concerts.. stated he liked the idea of retaining 9th grade... asked the progress of State vouchers & questioned utility payments & other terms of the AC Library lease.

STANLEY FREEDMAN, 229 Wyoming questioned the weather equipment at the old golf range. MAYOR explained that it is owned by ACUA & monitored by Stockton College & measures wind to see if there is enough wind to put a wind turbine there to sell energy to ACUA or the school. He asked if the little golf course (Margate battle) was ever considered for there. Mayor KELLY said they had initially shown interest but never got back to her.

T KREISCHER refuted the question of what has ever been done on West Canal.. why nothing's been done to a pump that was built in 1927. He said he keeps reminding everybody that in 2003 there was an upgrade to that pump. WEINTROB said there was a mistake there - the pump station itself is in decent condition. The problem happened

when the pipe broke in the middle of the Canal. KREISCHER asked what kind of maintenance could have been done to prevent that? Replace all the pipes before they break? MAYOR Kelly said there must be some kind of maintenance so that you can go down to see what's happening – something should have been done to maintain a pipe that controls all of the homes in Ventnor Heights. The City ENGINEER said you can by-pass pump it & TV it like we're doing to the rest of the City. If there was a maintenance program or some plan you would set up the pumps that are there now, dry it out & send a camera through it - like we're doing now. So yes, there are methods to check the inside of a pipe. KREISCHER responded to GOBER'S earlier remarks by repeating the 'teardown' deal he proposed to Alsentzer. A rehash of the issue ensued. He suggested the sending districts to ACHS file a Federal Lawsuit against the State of NJ for violating their civil rights of taxation without representation.

RICH BOBB asked when Baton Rouge will be relined (yellow lining @ fire hydrants/corners & street signs need to be reset. The contract replaced everything but the water main which was in decent condition. WEINTROB said he would check to see if the contractor or the City was responsible to complete that work.

ADJOURNED: 9:46PM

Cmr Piatt moved, seconded by Cmr. Weintrob, the meeting be adjourned. So ordered.

The Special meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on July 8, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that “This is a Special Meeting of the Ventnor City Board of Commissioners being held for the express purpose of adopting a Resolution to amend the 2010 Municipal Budget. Notice of this meeting was sent to the Press, Downbeach Current and posted on the City Hall Bulletin Board as required by law.”

RESOLUTION NO. 78 OF 2010 – AMENDING 2010 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2010 was approved on the 20th day of May, 2010 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the City Commissioners of the City of Ventnor City, County of Atlantic that the following amendments to the approved budget of 2010 be made:

	From	TO
Current Fund		
Anticipated Revenues		
1. Surplus Anticipated	1,155,000	1,300,000
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:		
Recycling Tonnage Grant	1,174	4,467
Clean Communities Program	27,784	33,533
Alcohol Education and Rehabilitation Fund	0	1,369
Safe and Secure Communities Program	0	60,000
Security Camera Program	11,699	0
	246,874	305,586
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with Prior Written Consent		
FEMA Reimbursement	120,114	56,364
Total Section G: Consent of Director of Local Government Services - Other Special Items	120,114	118,434
Total Miscellaneous Revenues	3,838,800	3,895,832
4. Receipts from Delinquent Taxes	1,000,000	1,088,320
5. Subtotal General Revenues (Items 1,2,3 and 4)	5,993,800	6,222,082
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	18,382,346	18,330,278
Total Amount to be Raised By Taxes for Support of Municipal Budget	20,001,521	19,949,453
7. Total General Revenues	25,995,321	26,171,535
8. General Appropriations		
A. Operations - within "CAPS"		
Mayors Office		
Salaries and Wages	54,837	58,776
Police		
Salaries and Wages	3,268,741	3,318,800
Office of Emergency Management		
Salaries and Wages	78,346	82,740
Electrical Division		
Salaries and Wages	111,410	117,201
Director's Office		
Salaries and Wages	9,154	10,000
Streets and Roads		
Salaries and Wages	351,090	397,441
Motor Vehicles Maintenance		
Salaries and Wages	234,325	243,236
Buildings and Grounds		
Salaries and Wages	159,850	165,921
Recreation		
Salaries and Wages	155,482	160,581
City Engineer		
Other Expenses	80,000	30,000
Department of Revenue and Finance		

July 8, 2010

Director's Office		
Salaries and Wages	9,154	10,000
City Clerk		
Salaries and Wages	167,774	177,033
Financial Administration		
Salaries and Wages	199,213	245,801
Assessment of Taxes		
Salaries and Wages	69,570	76,000
Collection of Taxes		
Salaries and Wages	72,448	76,839
Information Technology		
Salaries and Wages	47,288	43,260
Municipal Court		
Salaries and Wages	170,200	183,927
Insurance : N.J.S.A. 40A:4-45.3		
Employee Group Health	2,409,453	2,189,453
Uniform Construction Code		
State Uniform Construction Code		
Inspection of Buildings		
Salaries and Wages	203,864	237,911
Inspection of Housing		
Salaries and Wages	80,401	61,812
Electrical and Plumbing Inspections		
Salaries and Wages	8,332	9,092
Total Operations within "CAPS"	16,898,393	16,853,285
Detail:		
Salaries and Wages	10,320,480	10,545,372
Other Expenses	6,577,913	6,307,913
Deferred Charges:		
Emergency Authorization	700,000	144,526
Statutory Expenditures:		
Public Employees' Retirement System	356,923	325,106
Total Deferred Charges and Statutory Expenditures - Municipal within "CAPS"	3,416,730	2,829,349
Total General Appropriations for Municipal Purposes within "CAPS"	20,315,123	19,682,634
A. Operations - Excluded From "CAPS"		
Public Employees' Retirement System	0	31,907
Total Other Operations - Excluded from "CAPS"	0	31,907
Public and Private Programs Offset by Revenues		
Recycling Tonnage Grant	1,174	4,467
Alcohol Education and Rehabilitation Fund	0	1,369
Clean Communities Program	27,784	33,533
Safe and Secure Community Program		
State Share	0	60,000
Local Share	0	60,000
Security Camera Fund	11,699	0
Total Public and Private Programs Offset by Revenues	256,874	375,586
Total Operations Excluded from "CAPS"	294,374	444,993
Municipal Debt Service - Excluded from "CAPS"		
Interest on Bonds	212,551	217,551
Total Municipal Debt Service - Excluded From "CAPS"	1,509,769	1,514,769
Deferred Charges - Municipal - Excluded from "CAPS"		
Emergency Authorization	0	555,474
Total Deferred Charges - Municipal - Excluded from "CAPS"	0	555,474
(H-2) Total General Appropriations Excluded From "CAPS"	1,954,143	2,765,236
(L) Subtotal General Appropriations {items (H-1) and (O)}	23,888,441	24,067,045

July 8, 2010

(M) Reserve for Uncollected Taxes	2,106,880	2,104,490
9. Total General Appropriations	25,995,321	26,171,535

BE IT FURTHER RESOLVED, that this resolution be advertised in THE PRESS in the issue of July 12, 2010 and that said advertising include notice of a public hearing on the budget amendment to be held in City Hall on July 15 , 2010 at 7:00pm.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 78 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

ADJOURNED: 7:03PM

Cmr Piatt moved, seconded by Cmr. Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on July 15, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioner Piatt and Mayor Kelly
Absent: Commissioner Weintrob

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Piatt moved, seconded by Mayor Kelly that the minutes of the 5-20-10 & 6-17-10 Regular Commission meeting & 7-8-10 Special Commission meeting be approved as written (oral reading waived).

Roll Call Vote:
Yeas: Commissioner Piatt and Mayor Kelly
Absent: Commissioner Weintrob

VENTNOR BEAUTIFICATION ANNOUNCES WINNER OF "WELCOME TO VENTNOR" SIGN CONTEST

Displaying a mockup of the winning artist's "Welcome To Ventnor" sign, Michelle Ummarino of the Ventnor Beautification Committee, announced Phyllis Lacca as the contest winner. The Mayor stated the larger sign would be placed on Wellington with smaller ones at other entrances to the City. Michelle said they hoped to be raising funds & getting sponsors to accomplish that. Mayor Kelly thanked the Beautification Committee for all they are doing for Ventnor with their flowers at City Hall, the lovely boat of flowers on Wellington Ave & their upcoming Secret Gardens Tour, Saturday.

PUBLIC HEARING ON 2010 MUNICIPAL BUDGET AMENDMENT

Auditor Moore explained that minor changes caused amendments such as the benefit of lowering the tax rate from 2.5 to 2.1 cents & the inclusion of about 1/2 doz. grants offset with appropriations and accounting for the furloughs the state denied with the bulk being salary adjustment lines.

The Mayor then announced the Public Hearing on the 2010 Municipal Budget Amendment was open. There being no one requesting to be heard, Mayor Kelly moved, seconded by Cmr Piatt, the Public Hearing on the 2010 Municipal Budget Amendment be closed.

Roll Call Vote:
Yeas: Commissioner Piatt and Mayor Kelly
Absent: Commissioner Weintrob

INTRODUCTION OF ORDINANCE 2010-10

ESTABLISHING 2010 SALARIES, COMPENSATION AND SALARY RANGES OF OFFICERS AND EMPLOYEES OF THE CITY OF VENTNOR CITY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

Cmr Piatt moved, seconded by Mayor Kelly that Ordinance 2010-10 be introduced.

Roll Call Vote:
Yeas: Commissioner Piatt and Mayor Kelly
Absent: Commissioner Weintrob

ADOPTION OF 2010 MUNICIPAL BUDGET

The 2010 Municipal Budget as introduced on May 20, 2010 and amended on June 17, 2010 appears as adopted on the pages following.

Cmr. Piatt moved, seconded by Mayor Kelly that the 2010 Municipal Budget be adopted.

Roll Call Vote:
Yeas: Commissioner Piatt and Mayor Kelly
Absent: Commissioner Weintrob

Solicitor Maguire suggested that a memorializing resolution be adopted approving the contracts that were entered into with the Police, Fire & Public Works be approved & memorialized

It was moved by Mayor Kelly, seconded by Cmr Piatt, that the amending contracts that were entered into with the Police, Fire & Public Works be approved & memorialized.

Roll Call Vote:
Yeas: Commissioner Piatt and Mayor Kelly
Absent: Commissioner Weintrob

NEW BUSINESS - CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

The City Clerk asked if the Board wished to adopt Resolutions No 79 thru 82 by Consent

Mayor Kelly moved, seconded by Cmr Piatt that Resolutions No 79 thru 82 of 2010 be adopted by consent.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

Absent: Commissioner Weintrob

RESOLUTION NO. 79 OF 2010 – AUTHORIZING PARTICIPATION IN NJ “OVER THE LIMIT UNDER ARREST 2010 STATEWIDE CRACKDOWN” PROGRAM

WHEREAS, impaired drivers on our nations’ roads kill someone every 30 minutes, 50 people per day and almost 18,000 people each year; and

WHEREAS, 31% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday are traditionally times of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety has asked law enforcement agencies throughout the state to participate in the “Over the Limit Under Arrest 2010 Statewide Crackdown”; and

WHEREAS, the project will involve increased impaired driving enforcement from Aug 20 - Sept 6, 2010; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the City of Ventnor City declares it’s support for the “Over the Limit Under Arrest 2010 Statewide Crackdown” from August 20 - September 6, 2010 and pledges to increase awareness of the dangers of drinking and driving.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 79 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

Absent: Commissioner Weintrob

RESOLUTION NO. 80 OF 2010 - SETTING DATE OF ABANDONED VEHICLE AUCTION

WHEREAS, the City of Ventnor City is interested in aiding in the sale of certain vehicles which are identified in Schedule A attached hereto and made a part hereof; and

WHEREAS, said vehicles have remained unclaimed by the owner or other persons having legal right to same within the required period pursuant to NJ Statutes; and

WHEREAS, the City of Ventnor City is desirous of aiding in the sale of said vehicles at a public auction; and

WHEREAS, pursuant to NJ Statutes said vehicles may be sold.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the City Clerk of the City of Ventnor City is hereby authorized to coordinate a public auction at a public place of those motor vehicles identified in Schedule A.

BE IT FURTHER RESOLVED that said public auction shall be held on Tuesday, August 3, 2010 at 10AM, prevailing time, at the Ventnor City Public Works Complex, Cornwall and Winchester Aves., Ventnor City, NJ.

BE IT FURTHER RESOLVED that Notice of said public auction has been given in writing by certified mail, return receipt requested, to the appropriate parties in accordance with NJ Statutes.

BE IT FURTHER RESOLVED THAT Notice of said public auction has also been given by certified mail, return receipt requested, to the holder of any security interest filed with the Director of the Division of Motor Vehicles of the State of NJ at least ten (10) days prior to the date of the public auction.

BE IT FURTHER RESOLVED that the Notice of said public auction shall be published one (1) time at least ten (10) days prior to the date of the sale in one (1) or more newspapers published in the State of NJ and circulating in the municipality in which the motor vehicles are held.

BE IT FURTHER RESOLVED that all vehicles listed in Schedule A shall be sold a one (1) lot to the highest bidder.

BE IT FURTHER RESOLVED that the sale of all motor vehicles is final, absolute and the purchaser of the vehicles is required to pay for the vehicles in full in cash or by certified check at the auction.

BE IT FURTHER RESOLVED that the successful bidder shall remove all vehicles from the site no later than fourteen (14) days from the date of the sale.

SCHEDULE "A"

#	Control #	Year	Make	Model	Vehicle Identification #	Mileage	Towing
1	09-1129	1993	Plymouth	Sun	1P3XP28K2PN533654	102,382	Point Auto
2	10-1151	1997	Mazda	626	1YVGE22C7V5603616	106,510	Point Auto
3	10-1153	1994	Nissan	Path	JN8HD17Y4RW238490	261717	Point Auto
4	10-1156	1998	Ford	Contour	1FAFP65L0WK185262	161,777	Fourteen
5	10-1157	1988	Lincoln	Town Car	1LNBM81F6JY795651	N/A	Fourteen
6	10-1158	1995	Ford	Contour	1FALP66L9SK158279	N/A	AC Tow Squad
7	10-1161	2003	Hyundai	Elantra	KMHND55D93U080466	N/A	AC Tow Squad
8	10-1162	1999	Ford	Windstar	2FMZA5141XBC40097	N/A	AC Tow Squad
9	10-1163	1993	Ford	Aerostar	1FMCA11U6PZB93404	N/A	AC Tow Squad
10	10-1164	2003	Honda	Son	KMHWF35H73A748800	113,868	AC Tow Squad
11	10-1165	1999	Dodge	Durango	1B4HS28Y9XF587516	N/A	AC Tow Squad
12	10-1167	1990	Honda	Accord	JHMCB7547LC016645	230,000	AC Tow Squad
14	10-1169	1998	Ford	Windstar	2FMZA51U6WBC82232	N/A	AC Tow Squad
15	10-1171	2000	Ford	Focus	1FAFP34P6YW219770	77,358	AC Tow Squad

Vehicles may be viewed on August 2nd, 2010 from 1:00 PM to 3:00 PM at the storage facility of Point Towing & Recovery, 647 New Road, Somers Point, NJ 08244 or Fourteen Towing Service, Inc, 1635 N. Albany Ave, Atlantic City, NJ 08401, and A C Tow Squad, 2416 Fairmount Ave, Atlantic City, NJ 08401.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 80 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

Absent: Commissioner Weintrob

RESOLUTION NO. 81 OF 2010 – ADOPTION OF CORRECTIVE ACTION PLAN

CORRECTIVE ACTION REPORT

City of Ventnor City, Atlantic County

Audit Report Date: June 17, 2010

Finding 09-1

Description:

The City incurred expenditures without an appropriation, over expenditures of appropriations.

Analysis:

Employees involved in purchasing did not verify available budget appropriations prior to expenditures being made from the current fund.

Corrective Action:

New procedures have been approved and implemented that ensure all employees are aware of the State purchasing laws. Employees have been blocked from over-encumbering requisitions. Also availability of funds is certified prior to expenditures being made.

Implementation Date:

February 18, 2010

Finding 09-2

Description:

The unemployment account must be properly maintained and reconciled.

Analysis:

Funds were not properly transferred from the current fund into the unemployment trust fund.

Corrective Action:

We will implement checks and balances to ensure that all payments for unemployment are properly transferred from the Current Fund into the Unemployment Fund and properly charged to the budget line item.

Implementation Date:

August 2010

Finding 09-3

Description:

No written procedures are maintained by the City for cash receipts or disbursements, including payroll procedures.

Analysis:

Written documentation has not been maintained by City personnel for procedures followed for all transactions.

Corrective Action:

The staff has been instructed to provide written procedures for all transactions performed, including payroll, cash receipts and disbursements. These procedures are to be maintained as processes change. An ordinance amending Chapter 7, Section 6 (Payment of Claims), of the City's code by ord. #2010-01 was adopted on February 2010

Implementation Date:

February 2010 but work is still ongoing.

Finding 09-04

Description:

A complete fixed asset listing was unavailable for audit.

Analysis:

The City has not maintained and updated the asset listing for all purchases and sales of City's assets

Corrective Action:

A fixed asset ledger has been established moving forward. In 2010 the City will look into hiring an outside vendor to perform a comprehensive audit of all fixed asset and utilize the current financial system for record keeping.

Implementation Date:

The process is ongoing.

Finding 09-5

Description:

Of the five properties selected for testing, none of the issued certificates of occupancy were properly added to the tax rolls.

Analysis:

The City is losing tax and utility revenue because not all properties are included in the added and omitted taxes.

Corrective Action:

A new Tax Assessor was hired and is working in concert with the Construction Office to ensure all CO's that are issued are brought to the Assessor's Office and included in the added and omitted taxes. We are working on merging the tax assessing systems to remove the possibility that properties will not be assessed properly.

Implementation Date:

June 2009 and ongoing.

Finding 09-6

Description:

Fees are not being charged in accordance with the approved ordinances by the employees running the tennis courts.

Analysis:

Personnel are ignoring fees that have been approved by the governing body for use of the tennis courts.

Corrective Action:

Employees have been given copies of the approved ordinance and have been given strict instructions to adhere to the approved fees. The Account Clerk that handles cash receipts monitors the fees that are turned in to ensure that they are accurate.

Implementation Date:

June 2010

Finding 09-7

Description:

Quotes and bids were not obtained on all purchases that exceeded the State limit.

Analysis:

There is no centralized purchasing department or internal control over purchasing procedures.

Corrective Action:

New procedures have been approved and implemented that ensure all employees are aware of the Public Contract Laws.

Implementation Date:

February 2010

Finding 09-8

Description:

Current year transfers and prior balances were not all liquidated.

Analysis:

The City does not maintain a general ledger to determine interfunds.

Corrective Action:

The CFO will liquidate all interfunds prior to year end.

Implementation Date:

October 2010

Finding 09-9

Description:

The time payment report was too voluminous to print, and court personnel were reluctant to provide individual defendant information for testing.

Analysis:

Court personnel were unfamiliar with the audit requirement to test the procedures in the municipal court.

Corrective Action:

The Court personnel will provide all reports needed for the Audit.

Implementation date:

July 2010

Finding 09-10

Description:

All receipts and disbursement were not properly recorded in the ATS/ACS system, resulting in many manual adjustments each month to the bail account bank reconciliation.

Analysis:

There are no control procedures in place to ensure that all activity is properly recorded in the Court

Corrective Action:

The procedure in the Court is to record bail and disbursement of bail on a daily basis. The employee performing the task has been properly trained and the Court Administrator is responsible to ensure that all transactions are properly posted.

Implementation date:

June 2010

Finding 09-11

Description:

A corrective action plan was prepared for the 2008 audit findings; however it was not approved with the 45 day requirement.

Analysis:

The prior year findings included most departments within City Hall, and not all personnel are aware of the State time frame.

Corrective Action:

The CFO will prepare a corrective action plan to be approved by the governing body which addresses all of the audit findings and recommendations within the required 45 days.

Implementation Date:

July 2010.

Finding 09-12

Description:

Internal controls over expenditures were not in place to ensure that all funds were properly encumbered.

Analysis:

The City will examine the options to determine the most cost effective resolution to bring the City into compliance with the new accounting standard.

Corrective Action:

New procedures have been approved and implemented that ensure all employees are aware of the Public Contract Laws.

Implementation Date:

February 2010

Finding 09-13

Description:

The City is self insured for health benefits, and retirees are covered as long as the premiums are paid. Therefore, the City is liable for the health care costs, and no actuarial reports were obtained.

Analysis:

City personnel were unaware of the requirement that an actuarial determination was necessary.

Corrective Action:

The City will consult with the insurance broker and actuaries to determine the City's liabilities related to post retirement benefits.

Implementation Date:

The process is ongoing.

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No.81 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

Absent: Commissioner Weintrob

RESOLUTION NO. 82 OF 2010 – SETTING DATE OF BICYCLE AUCTION

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, NEW JERSEY, THAT:

Pursuant to the provisions of the Revised Statutes 40A:14-157, there is to be sold at Public Auction at the Public Works Complex, Cornwall and Winchester Avenues in Ventnor City, New Jersey, on Saturday, August 7, 2010 at 10:00 AM, prevailing time, the following chattels in the possession of the Ventnor City Police Department:

39	Boys Bicycles
16	Girls Bicycles

Mayor Kelly moved, seconded by Cmr. Piatt that Resolution No. 82 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

Absent: Commissioner Weintrob

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$2,568,360.27 and payrolls from 6/19/10 to 7/02/10 in the amount of \$434,637.08 and from 7/03/10 to 7/16/10 in the amount of \$488,933.04 for approval.

Mayor Kelly moved, seconded by Cmr Weintrob, the bills & payrolls be approved.

Roll Call Vote:

Yeas: Commissioner Piatt and Mayor Kelly

Absent: Commissioner Weintrob

ANNOUNCEMENT: JULY 24, 2010 REMEMBER MAUREEN DEPRINCE DAY

Mayor Kelly announced the Proclamation requested by Post Office workers memorializing July 24th as the day Maureen De Prince had her tragic accident has been prepared & will be forwarded to her.

PUBLIC COMMENTS

DAN CAHILL, 210 Cambridge asked the amount FEMA included for VC's beach replenishment seeing that AC got \$11M. The Mayor had not yet spoken to VC OEM, Wm Melfi. CAHILL asked if we knew our tax rate after the school & county is added. MOORE projected the rate would be around 7 cents (W/S is not part of the tax rate) He questioned the FD overtime in 2011. The Mayor said that the FD not collecting overtime will end 12/31/10. Ability to take compensatory time in 2010 was discussed. The Solicitor interjected other possibilities, i.e. longer shifts as possible solutions. Cahill said Ventnor FD has 24 hr shifts now.

RICHARD GOBER, 26 N Hillside suggested that where possible, speakers might want to stay after they've been heard, suggesting that sometimes answers are found later in the evening in the questions & responses of others.

MARSHA GALESPIE, 418 Oxford voiced concern about trash cans Cmr Weintrob promised for this Sat 's Tour.

BERT SABO, 402 Harvard (VCFD Chief) clarified the \$100,000 cap for 2011 OT can only be taken if more than 8 men minimum are present. Today, one shift has 9 only. Clearing up confusion, MOORE said that comp time can have a value put on it but is not recorded as a liability in the budget. SABO gave future probabilities & scenarios – emphasizing to the Solicitor that the VCFD already works a 24 hr shift.

TIM KREISCHER 117 N Somerset restated his concerns that the rental license program will suffer with the layoffs & transfers. MAYOR KELLY explained that with the uncertainty of next year's budget & the possibility there may be more layoffs, they are using this as an opportunity to cross-train employees.

PETER MOKOVER, 5000 Boardwalk referenced previous discussions, questioning why there were 5 beach badge checkers walking together without actually checking anyone, this past Sunday. The MAYOR said our BP Captain was trying Ocean City's method of "sweeping the beach" described in a recent press article.

SONDRA KLINGER, 1 S. Oxford reported that various ramps leading to the beach are filled with sand making it extremely difficult to navigate & suggested that possibly the ramps could be cleared on alternate days when the beach doesn't need to be cleaned.

RICHARD GOBER reported the North Beach banners are up & thanked Cmr Weintrob & Public Works employees for making it happen. He asked if there was an update on Checkers at the Ventnor Plaza. The MAYOR said our Code Official reported it was going up today (prefab) & was expected to open on August 1st. She explained that the board felt the Checkers locale was the best choice Ventnor Plaza owners had - considering some of the problems other locations would bring.

GOBER lauded the Code Enforcement office for their quick responsiveness and investigation of complaints – adding how happy they have made the North Beach residents who had been neglected for many, many years. He also thanked Shaun Smith for the great job he has done for us all in the Current

RICH BOBB, 4901 Ventnor said at the last meeting he sensed some resentment between police & fire. The MAYOR did not believe that was true - that in talking to the firemen yesterday, they brought it up – saying that it's out there but that's not how they feel. Police & fire work together on just about everything that happens here in Ventnor City.

BOBB changed his statement to say he sensed resentment with a spouse of a fireman. The Mayor replied that the public has the right to speak what they feel without censorship. BOBB described how it works with private sector union negotiations. He asked why Ventnor couldn't get CRDA funds as AC police had, describing a neighborhood of police, CRDA mortgages, cars.. It was generally agreed that CRDA money in the form of loans was given to the AC Police as an inducement for officers to live/return to AC & would not apply to Ventnor but would be looked into. He reported on his volunteer assignment at City Hall last weekend, offering to have 16 missing tile & the dripping faucet in the ladies room fixed. The missing light/baluster in the finance office will be checked out tomorrow.

ADJOURNED: 7:40 PM

Cmr Piatt moved, seconded by Mayor Kelly, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on August 19, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Piatt moved, seconded by Cmr Weintrob that the minutes of the 7-15-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-10

The City Clerk read the Title of Ord 2010-10 'ESTABLISHING 2010 SALARIES, COMPENSATION AND SALARY RANGES OF OFFICERS AND EMPLOYEES OF THE CITY OF VENTNOR CITY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

Cmr Weintrob asked if any non-contractual salary raises were included in this Ordinance. The Mayor said there were none.

There being no one else wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-10 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - FURNISH & DELIVER WATER METER TRANSCEIVER UNITS

Date of Bid Opening: August 11, 2010 @11:00 AM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk

1. HD Supply Waterworks	\$124,902.00
Berlin, NJ	
10% Bid Bond Attached	

Report Submitted By: Sandra M. Biagi, RMC/CMC, City Clerk

Mayor Kelly moved, seconded by Cmr Piatt the report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RECEIPT OF SUPPLEMENTAL DEBT STATEMENT

The City Clerk reported that she was in receipt of the Supplemental Debt Statement prepared as of 8-19-10.

Cmr Piatt moved, seconded by Cmr Weintrob the report be received and filed according to law.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-11

ORDINANCE AMENDING CHP 158-17 OF THE VENTNOR CITY CODE TO
INCLUDE ALL BUILDINGS UNDER HEATING REQUIREMENTS

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-11 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-12

AMENDING SECTION 102-160.4 OF THE CODE OF THE CITY OF
VENTNOR RELATING TO ESCROW FEE SCHEDULE AND WAIVERS

Cmr Piatt moved, seconded by Cmr Weintrob that Ordinance 2010-12 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-13

ORDINANCE AMENDING CHP 214-38 OF THE VENTNOR CITY CODE TO INCLUDE A STOP SIGN ON CORNWALL AVE AT WINCHESTER

Cmr Weintrob moved, seconded by Cmr Piatt that Ordinance 2010-13 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-14

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY SYSTEM AND THE ACQUISITION OF WATER/SEWER UTILITY EQUIPMENT; APPROPRIATING THE SUM OF \$8,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$7,600,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Cmr Piatt moved, seconded by Cmr Weintrob that Ordinance 2010-14 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-10

ESTABLISHING 2010 SALARIES, COMPENSATION AND SALARY RANGES OF OFFICERS AND EMPLOYEES OF THE CITY OF VENTNOR CITY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

Mayor Kelly moved, seconded by Cmr Weintrob that Ordinance 2010-10 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS - CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

The City Clerk asked if the Board wished to adopt Resolutions No 83 thru 99 by Consent Cmr Weintrob voiced his reservation on voting for Resolution 84 believing that it was premature to endorse the entire legislation without knowing all that would or would not be included in the final. Mayor Kelly responded in support of the Governor’s Tool Kit, saying we need the cap exceptions it provides and hoped the entire list would go through.

Cmr Piatt moved, seconded by Cmr Weintrob that with Resolution No. 84 of 2010 being excepted ,Resolutions No 83 thru 99 of 2010 be adopted by consent

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 83 OF 2010 – COMMUNITY BUILDING DEPOSIT REFUND

WHEREAS, on February 25, 1999, the Ventnor City Board of Commissioners adopted Resolution No. 48 of 1999, which Resolution adopted the policy and fee schedule for use of the Community Building and other public premises owned by the City of Ventnor City; and

WHEREAS, under said Resolution, anyone applying for the use of the Community Building must pay a \$100.00 deposit along with the required fee, which deposit would be refunded after the building was inspected following such event and found to be left ins satisfactory condition; and

WHEREAS, the following persons paid the required \$100.00 deposit and are eligible to receive such refund.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that the Chief Financial Officer is herein and hereby authorized to issue a refund check in the amount of \$100.00 to the following persons.

NAME & ADDRESS	DEPOSIT DATE	DATE USED	REFUND AMOUNT
Anita Grimley 316 N Surrey Ave Ventnor, NJ 08406	6-8-10	7-18-10	\$100.00
Joanne McGee 18 N Swarthmore Ave Ventnor, NJ 08406	6-17-10	7-31-10	\$100.00

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 83 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 84 OF 2010 - CALLING ON STATE LEGISLATURE & GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF "MUNICIPAL TOOLKIT" & MANDATES RELIEF

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million, from last year's already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor's "Tool Kit to Meet Today's Fiscal Challenges" was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, 'New caps without the toolkit are unworkable.' and

WHEREAS, with the cuts assured in the State's new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors - from municipalities, large and small, and from all around our Garden State - still wait for Trenton policy makers to enact meaningful local government cost containment reforms; now therefore be it

RESOLVED, that the BOARD OF COMMISSIONERS of the CITY OF VENTNOR CITY calls for immediate passage of the "Toolkit" reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 84 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioner Piatt, and Mayor Kelly

No: Commissioner Weintrob

RESOLUTION NO. 85 OF 2010 - AUTHORIZING SOUTH JERSEY POWER COOPERATIVE, ATL CO

WHEREAS, the County of Camden on behalf of the South Jersey Power Cooperative ("SJPC") publicly advertised bids for the purpose of procuring electric energy services (Bid A-28); and

WHEREAS, the County received and opened publicly advertised bids on July 22, 2010 at 11:10 a. m., Prevailing Time, for Electric Generation Supply Service for the South Jersey Power Cooperative; and

WHEREAS, bids were received from two vendors; and

WHEREAS, Hess Corporation is the lowest responsible bidder for electric generation service and submitted the following rates:

<u>EDC</u>	<u>Rate Category</u>	<u>Bid Price</u>	<u>Duration</u>	<u>Service Start</u>
ACE	FP	\$0.09147	12 Mo.	Sept/Oct., 2010
ACE	CIEP	\$0.09225	12 Mo.	June 2011
PSE&G	FP	\$0.09068	12 Mo.	Sept/Oct., 2010
PSE&G	CIEP	\$0.08246	12 Mo.	June 2011

WHEREAS, there is a need to award a contract to Hess Corporation for the needs of Atlantic County and participating members of the SJPC as described above commencing on the above-specified dates; and

WHEREAS, funding for the respective contracts shall be encumbered at the rate of the above-stated per kilowatt-hour amounts to the limit of the budget appropriation for the purpose in accordance with N.J.A.C. 5:30-5.5(b)(2) and shall further be contingent upon the availability and appropriation of sufficient funds for this purpose in the City's 2010 permanent budget and the temporary and/or permanent 2011 budgets; now therefore,

BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City, Atlantic County that, contingent upon the funding as described herein, the proper City Officials be and are hereby authorized to execute all documents necessary to effect the agreement described herein with Hess Corporation, One Hess Plaza, Woodbridge, NJ 07092, for Bid A-28, Retail Electric Generation Service for South Jersey Power Cooperative.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 85 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 86 OF 2010 – AWARD OF CONTRACT FOR FURNISHING & DELIVERING OF WATER METER TRANSCEIVER UNITS

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on Wednesday, August 11, 2010 at 11:00AM bid proposals for the; and

WHEREAS, the Municipal Engineer has reviewed same and has herewith recommended award to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for the FURNISHING & DELIVERY OF WATER METER TRANSCEIVER UNITS to HD Supply Waterworks for their Total Amount Bid of \$124,902.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 86 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 87 OF 2010 – AUTHORIZE MEMBERSHIP RENEWAL IN ATLANTIC COUNTY JIF

WHEREAS, the City of Ventnor City is a member of the Atlantic County Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, said membership terminates as of January 1, 2011 unless earlier renewed by agreement between the municipality and the FUND; and

WHEREAS, the City of Ventnor City desires to renew said membership.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City of Ventnor City agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. Sandra M. Biagi, Fund Commissioner, shall be and hereby is authorized to execute the "Agreement to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the City of Ventnor City's intention to renew its membership.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 87 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 88 OF 2010 - AUTHORIZE CO #1, 2009 FURNISH & DELIVER CUMARU BOARDWALK LUMBER

WHEREAS, the City of Ventnor City did award a contract for “2009 Furnishing And Delivering of 2” X 4”, 8’ And 10’ Lengths Cumaru Boardwalk Lumber To The Department Of Public Works, Winchester Avenue at Cornwall Avenue” and did enter into a contract with Timber Holdings International/Cecco Trading of Milwaukee, Wisconsin, in the amount of \$101,655.00; and

WHEREAS, during the performance of the project, it has been determined that an additional quantity of one hundred and forty-eight (148) 2” x 4” x 8 feet units, above the original contract amount of 4,500 units, have been furnished and delivered to the Department of Public Works. The additional items being herein enclosed in Appendix A;

NOW, THEREFORE, BE IT RESOLVED that the Contract for the “2009 Furnishing And Delivering Of 2” X 4”, 8’ And 10’ Lengths Cumaru Boardwalk Lumber To The Department Of Public Works, Winchester Avenue at Cornwall Avenue” be amended from \$101,655.00 to \$104,626.84; a Net Increase of \$2,971.84.

APPENDIX A
 WORK CHANGE ORDER #1
 2009 FURNISHING AND DELIVERING OF
 2” X 4”, 8’ AND 10’ LENGTHS CUMARU BOARDWALK LUMBER
 TO THE DEPARTMENT OF PUBLIC WORKS
 WINCHESTER AVENUE AT CORNWALL AVENUE
 Doran #11507

Item	Description	Contract Quantity	Unit	Unit Price	Total
1	Cumaru – 2” x 4” x 8 feet (standard U.S. Sise), dressed S4S, E4E	4,500 UN	UN	\$20.08	\$90,360.00
2	Cumaru – 2” x 4” x 10 feet (standard U.S. Sise), dressed S4S, E4E	450 UN	UN	\$25.10	\$11,295.00
				SUB TOTAL	\$101,655.00
	Supplemental Agreement				
SA-1	Cumaru – 2” x 4” x 8 feet (standard U.S. Sise), dressed S4S, E4E	148 UN	UN	\$20.08	\$2,971.84
		AMENDED CONTRACT TOTAL			\$104,626.84

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 88 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 89 OF 2010 – TAX REFUND, OVERPAYMENTS

WHEREAS, the 2010 tax on Block 169, Lot 22 assessed to Francis & Michaeline Forsythe and known as 117 N Newport Court, Ventnor, NJ was overpaid in the amount of \$1486.66 due to the mortgage company and the title company paying; and

WHEREAS, The Title Company of Jersey, 9615 Ventnor Ave, Margate, NJ 08406 has requested a refund in the above amount sent to them; and

WHEREAS, the 2009 tax on Block 119, Lot 18 known as 6208 Winchester Ave, Ventnor, NJ and assessed to Michael Cianci was overpaid in the amount of \$1,712.96 due to the mortgage company and the title company paying; and

WHEREAS, Michael Cianci, 6208 Winchester Ave, Ventnor, NJ 08406 has requested a refund in the above amount sent to him.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Tax Collector of the City of Ventnor City are authorized to mark their books and records accordingly.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 89 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 90 OF 2010 – AUTHORIZING APPLICATION FOR NJDOT 2011 MUNICIPAL AID - RECONSTRUCTION OF MONMOUTH AVE, PORTLAND TO TROY

WHEREAS, The State of New Jersey Department of Transportation has notified the City of Ventnor City that they will be accepting grant application for 2011 Municipal Aid Program, which is due August 13, 2010. This program provides funding for municipal transportation projects; and

WHEREAS, City of Ventnor City desires to obtain a grant through 2011 Municipal Aid Program and has identified the Reconstruction of Monmouth Ave between Portland Ave and Troy Ave as the city’s application priority 2;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as 00694 to the New Jersey Department of Transportation on behalf of City of Ventnor.

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

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 90 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 91 OF 2010 – AUTHORIZING APPLICATION FOR NJDOT 2011 MUNICIPAL AID - RECONSTRUCTION OF MONMOUTH AVE, SURREY TO DORSET

WHEREAS, The State of New Jersey Department of Transportation has notified the City of Ventnor City that they will be accepting grant application for 2011 Municipal Aid Program, which is due August 13, 2010. This program provides funding for municipal transportation projects; and

WHEREAS, City of Ventnor City desires to obtain a grant through 2011 Municipal Aid Program and has identified the Reconstruction of Monmouth Ave between Surrey Ave and Dorset Ave as the city’s application priority 1;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as 00437 to the New Jersey Department of Transportation on behalf of City of Ventnor.

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

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 91 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 92 OF 2010 - AWARD OF CONTRACT FOR IMPROVEMENTS TO ATLANTIC AVE

WHEREAS, the City of Ventnor City has secured grant funding from the New Jersey Department of Transportation for Improvements to Atlantic Avenue, Dorset Avenue to Jackson Avenue, and

WHEREAS, the City Engineer solicited, received and opened sealed proposals as follows:

A. E. Stone, Inc.	\$133,220.00
American Asphalt Co., Inc.	\$139,139.13
Johnson Baron	\$157,165.97
South State, Inc.	\$159,964.00
Arawak Paving Co.	\$165,400.00
AP Construction Inc.	\$259,090.00

WHEREAS, it is the recommendation of the City Engineer to accept the bid from A.E. Stone, Inc., in the amount of \$133,220.00.

BE IT RESOLVED, that the Mayor and Commissioner of the City of Ventnor City hereby recommends to the New Jersey Department of Transportation that the contract for “Improvements to Atlantic Avenue, Dorset Avenue to Jackson Avenue”, in the City of Ventnor City, County of Atlantic, be awarded to A. E. Stone, Inc., 1435 Doughty Rd, Egg Harbor Township, NJ, 08234, whose bid amounted to \$133,220.00, subject to the approval of the Department.

BE IT FURTHER RESOLVED, that the acceptance of this resolution is contingent upon certification of the availability of funds from the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the presiding officer of this body be and is hereby directed to sign for on its behalf the contract in the prescribed form for said construction, and that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 92 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 93 OF 2010 – AUTHORIZE RECEIPT OF BIDS, BULKHEAD AT PW COMPLEX

WHEREAS, the City of Ventnor City has a need for a new Bulkhead at the Public Works Department located at Cornwall and Winchester Avenues; and has secured funds for the same; and

WHEREAS, the City of Ventnor City has secured a New Jersey Department of Environmental Permit for the project and wishes to request Public Bids for the project:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to publicly re-bid the project as required.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 93 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 94 OF 2010 – AUTHORIZE ENGINEER TO PREPARE PLANS & SPECS FOR 15 FIRE HYDRANTS

WHEREAS, the City of Ventnor City has a need to replace fire hydrants at various locations throughout the City; and

WHEREAS, the City of Ventnor City has secured funds for the acquisition of the fire hydrants and wishes to request Public Bids for the project:

THEREFORE BE IT RESOLVED, that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to prepare bid documents and authorizes the project to be publicly bid as required.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 94 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 95 OF 2010 – AUTHORIZE ENGINEER TO PREPARE PLANS & SPECS FOR REPAINTING & REPAIR OF WATER TOWER #10

WHEREAS, the City of Ventnor City has need to repair and repaint existing Water Tower #10 located at Balfour Avenue at Waldon Drive; and

WHEREAS, the City of Ventnor City has previously secured funds for the repair and repainting as may be needed:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to pursue any and all permits, prepare bid documents and upon completion of the above, authorize the project to be publicly bid as required.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 95 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 96 OF 2010 - AUTHORIZE ENGINEER TO PREPARE PLANS & SPECS FOR REPAIR OF BULKHEAD & SIDEWALK AT AUSTIN AVE

WHEREAS, the City of Ventnor City has a need to repair a portion of the existing timber bulkhead and sidewalk located at Austin Avenue; and has secured funds for the same; and

WHEREAS, the City of Ventnor City has previously secured funds for the same and wishes to request Public Bids for the project:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to pursue any and all permits, finalize the project design and upon completion of the above, authorize the project to be publicly bid as required.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 96 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 97 OF 2010 – AUTHORIZE ENGINEER TO AMEND FISHING PIER CAFRA PERMIT TO INCLUDE LOCKER BUILDING AND ROOF COVERING

WHEREAS, the City of Ventnor City wishes to construct a 1,500 sf building at the Municipal Fishing Pier to install lockers and to provide for the sale of pier related concessions, etc., and also to construct a roof cover area at the end of the pier to provide shade over benches and picnic tables; and

WHEREAS, the City of Ventnor City has previously secured a New Jersey Department of Environmental Coastal General Permit to reconstruct the pier which is now complete. At this time, the City wishes to amend the application to include the 1,500 sf building and roof cover:

NOW, THEREFORE BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorize the Municipal Engineer, Doran Engineering, to amend the CAFRA Permit for the Municipal Fishing Pier;

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 97 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 98 OF 2010 – APPOINTMENTS IN MUNICIPAL COURT ADMINISTRATION

WHEREAS, on August 13, 2010 Deborah J. Havrilchak retired as Municipal Court Administrator for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of appointing the present Ventnor City Deputy Municipal Administrator Kathleen Robbins to the position of Municipal Court Administrator; and

WHEREAS, the Ventnor City Board of Commissioners has advertised to fill the position of Deputy Municipal Court Administrator left vacant by Kathleen Robbins; and

WHEREAS, the process of reviewing applications and interviewing prospective applicants is completed.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that Kathleen Robbins is hereby appointed to the position of Municipal Court Administrator for the City of Ventnor City and that Deanna Bardello is hereby appointed to the position of Deputy Municipal Court Administrator for the City of Ventnor City.

BE IT FURTHER RESOLVED that said appointments Kathleen Robbins as Municipal Court Administrator and Deanna Bardello as Deputy Municipal Court Administrator shall be effective August 30, 2010.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 98 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 99 OF 2010 – EMERGENCY UTILITY CAPITAL IMPROVEMENT FUND

WHEREAS, an emergency has arisen with respect to the Utility Fund down payments are required. At the time the budget was adopted it was not anticipate that there would be a need for down payment funds in the Water and Sewer Utility. It was anticipated that the City would be receiving grants to fund any down payments if required. Also, it was anticipated that the Utility would be self-liquidating, and, no adequate provision was made in the 2010 budget for the aforesaid purpose, and NJSA 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and;

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$400,000 and three (3) percent of the total operating appropriations in the budget for 2010 is \$729,249 and;

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2011;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor City, County of Atlantic, State of New Jersey hereby authorizes such action and that two copies of this resolution be filled with the Division of Local Government Services, New Jersey Department of Community Affairs for approval, in accordance with NJSA 40A:4-48:

1. An emergency appropriation is hereby made for Water and Sewer Utility – Capital Improvement Fund in the amount of \$400,000
2. That said emergency appropriation shall be provided for in full in the 2011 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 99 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$10,096,561.56 and payrolls from 7/17/10 to 7/30/10 in the amount of \$434,389.40 and payrolls from 7/31/10 to 8/13/10 in the amount of \$484,871.18 for approval.

Mayor Kelly moved, seconded by Cmr Piatt, the bills & payrolls be approved.

Roll Call Vote:

Yeas: Commissioner Piatt, Weintrob and Mayor Kelly

APPOINTMENTS

Mayor Kelly announced the appointment of ROBERT PANTALENA to the Board of Education to fill the unexpired term of MARIANNE CALLAHAN until 5-15-12 and EMILY CHRISTIAN as Alternate #2 member of the Planning Board for a 2 year term from 8-19-10 to 8-19-12.

Mayor Kelly moved, seconded by Cmr. Piatt, the appointments be confirmed.

Roll Call Vote:

Yeas: Commissioner Piatt, Weintrob and Mayor Kelly

PROCLAMATIONS & ANNOUNCEMENTS

Mayor Kelly proclaimed:

- August 26, 2010 as “Celebrating Women’s Equality Day”
- September as “Ovarian Cancer Awareness Month

ATLANTIC CITY AIR SHOW - WEDNESDAY, AUGUST 25, 2010

Mayor Kelly announced that the Atlantic City Air Show will take place on Wednesday, August 25, 2010 and that Ventnor’s beach badge enforcement will be suspended for the day.

PUBLIC COMMENTS

STEVE RICE, 216 Newark asked if the Engineer would offer an update of upcoming projects. MATT DORAN, City Engineer offered projections of the scope & timeline of the PW Bulkhead (Sept), West Canal core boring (next week) West Canal pump design controls (possibly Oct-Nov); construction of 4 Heights sewer lines (ongoing project w/damage to approximately 20 other lines. He reported on the \$190,000 State Aid, Phase I, Atlantic Ave/south side, was awarded to AE Stone @\$133,000. That with State approval, the rest of the money, Phase II would include the north side of Atlantic possibly September. The Heights cleaning & video taping of the sanitary lines is done except for 1 line. With that completed, the main part of the Island will be completed. With tonight’s award of Water Meter Transceiver Units that project will be complete. The water tower painting & repair will probably be October. RICE requested that the storm drain at the library also be looked into.

JIM LEACH, 604 Buffalo complained that the shabby, ripped, deteriorated netting & poles surrounding the closed driving range have still not been removed and volunteered his assistance in taking them down. Cmr WEINTROB said a special type of truck is necessary to pull out the net poles & stated the City’s intent to utilize those poles on the beach walkovers.

RICH BOBB, 4901 Ventnor spoke at length with questions & suggestions ranging from cameras at the pier & the pier entrance is such that a small child might squeeze through. Light fixtures are hanging outside of the library & the damaged parking lot (skateboarders) suggests a different type surface be used. Windows (2) were open with air conditioning running. Sprinklers were on during storm & should have rain sensors (Cmr WEINTROB explained that electric outages set off timers incorrectly); some flags are not illuminated at night; PW training & management is needed - employees are not in proper work attire (safety issues w/glasses/shoes & regular maintenance of storm drains is not being done. He described the placing of North Beach banners by PW Supt. His non responsive phone calls to Cmr WEINTROB re the operation of the bucket truck with materials/employees, etc. Flag rules & pictures of the bucket truck, storm drains & were submitted to the Commission. BOBB labeled the PW Dept “mismanaged and dysfunctional ... without safety standards or active training”.

ADJOURNED: 7:42PM

Cmr Piatt moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on September 16, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Weintrob moved, seconded by Cmr Piatt that the minutes of the 8-19-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-11

The City Clerk read the Title of Ord 2010-11 'ORDINANCE AMENDING CHP 158-17 OF THE VENTNOR CITY CODE TO INCLUDE ALL BUILDINGS UNDER HEATING REQUIREMENTS 'after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-11 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-12

The City Clerk read the Title of Ord 2010-12 'AMENDING SECTION 102-160.4 OF THE CODE OF THE CITY OF VENTNOR RELATING TO ESCROW FEE SCHEDULE AND WAIVERS' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-12 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-13

The City Clerk read the Title of Ord 2010-13 'ORDINANCE AMENDING CHP 214-38 OF THE VENTNOR CITY CODE TO INCLUDE A STOP SIGN ON CORNWALL AVE AT WINCHESTER' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-13 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-14

The City Clerk read the Title of Ord 2010-14 'BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY SYSTEM AND THE ACQUISITION OF WATER/SEWER UTILITY EQUIPMENT; APPROPRIATING THE SUM OF \$8,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$7,600,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

STEVE CABNET 7000 Ventnor Gardens Plaza asked if this ordinance provided money for the storm drain/street problems in the VG Plaza/Wyoming area. He described his property's flooding during heavy rainfalls, the amount of time for runoff & the more frequent need for VC Water/Sewer Dept response. While recognizing that the problem has been ongoing for years he hoped that if not provided in this Ordinance, some relief might be forthcoming in the near future,

Cmr WEINTROB explained that VG Plaza was a high flood area that Ventnor was working with Margate & the County to find a workable solution. Margate's Engineer is preparing the proposal for review since the system operates with a pipe starting in Margate. Since Margate is receiving the most benefit, Ventnor's cost will be proportionately less. Once the city-wide video taping is completed, priorities as listed may change. A blockage found might be a "quick-fix" - whereas finding collapsed lines takes time & funding as the \$8M city-wide bond provides on an as needed, high priority basis. Responding to confusion over a newspaper article, City ENGINEER Doran explained this Ordinance is aimed at reducing the amount of storm water inflow & infiltration getting into the

storm lines and will reduce what Ventnor pays to ACUA . He spoke additionally of some money left in an old bond Ordinance for this kind of work.

JIM LEACH, 604 Buffalo noted that flooding is unavoidable when ocean/bay tides lock on a flat island. The City ENGINEER agreed that pumps will help only during minor/moderate flooding not with storm floods or locked tides.

RICH BOBB, 4901 Ventnor questioned Ventnor’s use of check valves. The ENGINEER described Ventnor system’s present use of pumps, check valves & use of pinch valves in the lower areas. Property standards regulating water runoff and capacity of street surface drains/culverts during high flooding were also discussed.

PAUL CUTLER, 317 Harvard asked if money was provided in this bond to solve the problem of frequency and increased flooding @300 Block Harvard/Balfour bay. Cmr WEINTROB explained how the storm drain system operates & promised that when video taping is completed we should know more about the cause of his problem & have some kind of answer for him by the next meeting.

Cmr WEINTROB inquired as to the allocation of the funds & the time frame of when we would start paying interest on the Bonds. Cmr PIATT explained that a financial adviser will help us stage that offering to try to capture what we hope will be an historic low in the interest rates. The advisor will guide us on how to consolidate this \$8M Bond into a \$20M offering. By doing it one time, the economy of that would be to avoid the costs of going back for refinancing BANs & avoiding counsel’s & advisory’s charges by locking in the rate. A discussion of the need to consolidate bonds with the projection of interest rates ensued. A list of all bonds being consolidated will be made available.

There being no one further wishing to be heard, it was moved by Cmr Weintrob, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-14 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - IMPROVEMENTS TO ATLANTIC AV, PHASE II

Date of Bid Opening: September 14, 2010 @ 10:00 AM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk

- | | |
|---|--------------|
| 1. A.E. Stone, Inc.
Egg Harbor Twp., NJ
Bid Bond Attached | \$137,738.96 |
| 2. South State, Inc.
Bridgeton, NJ
Bid Bond Attached | \$132,579.60 |

Report Submitted By: Sandra M. Biagi, RMC/CMC, City Clerk

Cmr Weintrob moved, seconded by Cmr Piatt the report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - INSTALLATION OF BULKHEAD AT PUBLIC WORKS COMPLEX

Date of Bid Opening: September 14, 2010 @ 11:00 AM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk

- | | |
|---|----------------|
| 1. Channel Marine Construction, Inc.
Clermont, NJ
Bid Bond Attached | \$804,945.00 |
| 2. Albert Marine Construction, Inc.
Waretown, NJ
Bid Bond Attached | \$866,585.50 |
| 3. KG Marine Contracting, Inc.
Manahawkin, NJ
Bid Bond Attached | \$714,404.60 |
| 4. Walters Marine Construction, Inc.
Ocean View, NJ
Bid Bond Attached | \$928,815.00 |
| 5. Bird Construction
Bayville, NJ
Bid Bond Attached | \$1,280,289.25 |
| 6. WECO Construction, Inc.
Egg Harbor Twp., NJ
Bid Bond Attached | \$809,922.00 |

Report Submitted By: Sandra M. Biagi, RMC/CMC. City Clerk

Mayor Kelly moved, seconded by Cmr Piatt the report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-15

ORDINANCE AMENDING CHAPTER 99-1 OF THE CODE OF THE CITY OF VENTNOR CITY TO AMEND FEES FOR COPIES OF GOVERNMENT RECORDS

Cmr Piatt moved, seconded by Cmr Weintrob that Ordinance 2010-15 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-11

ORDINANCE AMENDING CHP 158-17 OF THE VENTNOR CITY CODE TO INCLUDE ALL BUILDINGS UNDER HEATING REQUIREMENTS

Mayor Kelly moved, seconded by Cmr Weintrob that Ordinance 2010-11 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-12

AMENDING SECTION 102-160.4 OF THE CODE OF THE CITY OF VENTNOR RELATING TO ESCROW FEE SCHEDULE AND WAIVERS

Cmr Weintrob moved, seconded by Mayor Kelly that Ordinance 2010-12 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-13

ORDINANCE AMENDING CHP 214-38 OF THE VENTNOR CITY CODE TO INCLUDE A STOP SIGN ON CORNWALL AVE AT WINCHESTER

Cmr Weintrob moved, seconded by Cmr Piatt that Ordinance 2010-13 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-14

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY SYSTEM AND THE ACQUISITION OF WATER/SEWER UTILITY EQUIPMENT; APPROPRIATING THE SUM OF \$8,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$7,600,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Cmr Piatt moved, seconded by Mayor Kelly that Ordinance 2010-14 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

7:33 NEW BUSINESS - CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

The City Clerk asked if the Board wished to adopt Resolutions No 100 through 108 by Consent.

- **R 102** Cmr Weintrob questioned the extent of work incorporated in the reduced amount. Cmr Piatt & Mayor Kelly responded that less windows w/grouting & pointing were included in this phase - with a 5 year opportunity to apply for additional grants. The grant amount is \$375,000. Ventnor's share (\$187,500) will be paid from a previous bond.
- **R 108** Cmr Weintrob found the language & tone offensive but felt the merit of paying Action Janitorial for their services over the July 4th weekend can't be denied.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolutions No 100 thru 108 of 2010 be adopted by consent

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 100 OF 2010 – COMMUNITY BUILDING DEPOSIT REFUND

WHEREAS, on February 25, 1999, the Ventnor City Board of Commissioners adopted Resolution No. 48 of 1999, which Resolution adopted the policy and fee schedule for use of the Community Building and other public premises owned by the City of Ventnor City; and

WHEREAS, under said Resolution, anyone applying for the use of the Community Building must pay a \$100.00 deposit along with the required fee, which deposit would be refunded after the building was inspected following such event and found to be left in satisfactory condition; and

WHEREAS, the following persons paid the required \$100.00 deposit and are eligible to receive such refund.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that the Chief Financial Officer is herein and hereby authorized to issue a refund check in the amount of \$100.00 to the following persons.

NAME & ADDRESS	DEPOSIT DATE	DATE USED	REFUND AMOUNT
Kathy Pignatore 7003 Ventnor Ave Ventnor, NJ 08406	7-13-10	8-20-10	\$100.00
5300 Boardwalk Condo Assoc 5300 Boardwalk Ventnor, NJ 08406	8-19-10	9-12-10	\$100.00

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 100 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 101 OF 2010 - AWARD OF CONTRACT, IMPROVEMENTS TO ATLANTIC AV, PHASE II

WHEREAS, the City of Ventnor City has secured grant funding from the New Jersey Department of Transportation for Improvements to Atlantic Avenue, Phase II, and

WHEREAS, the City Engineer solicited, received and opened sealed proposals as follows:

South State, Inc.	\$132,579.60
A. E. Stone, Inc.	\$137,738.96

WHEREAS, it is the recommendation of the City Engineer to accept the bid from South State, Inc., in the amount of \$132,579.60.

BE IT RESOLVED, that the Mayor and Commissioner of the City of Ventnor City hereby recommends to the New Jersey Department of Transportation that the contract for “Improvements to Atlantic Avenue, Phase II”, in the City of Ventnor City, County of Atlantic, be awarded to South State, Inc., P.O. Box 68, Bridgeton, New Jersey, 08302, whose bid amounted to \$132,579.60, subject to the approval of the Department.

BE IT FURTHER RESOLVED, that the acceptance of this resolution is contingent upon certification of the availability of funds from the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the presiding officer of this body be and is hereby directed to sign for on its behalf the contract in the prescribed form for said construction, and that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 101 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 102 OF 2010 – AUTHORIZING SUBMISSION OF GRANT APPLICATION & EXECUTION OF GRANT AGREEMENT - GARDEN STATE HISTORIC PRESERVATION TRUST FUND FOR CITY HALL RESTORATION PROJECT, PHASE I

WHEREAS, the Mayor and Commissioners of Ventnor City desire to apply for and obtain a grant from the New Jersey Historic Trust for \$187,500 – to be matched with equal funds from the City budget – to complete the Ventnor City Hall Restoration Project, Phase I; and,

WHEREAS, the Mayor and Commissioners of Ventnor City of have reviewed the stipulations relevant to submittal of the Capital Preservation Grant, Level II:

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COMMISSIONERS OF VENTNOR CITY formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED THAT THE MAYOR AND COMMISSIONERS OF VENTNOR CITY authorize Toro Aboderin, Chief Financial Officer, to sign the assurances on behalf of Ventnor City and that her signature constitutes acceptance of the terms and conditions and approves the execution of the grant agreement.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 102 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 103 OF 2010 – TAX REFUNDS, OVERPAYMENTS

WHEREAS, the 2010 tax on Block 42, Lot 9 known as 110 S Swarthmore Ave, Ventnor, NJ and assessed to Betty Simon, Trustee, LLC was overpaid in the amount of \$2,086.25 due to duplicate payments; and

WHEREAS, Betty Simon, Trustee, LLC has requested a refund in the above amount sent to Herman & Marsha Zell, PO Box 3232, Margate, NJ 08402; and

WHEREAS, the 2010 tax on Block 343, Lot 1 CF07 assessed to Carol Martinetti and known as 709 N Dudley Ave, Ventnor, NJ 08406 was overpaid in the amount of \$1,124.73 due to duplicate payments; and

WHEREAS, BAC Tax Services Corporation has requested a refund in the above amount sent to them at CA6-913-LB-01, PO Box 10211, Van Nuys, CA 91499-6089;

WHEREAS, the 2010 tax on Block 84, Lot 6.01 assessed to Mark & Maryse Naman and known as 17 S Washington Ave, Ventnor, NJ was overpaid in the amount of \$4,008.59 due to duplicate payments; and

WHEREAS, BAC Tax Services Corporation has requested a refund in the above amount sent to them at CA6-913-LB-01, PO Box 10211, Van Nuys, CA 91499-6089.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue checks as stated above.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Tax Collector of the City of Ventnor City are authorized to mark their books and records accordingly.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 103 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 104 OF 2010 – TAX CANCELLATIONS, VARIOUS REASONS

WHEREAS, certain properties in the City of Ventnor City were billed for taxes in error and should be cancelled as follows:

<u>Blk/Lot/Qual</u>	<u>Name/Address</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
1/1 C16A9	Lustig-4800 Boardwalk #16A9	\$250.00	2010	Veteran's Deduction
20/2	111 S Cambridge Ave, LLC	\$3,454.00	2010	Incorrect Assessment
20/2	111 S Cambridge Ave, LLC	\$1,727.00	2011	Incorrect Assessment

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Tax Collector of the City of Ventnor City is authorized to cancel tax as stated above.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Tax Collector of the City of Ventnor City are authorized to mark their books and records accordingly.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 104 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 105 OF 2010 – RENEWAL OF CONTRACT WITH PARKER MCCAY FOR BOND COUNSEL SERVICES

WHEREAS, the City of Ventnor City, County of Atlantic, New Jersey ("City"), has a need for a law firm specializing in public finance to assist it in matters relating to the issuance of bonds; and

WHEREAS, the law firm of Parker McCay P.A., Marlton, New Jersey is a nationally recognized law firm specializing in public finance and is able to assist the City in such matters; and

WHEREAS, Section 5(1)(a)(i) of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), authorizes the City to appoint Parker McCay P.A., as Bond Counsel without advertising for bids since the services to be provided are professional in nature.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, AS FOLLOWS:

Section 1. Parker McCay P.A., Marlton, New Jersey is hereby appointed as Bond Counsel to the City.

Section 2. The Mayor is hereby authorized and directed to execute, on behalf of the City, an agreement with Parker McCay P.A., for the legal services to be rendered.

Section 3. The City Clerk is hereby authorized and directed to have a notice satisfying the requirements of Section 5(1)(a)(i) of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), published in a newspaper authorized by law to publish the legal advertisements of the City.

Section 4. All resolutions, or parts thereof, inconsistent herewith are hereby repealed and rescinded to the extent of any such inconsistency.

Section 5. This resolution shall take effect immediately upon adoption.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 105 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 106 OF 2010 - RENEWAL OF IN POCKET LIQ. LIC. #0122-44-013-004 (TJ&J, INC)

WHEREAS, there exists in the City of Ventnor City a certain In Pocket Plenary Retail Distribution License, being License #0122-44-013-004 issued to TJ&J, Inc.; and

WHEREAS, said liquor license has been In Pocket since May 30, 2002 thus requiring a Special Ruling from the Division of Alcoholic Beverage under NJSA 33:1-12.39 before renewal by the Governing Body for the period of July 1, 2010 to June 30, 2011; and

WHEREAS, said licensee has received the necessary approval from the Division of Alcoholic Beverage Control under NJSA 33:1-12.39 to permit the renewal of said liquor license for the 2010-2011 licensing year; and

WHEREAS, said licensee paid the annual renewal fee of \$360.00 and the required fee to the Division of Alcoholic Beverage Control of \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Plenary Retail Distribution License #0122-44-013-004 issued to TJ&J Inc. is hereby renewed for the 2010-2011 license year.

BE IT FURTHER RESOLVED that as a special condition of said renewal no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2011.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 106 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 107 OF 2010 – APPOINTMENT OF PETER MOKOVER AS COMMUNITY INFORMATION COORDINATOR

WHEREAS, the Board of Commissioners wishes to keep residents apprised of upcoming events within the City of Ventnor City by broadcast emailing of such community activities; and

WHEREAS, Ventnor City resident Peter Mokover has offered to volunteer his time and efforts to assist with this endeavor; and

WHEREAS, the Board of Commissioners desires to appoint Peter Mokover as Ventnor City Community Information Coordinator for the purpose of acting as liaison to accomplish such matters.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Peter Mokover is herein and hereby appointed to act in the volunteer capacity of Community Information Coordinator for the City of Ventnor City.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 107 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 108 OF 2010 – AUTHORIZE PAYMENT, ACTION JANITORIAL DISPUTED BILLING

WHEREAS, Action Janitorial performed certain services in the City of Ventnor including the cleaning of certain bathrooms in public buildings located within the City of Ventnor; and

WHEREAS, said services were authorized without a proper certification of funds for the payment of the same; and

WHEREAS, the authorization for payment was to be approved by the CFO of the City of Ventnor prior to a purchase order being issued for the same; and

WHEREAS, the Commissioners of the City of Ventnor believe that in the interest of fairness the vendor should be paid even though proper purchasing procedures were not followed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY AS FOLLOWS:

Section I The Board of Commissioners of the City of Ventnor hereby authorize the payment of the current outstanding invoice to Action Janitorial for the cleaning of certain bathrooms in the City of Ventnor during July, 2010.

Section II It is further authorized that the CFO of the City of Ventnor is authorized to take any action including the issuance of a purchase order and/or check in order to effectuate the purposes of this Resolution.

Section III This Resolution shall take effect immediately.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 108 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF RAFFLE LICENSE #365 - ST JAMES CHURCH

The diocesan name change after consolidation and the name registered with NJGCC was questioned. The City Clerk responded that the name as stated on Application #365 was consistent with their State License Registration.

Mayor Kelly moved, seconded by Cmr Piatt that Raffle License #365 for St. James Church (and/or Holy Trinity) be approved.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$6,731,749.88 and payrolls from 8/14/10 to 8/27/10 in the amount of \$475,403.44 and payrolls from 8/28/10 to 9/10/10 in the amount of \$455,123.54 for approval.

Mayor Kelly moved, seconded by Cmr Piatt, the bills & payrolls be approved.

Roll Call Vote:

Yeas: Commissioner Piatt, Weintrob and Mayor Kelly

PROCLAMATIONS & ANNOUNCEMENTS

Mayor Kelly announced:

- SATURDAY, OCT 23, 2010 IS CLEAN OCEAN ACTION'S FALL BEACH SWEEP
- CONSTITUTION WEEK - SEPTEMBER 17 THRU SEPTEMBER 23, 2010

PUBLIC COMMENTS

JIM LEACH asked about the sale of school busses & the number now operating in Ventnor. The MAYOR said we had enough to get the kids to ACHS and transport students living 2 miles from school. A good price was obtained for the busses sold & the plan seems to be working.

JOHN OLIVE, 4919 Ventnor Ave disputed Cmr WEINTROB'S promise that construction of the Fishing Pier building won't cost the taxpayers – noting this comes just 3 years after the previous administration spent \$4M renovating the same pier which served 140 members who paid \$40 per year. Also paid in wasted money was \$28,000 for an architectural drawing of an unimplemented building while his property taxes increased 63% from 2003-08. He was adamant that WEINTROB'S "sweat equity" would not be accepted in lieu of payment by NJDEP or Green Acres & quoted on-line rules, regulations, letters & permits in support of his belief. He asked WEINTROB for documented assurance to the taxpayers that they would not be paying for the building. In lengthy discussion ensued WEINTROB said he would get that in writing for the Mayor & Commissioner. As to the discussion he had with the State he did not know who the press had spoken to & referred to a meeting on the Pier he had with an State representative (unnamed). He assured OLIVE that there was nothing on the floor to discuss at this time & said he meant it when he said it should not be costing anything other than what Green Acres requires & firmly stood by "it will cost us zero".

PAT DIMEO, 305 Fredericksburg hailed alleviation of busses/children walking to school as a great economic move & help toward stemming childhood obesity. A pediatric nurse/prior substitute school nurse, she cited obesity as the 2nd highest problem with children today – maintaining the annual school weight-in will show a positive weight loss.

PETER MOKOVER, 5000 Boardwalk asked that the Clean Ocean coordinator (WEINTROB) be informed that the area behind the dunes needs to be cleaned up as the area by the ocean is a waste of time. Cmr Weintrob agreed.

TIM KREISCHER, 117 N Somerset re R108, asked for examples of purchasing without approval. Cmr PIATT said it has been a chronic situation, mostly out of PW, since the beginning when this Commission was elected. That things have been ordered without authorization or appropriation line item & one of the reasons ordinances were installed to control that sort of situation - measures that had to be taken and outlined the necessary procedures & approvals before purchase. KREISCHER asked for examples of Weintrob's noncompliance. PIATT explained that PW ordering

baseball fences costing well over \$17,000 would have required public bidding. Fortunately the job was stopped before it reached the threshold. KREISCHER requested more examples & asked if any had been emergencies & what the magnitude & scope of the problem with Weintrob was. PIATT said he would provide other examples but none were emergencies & obviously in the case of dire emergency you would do what was needed. KREISCHER asked if/how Weintrob personally benefited. PIATT said in fairness, Cmr WEINTROB has private business experience & is not quite familiar with the public sector protocol. KREISCHER reiterated his request for more examples.

KREISCHER explained why the Fishing Pier building was not part of their original project. MAYOR KELLY asked what the 2005 permit did allow. KREISCHER admitted the Pier's footprint could not be expanded. He reviewed his intended plan with volunteers, matching grants@\$100,000, etc but change orders replacing missing railings & Open Space money drying up finished that. He still maintained it could be built, money should be spent & expressed his ideas on financing the building.

RICH BOBB spoke on multi topics beginning with what facilities were housed on the old pier. WEINTROB explained what existed & what the documents said could/could not be replaced. He asked if the City had explored the possibility of removing City Hall from the Historical Register. The pros & cons were acknowledged. He suggested that installation of energy efficient lighting fixtures at City Hall would pay for themselves in reduced billing & noted 3 lights out on City Hall lawn. WEINTROB explained the priority/cost of sealing those fixtures at this time. Photos of street stop sign/stick-ons parking enforcement, title 39 & striping was discussed. WEINTROB noted the April 2010 NJSA Title39 change. The City Clerk explained that deviations such as 50ft v 25ft were created purposefully over the year & designated in the VC Code. The Solicitor explained the requirement to conform to state statute with the City's right to balance/weigh parking, Also discussed was the hazard on streets without a traffic signal - of entering into Ventnor Ave traffic lanes because vision is obstructed by vehicles parked too close to a corner. He urged the City to consider a consistent plan & maximums permitted by law.

STEVE RICE, 216 Newark asked who we paid \$28,000 to draw the clubhouse prints. WEINTROB said it was Martin Blumberg although that price may have been for the shelter at the end, not the clubhouse. He confirmed his intention always was to build the clubhouse with volunteers & lease out the concession area to a private contractor, let him bid it out.

MICHAEL ADVENA 6410 Monmouth asked what we're permitted to build on the pier under the existing permit. Calling the question easy, WEINTROB said plans (available downstairs for anyone's review) show we can build a building about 1500 sq ft/shell only - what we put inside up to us. ADVENA said that according a copy of a CAFRA permit dated as received 9/24/05 by the State & 9/11/07 by the City - we are allowed to have an administrative booth and a men's & women's bathroom. It doesn't say a clubhouse or an outside shower. And if this is the only permit, the controversy about building a clubhouse or shelter went on annoyingly for 1½ yrs without having a permit/permission. WEINTROB felt there were two types of permits; (1) to replace the pier which said something 24/7 bathrooms & something else(2) a CAFRA permit. He said the previous engineer had all those approvals to rebuild the pier & the buildings on the pier - WEINTROB said he had them & he will get them. ADVENA asked if the new application will have all three structures. The ENGINEER said it has a concession stand, clubhouse, bathrooms, lockers & some kind of shelter on the outside. ADVENA reconfirmed that if we get permission from the state & if we are able to raise the funds, however we do it, then there's a possibility we can do this - adding how upsetting it was - that if this is the permit & it doesn't even give us permission to build it - & then find out we paid an architect \$28,500 to design a building we may be able to build for \$50,000 or 100,000.

KREISCHER disputed the architect's design fee at 50% of cost since their building was worth \$350,000-\$400,000 maybe more. It was going to be built with volunteer labor w/materials costing \$50,000-\$60,000.

EXECUTIVE SESSION – 8:32PM

MAYOR KELLY read the statement required before Executive Session: *“The New Jersey Open Public Meeting Act permits the discussion of certain matters within Executive Session, as an exception to certain provisions of said law. The Ventnor City Board of Commissioners wishes to discuss certain matters which qualify as exceptions in Executive Session. No action binding upon the Board of Commissioners will be taken within Executive Session and the discussion conducted in closed session will be disclosed to the public when legally permitted and when the public interest will no longer be served by keeping such matters confidential. The matters to be discussed are a personnel issue combined with an update concerning collective bargaining ”.*

Cmr Piatt moved, seconded by Cmr Weintrob the Board retire into Executive Session.
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

8:PM EXECUTIVE SESSION CONCLUDED

Cmr Piatt moved, Seconded by Cmr Weintrob the Board returned into Regular Session

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

Solicitor Maguire reported that discussions in Executive Session were: a personnel matter combined with a group requesting to unionize and a group of management employees requesting to be recognized as a collective bargaining unit.

MEETING ADJOURNED: 8:50 PM

Cmr Weintrob moved, seconded by Cmr Piatt, the meeting be adjourned. So ordered

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on October 21, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Piatt moved, seconded by Cmr Weintrob that the minutes of the 9-16-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

JIF SAFETY AWARENESS COMPLIANCE REPORT BY RISK MANAGEMENT CONSULTANT

Risk Management Consultant, Stan Gunnison presented the annual JIF Safety Awareness Compliance Report. Emphasizing the major components of obtaining a good loss control report card, he lauded Ventnor's Safety Committee for being very active and effective in their use of ACMJIF/MELJIF videos, safety bulletins, programs & initiatives as evidenced by improved facility inspections & roadway signage results. He explained that 5 year ratings show Ventnor's Workmen's Comp Loss Control as very good, w/2 day reporting time & use of transitional duty. MEL, EPL & future projections & upcoming changes in PERMA, EPL, Public Officials Liability & managed care were reviewed. He congratulated Safety Committee members (administrator, chiefs, department heads & assists) for attending the safety meeting held on the 1st Tuesday of each month where they review & discuss accident claims to determine what course of action or remedy should be taken to mitigate, reduce or eliminate future losses. In closing, he assured the Board of Commissioners that he continues to be available by phone to answer any questions they need answered or will meet with them in person to discuss the City's needs.

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-15

The City Clerk read the Title of Ord 2010-15 'ORDINANCE AMENDING CHAPTER 99-1 OF THE CODE OF THE CITY OF VENTNOR CITY TO AMEND FEES FOR COPIES OF GOVERNMENT RECORDS' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Cmr Piatt, seconded by Cmr Weintrob the Public Hearing on Ordinance 2010-15 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - 2010 ROAD & SEWER PROJECTS, VICTORIA AVE FROM WELLINGTON TO FULTON & CORNWALL AVE FROM ATLANTIC TO VENTNOR

Date of Bid Opening: October 19, 2010 @ 10:30 AM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk/Administrator

1. Landberg Construction, LLC Mays Landing, NJ 08330 Bid Bond Attached	\$521,749.92
2. WECO Construction Co Egg Harbor Twp., NJ 08234 Bid Bond Attached	\$433,956.00
3. Spencer V. Maussner, Inc. Haddonfield, NJ 08033 Bid Bond Attached	\$464,579.01

Report Submitted By: Sandra M. Biagi, RMC/CMC, City Clerk/Administrator

Mayor Kelly moved, seconded by Cmr Weintrob the Report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-15

ORDINANCE AMENDING CHAPTER 99-1 OF THE CODE OF THE CITY OF VENTNOR
CITY TO AMEND FEES FOR COPIES OF GOVERNMENT RECORDS

Mayor Kelly moved, seconded by Cmr Weintrob that Ordinance 2010-15 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS - CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

The City Clerk asked if the Board wished to adopt Resolutions No 109 through 132 by Consent.

Mayor Kelly moved, seconded by Cmr Piatt that Resolutions No. 109 through 132 of 2010 be adopted by Consent.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 109 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - EMERGENCY MANAGEMENT ASSISTANCE GRANT (\$5,000)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000.00, which item is now available from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- with Prior Written Consent of the Director of the
- Division of Local Government Services – Public and
- Private Revenues Offset with Appropriations:
- Emergency Management Assistance Grant

BE IT FURTHER RESOLVED that a like sum of \$5,000 be and the same is hereby appropriated under the caption of

- (a) Operations – Excluded from CAPS
- Public and Private Programs Offset by Revenues:
- Emergency Management Assistance Grant

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 109 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 110 OF 2010 - CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - OVER THE LIMIT UNDER ARREST 2010 STATEWIDE CRACKDOWN PROGRAM \$4,400)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$4,400.00, which item is now available from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- with Prior Written Consent of the Director of the
- Division of Local Government Services – Public and
- Private Revenues Offset with Appropriations:
- Over the Limit Under Arrest 2010 Statewide Crackdown Program

BE IT FURTHER RESOLVED that a like sum of \$4,400 be and the same is hereby appropriated under the caption of

- (b) Operations – Excluded from CAPS
- Public and Private Programs Offset by Revenues:
- Over the Limit Under Arrest 2010 Statewide Crackdown Program

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 110 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 111 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (\$3,900)

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$3,900.00, which item is now available from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- with Prior Written Consent of the Director of the
- Division of Local Government Services – Public and
- Private Revenues Offset with Appropriations:
- State Local Cooperative Housing Inspection Program

BE IT FURTHER RESOLVED that a like sum of \$3,900 be and the same is hereby appropriated under the caption of

- (c) Operations – Excluded from CAPS
- Public and Private Programs Offset by Revenues:
- State Local Cooperative Housing Inspection Program

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 111 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 112 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - ALCOHOL & DRUG ABUSE, EDUCATION & PUBLIC AWARENESS PROGRAM (\$1,231.69)

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,231.69, which item is now available from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- with Prior Written Consent of the Director of the
- Division of Local Government Services – Public and
- Private Revenues Offset with Appropriations:
- Alcohol & Drug Abuse Education & Public Awareness Program

BE IT FURTHER RESOLVED that a like sum of \$1,231.69 be and the same is hereby appropriated under the caption of:

- (d) Operations – Excluded from CAPS
- Public and Private Programs Offset by Revenues:
- Alcohol & Drug Abuse Education & Public Awareness Program

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 112 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 113 OF 2010 – AUTHORIZING SUBMISSION OF APPLICATION FOR 2011 MUNICIPAL ALLIANCE GRANT

WHEREAS, The Ventnor Board of Commissioners of the City of Ventnor, County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, The Ventnor Board of Commissioners further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, The Ventnor Board of Commissioners has applied for funding to the Governor's Council on alcoholism and Drug Abuse through the County of Atlantic;

NOW, THEREFORE, BE IT RESOLVED by the City of Ventnor, County of Atlantic, State of New Jersey hereby recognizes the following:

1. The City of Ventnor Board of Commissioners does hereby authorize submission of an application for Ventnor City Municipal Alliance grant for the calendar year 2011 in the amount of \$ 13,470.00.
2. The City of Ventnor Board of Commissioners acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 113 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 114 OF 2010 – AWARD OF CONTRACT, IMPROVEMENTS TO TIMBER BULKHEAD AT PW COMPLEX TO THE LOW BIDDER KG MARINE CONTRACTING, INC

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on Tuesday, September, 14, 2010 at 10:00 AM, six (6) bids for the REBID: NEW BULKHEAD AT PUBLIC WORKS; and

WHEREAS, the Municipal Engineer and Solicitor have reviewed same, and herewith recommend an award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it hereinafter award the Contract for "REBID: NEW BULKHEAD AT PUBLIC WORKS" to KG Marine Contracting, Inc., 46 Indian Road, Manahawkin, New Jersey, 08050, for their Total Amount Bid of \$714,411.80; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 114 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 115 OF 2010 - AUTHORIZING ISSUANCE OF LIMITED FISHING PIER MEMBERSHIPS FOR THE 2010 FALL STRIPER FISHING SEASON

WHEREAS, the Board of Commissioners of the City of Ventnor City are desirous of issuing limited memberships to the Ventnor City Fishing Pier during the Fall Striper fishing season.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter authorizes the issuance of limited memberships to the Ventnor City Fishing Pier for the Fall Striper fishing season only.

BE IT FURTHER RESOLVED that such limited membership will be valid from November 1, 2010 thru March 31, 2011. The fee for such limited membership shall be \$75. plus a \$100.00 key deposit which shall be refunded if key is returned by April 4, 2011.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 115 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 116 OF 2010 – COMMUNITY BUILDING DEPOSIT REFUND

WHEREAS, on February 25, 1999, the Ventnor City Board of Commissioners adopted Resolution No. 48 of 1999, which Resolution adopted the policy and fee schedule for use of the Community Building and other public premises owned by the City of Ventnor City; and

WHEREAS, under said Resolution, anyone applying for the use of the Community Building must pay a \$100.00 deposit along with the required fee, which deposit would be refunded after the building was inspected following such event and found to be left in satisfactory condition; and

WHEREAS, the following persons paid the required \$100.00 deposit and are eligible to receive such refund.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that the Chief Financial Officer is herein and hereby authorized to issue a refund check in the amount of \$100.00 to the following persons.

NAME & ADDRESS	DEPOSIT DATE	DATE USED	REFUND AMOUNT
AtlantiCare Life Center Health Offices Park #222 Egg Harbor Twp., NJ 08234 Attn: Kathleen Craven	8/13/10	9-25-10	\$100.00
Breakers on the Boardwalk Condo Assoc 5400 Boardwalk Ventnor, NJ 08406 Attn: Nicole Antista	9-14-10	10-3-10	\$100.00

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 116 of 2010 be adopted.

Roll Call Vote:
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 117 OF 2010 – AUTHORIZING INDEMNIFICATION TO ATLANTIC COUNTY FOR HOLIDAY PARADE COUNTY ROAD CLOSURE (DEC. 11, 2010)

BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City, County of Atlantic and State of New Jersey that the Mayor and City Clerk be and they are herewith authorized to sign an Indemnification to be given to the County of Atlantic in consideration of the County permitting the City to close a portion of Ventnor Avenue on December 11, 2010 to facilitate the Holiday Parade in the City of Ventnor, which Indemnification form is annexed to this Resolution.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 117 of 2010 be adopted.

Roll Call Vote:
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 118 OF 2010 – AUTHORIZING NO PARKING DURING HOLIDAY PARADE

WHEREAS, the City of Ventnor City is desirous of holding a Holiday Parade on December 11, 2010; and

WHEREAS, it is the intention of the City of Ventnor City to cause said parade to line up along Cornwall Avenue, proceed along Ventnor Avenue, finishing at the Ventnor City Firehouse at New Haven & Winchester Avenues; and

WHEREAS, due to the need to utilize the full cartway of Cornwall Avenue for the purpose of organizing the parade line-up, parking should be prohibited during the period of the parade.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners that it herein authorizes the Police Department in the City of Ventnor City to Post North and South Cornwall Avenue, between Atlantic and Winchester Avenues, both sides of the street as “No Parking” from 10:00AM to 1:00PM on December 11, 2010 during said period of the Holiday Parade.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forthwith transmitted to the Ventnor City Police Department.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 118 of 2010 be adopted.

Roll Call Vote:
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 119 OF 2010 - SANITARY SEWER DIRECTIONAL BORE FOR WEST CANAL, CHANGE ORDER #1 (FINAL) KLINE CONSTRUCTION CO. (\$12,820 DECREASE)

WHEREAS, the City of Ventnor did award a contract for the Sanitary Sewer Directional Bore for West Canal and did enter into a contract with Kline Construction Company for the amount of \$170,920.00; and

WHEREAS, during performance of the project, the contract quantities were adjusted as required to meet the actual amounts used during the construction, with the adjusted quantities being herein enclosed in Appendix A;

NOW, THEREFORE, BE IT RESOLVED that the Contract for the Sanitary Sewer Directional Bore for West Canal, be amended from \$170,920.00 to \$158,100.00, for a net decrease of \$12,820.00.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 119 of 2010 be adopted.

Roll Call Vote:
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 120 OF 2010 – FINAL WORK CO # 1 RONALD POWELL INSPECTION SERVICES WEST CANAL – SANITARY SEWER DIRECTIONAL BORE (\$600 INCREASE)

WHEREAS, the City of Ventnor did award a contract for the Inspection Services, Sanitary Sewer Directional Bore for West Canal and did enter into a contract with Ronald Powell for the amount of \$10,000.00; and

WHEREAS, during performance of the project, the contract quantities were adjusted as required to meet the actual inspection hours used during the construction. The additional hours were required to complete the directional drill prior to the arrival of the impending hurricane, Hurricane Ivan.

NOW, THEREFORE, BE IT RESOLVED that the Contract for the Inspection Services, Sanitary Sewer Directional Bore for West Canal, be amended from \$10,000.00 to \$10,600.00, for a net increase of \$600.00.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 120 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 121 OF 2010 – APPROVING SPECS, TWO (2) CUSTOM PUMPER REFURBISHING AND ASSOCIATED WORK

WHEREAS, the City of Ventnor City is desirous of receiving bids for TWO (2) CUSTOM PUMPER REFURBISHING AND ASSOCIATED WORK for the Ventnor City Fire Department; and

WHEREAS, Specifications have been prepared and are on file with the City Clerk of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter approves the aforementioned Specifications.

BE IT FURTHER RESOLVED that it hereinafter authorizes the City Clerk to advertise for bids in the October 25, 2010 issue of the Atlantic City Press, with bids to be received on November 9, 2010 at 11:00AM, prevailing time, in the City Clerk’s Office, Room 5, City Hall in the City of Ventnor City, New Jersey.

BE IT FURTHER RESOLVED that the City of Ventnor reserves the right to reject any and all bids.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 121 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 122 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - RECYCLING TONNAGE GRANT (\$8,818.73)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$8,818.73, which item is now available from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- with Prior Written Consent of the Director of the
- Division of Local Government Services – Public and
- Private Revenues Offset with Appropriations:
- Recycling Tonnage Grant

BE IT FURTHER RESOLVED that a like sum of \$8,818.73 be and the same is hereby appropriated under the caption of:

- (e) Operations – Excluded from CAPS
- Public and Private Programs Offset by Revenues:
- Recycling Tonnage Grant

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 122 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 123 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - DRUNK DRIVING ENFORCEMENT FUND (\$11,248.02)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$11,248.02, which item is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services – Public and
Private Revenues Offset with Appropriations:
Drunk Driving Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$11,248.02 be and the same is hereby appropriated under the caption of:

(f) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenues:
Drunk Driving Enforcement Fund

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 123 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 124 OF 2010 - AUTHORIZING CONTRACT WITH VITAL COMMUNICATIONS FOR TAX ASSESSING SOFTWARE & ASSESSMENT SERVICES

WHEREAS, a need exists for Tax Assessing Software and Assessment Services within the City of Ventnor City; and

WHEREAS, a Proposal has been obtained from Vital Communications, Inc. dated September 1, 2010 for an amount not to exceed \$149,000.00 and is attached hereto; and

WHEREAS, a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it accepts the Proposal from Vital Communications, Inc. for Tax Assessing Software and Assessment Services in accordance with their Proposal dated September 1, 2010 and attached hereto.

BE IT FURTHER RESOLVED that a Notice of this Contract Award shall be published at least once in the Atlantic City Press pursuant to the requirements of Chapter 198 of the Laws of 1971.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 124 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 125 OF 2010 – AWARD OF CONTRACT, 2010 ROAD & SEWER PROJECTS VICTORIA AVE FROM WELLINGTON TO FULTON & CORNWALL AVE FROM ATLANTIC TO VENTNOR

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on Tuesday, October 19, 2010 at 10:30 AM, three (3) bids for the 2010 ROADS & SEWER PROJECTS, VICTORIA AVE - FROM WELLINGTON TO FULTON AVENUE AND CORNWALL AVENUE – FROM VENTNOR TO ATLANTIC AVENUE; and

WHEREAS, the Municipal Engineer has reviewed same, and herewith recommend an award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it hereinafter award the Contract for “2010 ROADS & SEWER PROJECTS, VICTORIA AVE - FROM WELLINGTON TO FULTON AVENUE AND CORNWALL AVENUE – FROM VENTNOR TO ATLANTIC AVENUE” to Weco Construction Inc., 3031 Ocean Heights Avenue, Egg Harbor Township, New Jersey 08234, for their Total Amount Bid of \$435,756.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 125 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 126 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - ATLANTIC COUNTY DWI CHECKPOINT (\$2,475.00)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$2,475.00, which item is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services – Public and
Private Revenues Offset with Appropriations:
Atlantic County DWI Checkpoint

BE IT FURTHER RESOLVED that a like sum of \$2,475 be and the same is hereby appropriated under the caption of

(g) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenues:
Atlantic County DWI Checkpoint

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 126 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 127 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - FY 2010 BODY ARMOR (\$3,496.19)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$3,496.19, which item is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services – Public and
Private Revenues Offset with Appropriations:
FY 2010 Body Armor

BE IT FURTHER RESOLVED that a like sum of \$3,496.19 be and the same is hereby appropriated under the caption of:

(h) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenues:
FY 2010 Body Armor

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 127 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 128 OF 2010 - CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET- BULLETPROOF VEST PARTNERSHIP GRANT (\$3,150.00)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$3,150.00, which item is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services – Public and
Private Revenues Offset with Appropriations:
Bulletproof Vest Partnership Grant (FY 2010)

BE IT FURTHER RESOLVED that a like sum of \$3,150 be and the same is hereby appropriated under the caption of

- (i) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenues:
Bulletproof Vest Partnership Grant (FY 2010)

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 128 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 129 OF 2010 – ADOPTING ATLANTIC COUNTY MULTI-JURISDICTIONAL PRE-DISASTER HAZARD MITIGATION PLAN AS REQUIRED BY FEDERAL DISASTER MITIGATION & COST REDUCTION ACT OF 2000

WHEREAS, President William J. Clinton signed H.R. 707, the Disaster Mitigation and Cost Reduction Act of 2000, into law on October 30, 2000; and

WHEREAS, the Disaster Mitigation Act of 2000 requires all jurisdictions to be covered by a Pre-Disaster Hazard Mitigation Plan to be eligible for Federal Emergency Management Agency post-disaster funds; and

WHEREAS, Atlantic County Government has applied for grant funding, received funding and developed a multi-jurisdictional Pre-Disaster Hazard Mitigation Plan for Atlantic Co, and it's participating municipal jurisdictions; and

WHEREAS, Ventnor City is within the Atlantic County; and

WHEREAS, the Ventnor City Board of Commissioners is concerned about mitigating potential losses from natural disasters before they occur, and resolves to execute the actions in the Plan; and

WHEREAS, the plan identifies potential hazards, potential losses and potential mitigation measures to limit losses; and

WHEREAS, the Ventnor City Board of Commissioners has determined that it would be in the best interest of the community as a whole to adopt the Pre-Disaster Hazard Mitigation Plan as it pertains to the City, therefore

BE IT RESOLVED BY THE VENTNOR CITY BOARD OF COMMISSIONERS THAT:

The Atlantic County Multi-jurisdictional Pre-Disaster Mitigation Plan be adopted to meet the requirements of the Disaster Mitigation and Cost Reduction Act of 2000.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 129 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 130 OF 2010 – AUTHORIZING ACCEPTANCE OF SUBGRANT AWARD OF FEDERAL FISCAL YEAR 2010 - DEPT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the City of Ventnor, Office of Emergency Management has been awarded State Homeland Security Grant Program Subgrant CFDA #97.042, Award #2010-P130-0122 from the New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing Ventnor City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award #2010-EP-EO-0047; and

WHEREAS, the Ventnor City Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the Ventnor City Office of Emergency Management adequately satisfies through the 2010 City of Ventnor approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor here with accepts the award of the FFY10 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000.00, which is now available from the New Jersey State Police, Office of Emergency Management in the like amount of \$5,000.00 from the aforementioned grant; and

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption FFY10 Homeland Security Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED that the Ventnor City Administrator, the Ventnor Chief Fiscal Officer and the Ventnor Director of Emergency Management are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; Sandra M. Biagi Municipal Administrator; Toro Aboderin Chief Financial Officer; William J. Melfi, Director of Emergency Management and NJ Office of the Treasury.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 130 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 131 OF 2010 – REFUND OF TAX OVERPAYMENTS

WHEREAS, the 2010 tax on Block 383, Lot 16 known as 6001 Marshall Ave, Ventnor, NJ and assessed to Domenico & Anna Maria Michienzi was overpaid in the amount of \$1,332.50 due to the mortgage company and the homeowner paying; and

WHEREAS, Mr. Michienzi has requested a refund in the amount of \$1,332.50 sent to him at the above address; and

WHEREAS, the 2010/11 tax on Block 24, Lot 1 assessed to 115 South Princeton, LLC and known as 115 S Princeton Ave, Ventnor, NJ was overpaid in the amount of \$12,271.88 due to a duplicate payment; and

WHEREAS, Charles W. Fischer, Jr. has requested a refund of \$12,271.88 sent to the above address; and

WHEREAS, the 2010 tax on Block 255, Lot 4 assessed to Tracy D’Innocenzio and known as 415 N Suffolk Ave, Ventnor, NJ was overpaid in the amount of \$658.81 due to an overpayment; and

WHEREAS, Tracy D’Innocenzio has requested a refund of \$658.81 sent to the above address; and

WHEREAS, the 2010 tax on Block 76, Lot 30 assessed to Christine Pingelli and known as 28 S Buffalo Ave, Ventnor, NJ was overpaid in the amount of \$1,877.63 due to an overpayment; and

WHEREAS, CCO Mortgage has requested a refund of \$1,877.63 sent to them at PO Box 961242, Forth Worth, TX 76161; and

WHEREAS, the 2010 tax on Block 42, Lot 9 assessed to Betty Simon, Trustee and known as 110 S Swarthmore Ave, Ventnor, NJ was overpaid in the amount of \$2,231.25 due to a duplicate payment; and

WHEREAS, Betty Simon, Trustee has requested a refund of \$2,231.25 sent to Herman & Marsha Zell, PO Box 3232, Margate, NJ 08402.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 131 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 132 OF 2010 – EMERGENCY APPROPRIATION OF FUNDS FOR SEWER FORCE MAIN REPAIR AT DORSET & VENTNOR (WECO CONSTRUCTION CO IN AN AMOUNT NOT TO EXCEED \$15,500)

WHEREAS, on October 6 and October 7, 2010 a sewer emergency occurred requiring the immediate repair of the Force Main at Dorset and Ventnor Avenues; and

WHEREAS, due to the depth of the work required and the large amount of buried utilities in the area, it was necessary to engage the services of a Utility company to safely perform such repair.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that WECO Construction Co. is herein and hereby authorized to perform the emergency sewer force main repair at Dorset and Ventnor Avenues.

BE IT FURTHER RESOLVED that said emergency repair shall not exceed \$15,500.00.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 132 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$5,480,536.38 and payrolls from 9/11/10 to 9/24/10 in the amount of \$434,545.60, payrolls from 9/25/10 to 10/18/10 in the amount of \$406,570.25 and payrolls from 10/09/10 to 10/22/10 in the amount of \$412,501.83 for approval.

Cmr Weintrob asked the City Engineer if Concord AE's bills re library HVAC & Lily Park Pumping Station Upgrade had been submitted/were on this list for approval. After a short discussion it was agreed to include Concord AE for payment not to exceed \$3,000 each with the City Engineer's letter of recommendation.

Mayor Kelly moved, seconded by Cmr Piatt, that the bills & payrolls be approved to include 2 payments to Concord Atlantic Engineers as discussed and that City Clerk Biagi inform the CFO of this approval.

Roll Call Vote:

Yeas: Commissioner Piatt, Weintrob and Mayor Kelly

PUBLIC COMMENTS

JOHN OLIVE 4919 Ventnor stated that he spoke with Atlantic City about the system they use (ACLARA) which instantly retrieves/reads water usage data from every property. CMR WEINTROB explained that AC's tower reports 24/7. Ventnor's program, Sensus has the same capabilities to add, a similar system with additional cost. Ventnor presently has no reason to expand to a tower. WEINTROB said that recently while riding up & down Atlantic & Ventnor Aves, 2700 house were read. Within 2 weeks, trial readings/computer input will begin & be repeated a few times before this year's end, to insure the system is working properly & that all needed information is captured in order to bill properly.

OLIVE reported that after 7 mo of prodding, 56 potholes have finally been filled on Marion Ave noting the number left to be filled. Referring to productivity & contractual salary increases, OLIVE asked if privatizing or offering incentive programs to PW has been considered. WEINTROB said Civil Service would not allow incentive programs for public employees. A discussion of employee accountability, discipline & evaluations followed.

MARK KAY, 5200 Bdwk & Regency Towers President, reported the Monaco Motel as being in a state of utter disrepair, a blight on the City & an eye-level crime hazard. The MAYOR welcomed KAY & invited him to meet with her & Code Official Jim Agnesino, who she had recently sent to the Monaco to take a look at the situation.

MIKE ADVENA, 6410 Monmouth questioned the practicality of storing lumber at the driving range. Concerned that once a bundle is broken it's too easy for boards @\$75 each to disappear quickly. WEINTROB agreed and promised to tell Supt Smith that after a bundle is broken it should be secured & put someplace else.

MARK RABINOWITZ, 108 S Wissahickon thanked the Commissioners for their ongoing communication with their non politically motivated group 'Friends of Ventnor' and questioned what has been done towards employee accountability, job descriptions & evaluations previously discussed. CMR PIATT said the finance department has nearly completed their evaluations based on their job description with only his personal evaluation of the CFO pending. The evaluation format will be shared. MAYOR KELLY stated that Police & Fire Chiefs have their own on-going evaluations but will meet with them to discuss using similar evaluation forms as those used in finance by Cmr Piatt & the same will probably be used for Code Enforcement. She noted that Civil Service job descriptions are being discussed with department heads to see what they think can or can't be used. RABINOWITZ asked if evaluations or disciplinary actions will be shared. The MAYOR believed evaluations or disciplinary actions could not be shared with the public & would need to remain between the employer & the employee. The solicitor opined that ongoing actions could not be shared but once finalized could be. WEINTROB noted that his department's job descriptions are completed & evaluations for PW employees are in the process of being done using the same format that the CFO recommended. RABINOWITZ asked the status of the priority list of public works projects formatted for the public to see. WEINTROB explained why PWs routine maintenance & work daily schedules made up 24 hr in advance, change when water/sewer emergencies, traffic light accidents, etc take precedent just as potholes can change in priority, accordingly. Further discussion ensued. The Mayor & Commissioners gave assurance that they personally take notes at meetings & encourage citizens to call them for an update or disposition of their problem.

STEPHEN RICE, 216 Newark asked if the Pier is sinking. WEINTROB said it is not. He said the previous Engineer & present City Engineer were with him on the Pier Monday & decided to turn it over to the insurance company. He explained the possibilities if a structural engineer determined there was storm damage over the past couple of months & described the difference in the way our past & present pier was built (nails vs. screws) & the effect the waves have on the pier movement. He reiterated that he was not concerned – that there is no damage at all to the pier. He noted issues like loose railings & sleeves that need Bluewater's attention. Mayor KELLY added that Admin Biagi had already contacted the insurance company for an inspection & determination. WEINTROB spoke technically of how pilings are driven to move with the flow/withstand resistance & what tests are used during/after construction (boring, laser level) that were said to conform with the as-built of the pier.

RICH BOBB, 4901 Ventnor complained that the Baton Rouge signage/street lining/markings is still not done. WEINTROB explained why those items have been taken out of the contract. Despite not being the City Engineer who prepared the Baton Rouge project, MATT DORAN apologized for the delay & explained what transpired, the measures taken & schedule of completion. Responding to comments re shooting a laser level of the Pier, DORAN said that the guy who did the laser shots a few years ago has the baseline & we only need to compare that with new ones. The MAYOR asked if that information was given to the City and could we get it? PAULA DELUCA said she stated her concern a few years to no avail but she has been in touch with the man who has the information & hopes to have it mailed in PDF form shortly. BOBB suggested the Pier's flagpole, fish pans & railings be checked for grounding & the sidewalk @Austin & the bay be blocked off until it's fixed.

ANNOUNCEMENTS

MAYOR KELLY report on the City's meeting with Ben Keiser, DEP. The federal government is coming to Ventnor as part of the Absecon Island Beach Replenishment Project. The bid has been put out & will be awarded in December with Memorial Day set as the end of refurbishing Ventnor's beach.. The project is 100% funded at no cost to Ventnor.

The MAYOR also reported on meeting she attended with John Amodeo & Vince Polistina in relationship to the cost of high school tuition and the need for the legislators to help us do something about the amount Ventnor pays ACHS in student tuition. Brigantine was also in attendance. Thoughts were given of what might work and they now have legislation they will place before the Education Committee & move on to the Senate – that would put some type of a cap on the amount they can raise tuition at any given time - which would help us. They explained that doing a 2% cap - with Atlantic City being allowed to charge us whatever they wish in tuition - would be extremely difficult for all of us. A gentlemen who represents the Governor at the Dept of Education was there. He listened & heard and asked for at least a week to go back with some of the suggestions that might work for us. Anxiously awaiting the news, MAYOR KELLY promised to report back to all, the first minute she hears anything. She thanked Legislators John Amodeo & Vince Polistina for taking this on. It is a never ending saga of tuition at Atlantic City High School that somebody needs to take under control.

MEETING ADJOURNED: 8:09PM

Mayor Kelly moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on November 18, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Weintrob moved, seconded by Cmr Piatt that the minutes of the 10-21-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - TWO (2) CUSTOM PUMPER REFURBISHING & ASSOCIATED WORK

Date of Bid Opening: November 9, 2010 @ 11:00 AM

Bid Opened By: Sandra M. Biagi, RMC/CMC, City Clerk/Administrator

1. KME Fire Apparatus	Unit #1	\$113,560.00
Nesquehoning, PA	Unit #2	\$101,670.00
Bid Bond Attached		

Report Submitted By: Sandra M. Biagi, RMC/CMC, City Clerk/Administrator

Mayor Kelly moved, seconded by Cmr Weintrob the Report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-16

ORDINANCE AMENDING BOND ORDINANCE 2009-14 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Cmr Weintrob made a motion to table #5 & #6 - introduction of Ordinance 2010-16 & Ordinance 2010-17 stating he was not given enough information to understand what transfers were being made; on which items the money would be spent and how line items transfers would be handled by Public Works & Water/Sewer Departments without their input. Cmr Piatt & Mayor Kelly explained that the transfers defined in the Ordinances were for the purchase of new equipment & new vehicles & were on the list presented at workshop. Further discussion ensued after which

Cmr Weintrob reaffirmed his motion to table the introduction of Ordinance 2010-16

There being no second to Cmr Weintrob's motion to table Ordinance 2010-16, the motion died.

Mayor Kelly moved, seconded by Cmr Piatt that Ordinance 2010-16 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt and Mayor Kelly

No: Commissioner Weintrob

INTRODUCTION OF ORDINANCE 2010-17

ORDINANCE AMENDING BOND ORDINANCE 2009-15 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Cmr Weintrob motioned to table the introduction of Ordinance 2010-17.

There being no second to Cmr Weintrob's motion to table Ordinance 2010-17, the motion died.

Cmr Piatt moved, seconded by Mayor Kelly that Ordinance 2010-17 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt and Mayor Kelly

No: Commissioner Weintrob

NEW BUSINESS - CONSENT AGENDA - PUBLIC INPUT BEFORE ADOPTION

The City Clerk asked if the Board wished to adopt Resolutions No 133 through 142 by Consent.

Cmr Weintrob moved, seconded by Mayor Kelly that the Resolutions be read separately.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 133 OF 2010 – REFUND OF TAX OVERPAYMENTS

WHEREAS, the 2010 tax on Block 1, Lot 1 C0507 known as 4800 Boardwalk #507, Ventnor, NJ was overpaid in the amount of \$219.30 due to a tax appeal filed by Samuel Krantz; and

WHEREAS, Mr. Krantz has since sold the property and has requested a refund in the above amount sent to him at 450 Bay Avenue, Somers Point, NJ 08244; and

WHEREAS, the 2010 tax on Block 80, Lot 7 known as 19 S Lafayette Ave, Ventnor, NJ was overpaid in the amount of \$596.52 due to a tax appeal filed by Stephen & Mary Anne Litz; and

WHEREAS, Mr. & Mrs. Litz have since sold the property and have requested a refund in the above amount sent to them at 335 Shadeland Ave, Drexel Hill, PA; and

WHEREAS, the 2010 tax on Block 103, Lot 2 known as 5319 Winchester Ave, Ventnor, NJ was overpaid in the amount of \$678.31 due to a tax appeal filed by Alanna Alexander; and

WHEREAS, Ms. Alexander has since sold the property and has requested a refund in the above amount sent to her at 5319 Winchester Ave, Ventnor, NJ 08406; and

WHEREAS, the 2010 tax on Block 119, Lot 4 C0100 known as 6211 Ventnor Ave, Ventnor, NJ was overpaid in the amount of \$138.40 due to a tax appeal filed by David & Allison Guzzio; and

WHEREAS, Mr. & Mrs. Guzzio have since sold the property and have requested a refund in the above amount sent to them at 202 Kirkbrae Road, Kennett Square, PA 19348; and

WHEREAS, the 2010 tax on Block 76, Lot 30 known as 28 S Buffalo Ave, Ventnor, NJ was overpaid in the amount of \$1,877.63 due to a duplicate payment by the mortgage company; and

WHEREAS, CCO Mortgage, PO Box 961242, Ft Worth, TX 76161 has requested a refund in the above amount sent to them the above address.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as stated above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Cmr. Weintrob moved, seconded by Cmr Piatt that Resolution No 133 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 134 OF 2010 - AUTHORIZING PURCHASE OF 2 POLICE VEHICLE UNDER STATE CONTRACT

WHEREAS, the City of Ventnor City, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Ventnor City has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the City of Ventnor City intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the City of Ventnor City authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the City of Ventnor City pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the City of Ventnor City and the Referenced State Contract Vendors shall be from January 1, 2010 to December 31, 2010.

<u>Vendor</u>	<u>State Contract #</u>	<u>Expiration Date</u>
Ditschman/Flemington	A73845	11/12/10

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 134 of 2010 be adopted.

Cmr Weintrob questioned where the money was coming from. Answer: A previous Bond. A discussion ensued

Roll Call Vote:

Yeas: Commissioners Piatt and Mayor Kelly

No: Commissioner Weintrob

**RESOLUTION NO. 135 OF 2010 – AUTHORIZING ISSUANCE & SALE OF UP TO \$23,378,000
GENERAL OBLIGATION BONDS, SERIES 2010**

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO: (i) \$20,555,000 OF GENERAL OBLIGATION BONDS, SERIES 2010A; AND (ii) 2,823,000 OF SCHOOL BONDS, SERIES 2010B, OF THE CITY OF VENTNOR CITY; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS

BACKGROUND

WHEREAS, pursuant to: (i) the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"); and (ii) Chapter 24 of Title 18A of the New Jersey Statutes, as amended and supplemented ("School Bond Law"), as applicable, the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey ("City"), has, pursuant to bond ordinances 2006-14, 2007-07, 2007-09, 2009-06, 2009-14, 2009-15, 2009-22 and 2010-14, each duly and finally adopted and published in accordance with the requirements of the Local Bond Law and School Bond Law (collectively, the "Bond Ordinances"), authorized the issuance of general obligation bonds or bond anticipation notes of the City to finance the costs of certain capital improvements, as set forth in and authorized by the Bond Ordinances, all as more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, on July 20, 2010, the City issued its Bond Anticipation Notes of 2010, Series A, in the principal amount of \$8,661,000 ("2010A Notes"), to temporarily finance a portion of the costs of the improvements authorized by bond ordinances 2006-14, 2007-07, 2007-09, 2009-14, and 2009-15 ("2010A Improvements"); and

WHEREAS, on August 24, 2010, the City issued its Bond Anticipation Notes of 2010, Series B, in the principal amount of \$3,294,500 ("2010B Notes", together with the 2010A Notes, the "Prior Notes"), to temporarily finance a portion of the costs of the improvements authorized by bond ordinances 2009-14, and 2009-15 ("2010B Improvements", together with the 2010A Improvements, the "Prior Improvements"); and

WHEREAS, the Prior Notes mature on December 15, 2010; and

WHEREAS, the City has not yet issued any of its obligations to finance the costs of certain other improvements authorized by bond ordinances 2009-06, 2009-22 and 2010-14 ("New Improvements"; together with Prior Improvements, the "Improvements"); and

WHEREAS, it is the desire of the City to issue its general obligation bonds in the aggregate principal amount of up to \$20,555,000, as further described in Exhibit "A", the proceeds of which, together with other available funds, will be used to: (i) repay a portion of the principal of the Prior Notes; (ii) permanently finance a portion of the costs of the New Improvements for which obligations have been authorized, but not issued; and (iii) pay certain costs and expenses incidental to the issuance and delivery of the bonds (collectively, the "City Project"); and

WHEREAS, it is also the desire of the City to issue its school bonds in the aggregate principal amount of up to \$2,823,000, as further described in Exhibit "A", the proceeds of which, will be used to: (i) permanently finance a portion of the costs of the New Improvements for which obligations have been authorized, but not issued; and (ii) pay certain costs and expenses incidental to the issuance and delivery of the bonds (collectively, the "School Project"); and

WHEREAS, pursuant to the Local Bond Law, School Bond Law and the Bond Ordinances, it is the intent of the Board of Commissioners hereby to authorize, approve and direct the issuance and sale of such bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the City, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW AND SCHOOL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of general obligation bonds of the City, to be designated substantially "City of Ventnor City, County of Atlantic, New Jersey, General Obligation Bonds, Series 2010A" ("2010A Bonds"), in an aggregate principal amount of up to \$20,555,000 for the City Project, is hereby authorized and approved. The 2010A Bonds shall consist of: (i) \$8,315,000 General Improvement Bonds; and (ii) \$12,240,000 Water/Sewer Utility Bonds.

Section 2. Pursuant to the School Bond Law and the Bond Ordinances, the issuance and sale of general obligation bonds of the City, to be designated substantially "City of Ventnor City, County of Atlantic, New Jersey, School Bonds, Series 2010B" ("2010B Bonds"; together with the 2010A Bonds, the "Bonds"), in an aggregate principal amount of up to \$2,823,000 for the School Project, is hereby authorized and approved.

Section 3. The 2010A Bonds shall be dated their date of delivery and shall mature on December 1 in the years and amounts set forth below:

The term of the 2010A Bonds is equal to or less than the average period of usefulness of the City

Year	General Improvement	Water/ Sewer Utility	Combined	Year	General Improvement	Water/ Sewer Utility	Combined
2011	\$350,000	\$400,000	\$750,000	2021	\$640,000	\$625,000	\$1,265,000
2012	360,000	410,000	770,000	2022	650,000	650,000	1,300,000
2013	375,000	425,000	800,000	2023	665,000	675,000	1,340,000
2014	500,000	500,000	1,100,000	2024	680,000	700,000	1,380,000
2015	515,000	510,000	1,025,000	2025	700,000	715,000	1,415,000
2016	530,000	525,000	1,055,000	2026	0	725,000	725,000
2017	550,000	540,000	1,090,000	2027	0	745,000	745,000
2018	575,000	560,000	1,135,000	2028	0	770,000	770,000
2019	600,000	575,000	1,175,000	2029	0	790,000	790,000
2020	625,000	600,000	1,225,000	2030	0	800,000	800,000

Project being financed through the issuance of the 2010A Bonds. Interest on the 2010A Bonds shall be payable semi-annually on June 1 and December 1, commencing on June 1, 2011, in each year until maturity or earlier redemption.

Section 4. The 2010B Bonds shall be dated their date of delivery and shall mature on December 1 in the years and amounts set forth below:

Year	Principal Amount	Year	Principal Amount
2011	\$140,000	2019	\$195,000
2012	145,000	2020	200,000
2013	150,000	2021	210,000
2014	155,000	2022	220,000
2015	165,000	2023	230,000
2016	170,000	2024	235,000
2017	175,000	2025	248,000
2018	185,000		

The term of the 2010B Bonds is equal to or less than the average period of usefulness of the School Project being financed through the issuance of the 2010B Bonds. Interest on the 2010B Bonds shall be payable semi-annually on June 1 and December 1, commencing on June 1, 2011, in each year until maturity or earlier redemption.

Section 5. The Bonds shall be general obligations of the City. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 6. The 2010B Bonds shall be entitled to the benefits of the New Jersey School Bond Reserve Act, Chapter 72 of the Laws of 1980 of the State of New Jersey, as amended, and shall bear the legend set forth in Section 6 thereof, N.J.S.A. 18A:56-20.

Section 7. The Bonds will be issued in fully registered book entry only form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the City on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the fifteenth (15th) day of the month next preceding an interest payment date. The Bonds will be executed on behalf of the City by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the City Clerk or the Deputy City Clerk, and shall bear the affixed, imprinted or reproduced seal of the City thereon.

Section 8. The City is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the City and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The City shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 10. The Bonds maturing on and after December 1, 2021 are subject to redemption prior to their stated maturity dates at the option of the City, upon notice as set forth below, as a whole or in part (and, if in part, such maturities as the City shall determine and within any such maturity by lot) on any date on or after December 1, 2020, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the redemption date.

Section 11. Notice of redemption shall be given by mailing first class mail in a sealed envelope with postage pre-paid not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the owner of every Bond of which all or a portion is to be redeemed at his or her last address, if any, appearing on the registration books of the Paying Agent (as defined below). So long as the Bonds are issued in book-entry-only form, all notices of redemption will be sent only to DTC and not be sent to the beneficial owners of the Bonds. Failure of an owner of the Bonds to receive such notice or of DTC to advise any participant of any failure of a participant to notify any beneficial owner of the Bonds shall not affect the validity of any proceedings for the redemption of the Bonds. Such notice shall specify: (i) the series and maturity of the Bonds to be redeemed; (ii) the redemption date and the place or places where amounts that are due and payable upon such redemption will be payable; (iii) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of the Bonds to be redeemed; (iv) in the case of a Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed; (v) that on the redemption date there shall become due and payable with respect to each Bond or portion thereof to be redeemed the redemption price; and (vi) that from and after the redemption date interest on such Bonds or portion thereof to be redeemed shall cease to accrue and be payable.

Section 12. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Administrator, Chief Financial Officer and City Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

Section 13. The Chief Financial Officer is authorized to engage McElwee & Quinn, LLC, New Jersey ("Printer"), to provide printing services (physical and/or electronic) for the School District with respect to the Preliminary Official Statement and Official Statement is hereby authorized, approved, ratified and confirmed. The Chief Financial Officer is hereby authorized and directed to enter into an agreement with Printer for the services to be provided.

Section 14. The appointment of Phoenix Advisors, LLC, Bordentown, New Jersey ("Financial Advisor"), to provide financial advisory services for the City in connection with the authorization, issuance, sale and delivery of the Bonds is hereby authorized, approved, ratified and confirmed. The Chief Financial Officer is hereby authorized and directed to enter into an agreement with the Financial Advisor for the services to be provided.

Section 15. The Chief Financial Officer is hereby authorized to engage the services of a qualified financial institution to serve as paying agent for the Bonds ("Paying Agent"). The Chief Financial Officer is hereby authorized to enter into an agreement with the Paying Agent for the services to be provided.

Section 16. Pursuant to the Local Bond Law, with respect to the 2010A Bonds, and the School Bond Law, with respect to the 2010B Bonds, the Chief Financial Officer or Administrator (each a "Sale Official") is hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law, with respect to the 2010A Bonds, and the School Bond Law, with respect to the 2010B Bonds and the advertised terms of such public sale. If necessary or desirable, the Sale Official is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law, with respect to the 2010A Bonds, and the School Bond Law, with respect to the 2010B Bonds. If any date fixed for receipt of bids and the sale of the Bonds is postponed, the Sale Official is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Sale Official is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law, with respect to the 2010A Bonds, and the School

Bond Law, with respect to the 2010B Bonds. At the next meeting of the Board of Commissioners after the sale and award of the Bonds, the Sale Official shall report, in writing, to the Board of Commissioners the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

Section 17. The utilization of i-Deal LLC, New York, New York, to provide electronic bidding services to the City in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law, with respect to the 2010A Bonds, and the School Bond Law, with respect to the 2010B Bonds and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

Section 18. The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the City will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Administrator, Chief Financial Officer and City Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Administrator, Chief Financial Officer and City Clerk shall constitute conclusive evidence of approval by the City of the changes therein from the Preliminary Official Statement. The Mayor, Administrator, Chief Financial Officer and City Clerk are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 19. In order to assist the underwriters of the Bonds in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Administrator, Chief Financial Officer and City Clerk are each hereby authorized to execute on behalf of the City before the issuance of the Bonds an agreement with the Paying Agent, as dissemination agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

Section 20. The City hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 21. The City hereby covenants as follows: (i) it shall timely file such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 22. To the extent not otherwise exempt, the City hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

Section 23. The City hereby designates the Bonds as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the City hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the City during the period from January 1, 2010 to December 31, 2010, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$30,000,000 when added to the aggregate principal amount of the Bonds.

For purposes of this Section 23, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the City: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 24. Application to Standard and Poor's Ratings Services and/or Moody's Investors Service for a rating of the Bonds, and the furnishing of certain information concerning the City and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

Section 25. All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Administrator, Chief Financial Officer, City Clerk, other City officials or by the City's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

Section 26. The Mayor, Administrator, Chief Financial Officer and City Clerk are each hereby authorized

to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, with respect to the 2010A Bonds, and the School Bond Law, with respect to the 2010B Bonds, the Bond Ordinances, or by this or any subsequent resolution, and the signatures of the Mayor, Administrator, Chief Financial Officer or City Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 27. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 28. This resolution shall take effect immediately upon adoption this 18th day of November, 2010.

Exhibit "A"

GENERAL IMPROVEMENT

Ordinance Number	Obligations Authorized	2010A Notes Outstanding	2010B Notes Outstanding	Bonds to be Issued
2007-07	\$1,790,750	\$1,790,500	\$0	\$1,790,500
2007-09	427,500	427,500	0	427,500
2009-14	6,097,000	3,775,000	2,322,100	6,097,000
TOTAL	\$8,315,000	\$5,993,000	\$2,322,100	\$8,315,000

WATER/SEWER UTILITY

Ordinance Number	Obligations Authorized	2010A Notes Outstanding	2010B Notes Outstanding	Bonds to be Issued
2006-14	\$722,000	\$718,000	\$0	\$718,000
2009-06	1,000,000	0	0	1,000,000
2009-15	2,922,400	1,950,000	972,400	2,922,400
2010-14	7,600,000	0	0	7,599,600
TOTAL	\$12,244,400	\$2,668,000	\$972,400	\$12,240,000

SCHOOL

Ordinance Number	Obligations Authorized	2010A Notes Outstanding	2010B Notes Outstanding	Bonds to be Issued
2009-22	\$2,823,000	\$0	\$0	\$2,823,000
TOTAL	\$2,823,000	\$0	\$0	\$2,823,000

TOTAL

	Obligations Authorized	2010A Notes Outstanding	2010B Notes Outstanding	Bonds to be Issued
TOTAL	\$23,382,400	\$8,661,000	\$3,294,500	\$23,378,000

Cmr Weintrob made a motion to table the adoption of Resolution No. 135 of 2010 reciting lack of information, understanding & input as reasons to table. A discussion followed with all officials, including the City Engineer responding to Cmr Weintrob's contention that he did not receive support documents previously distributed.

There being no second to Cmr Weintrob's motion to table Resolution No. 135, the motion died.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 135 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt and Mayor Kelly

No: Commissioner Weintrob

RESOLUTION NO. 136 OF 2010 – TRANSFER FUNDS FROM 1 LINE ITEM TO ANOTHER LINE ITEM

BE IT RESOLVED that the following appropriation transfers are hereby authorized			
	ACCT #	FROM	TO
TREASURER'S OFFICE			
SALARIES & WAGES	20-130-010	\$3,400.00	
OTHER EXPENSES	20-130-020	\$16,813.00	
LEGAL SERVICES			
OTHER EXPENSES	20-155-020		\$33,250.00
CITY ENGINEER			
SALARIES & WAGES	20-165-010		\$4.00
OTHER EXPENSES	20-165-020		\$48.00

ZONING BOARD			
OTHER EXPENSES	21-185-020		\$517.00
CONSTRUCTION CODE			
SALARIES & WAGES	22-195-010		\$35.00
INSURANCES			
OTHER INSURANCE PREMIUMS	23-211-000	\$69,000.00	
WORKERS COMPENSATION	23-215-000	\$79,000.00	
POLICE			
SALARIES & WAGES	25-240-011		\$100,105.00
OTHER EXPENSES	25-240-020		\$2,000.00
COMMUNICATIONS			
SALARIES & WAGES	25-250-011	\$19,000.00	
OTHER EXPENSES	25-250-020		\$500.00
FIRE DEPARTMENT			
SALARIES & WAGES	25-255-011		\$58,005.00
UNIFORM FIRE SAFETY			
OTHER EXPENSES	25-265-020		\$1.00
SOLID WASTE			
SALARIES & WAGES	26-305-010		\$7,000.00
BUILDINGS & GROUNDS			
SALARIES & WAGES	26-310-011		\$2,900.00
BEACH & BOARDWALK	26-310-303	\$47,000.00	
RECREATION			
SALARIES & WAGES	26-370-010		\$22,100.00
OTHER EXPENSES	28-370-020	\$14,806.00	
ELECTRICITY	31-430-000		\$45,000.00
TELEPHONE	31-440-000		\$19,000.00
GASOLINE	31-460-000		\$25,000.00
TERMINAL LEAVE	32-400-011	\$66,543.00	
STATUTORY EXPENSES			
CONSOLIDATED PFRS	36-474-000		\$1.00
POLICE & FIREMEN'S RET. SYS	36-475-000		\$96.00
		\$315,562.00	\$315,562.00
WATER/SEWER UTILITY			
	ACCT #	FROM	TO
WATER/SEWER UTILITY			
SALARIES & WAGES	55-501-010		
OTHER EXPENSES	55-502-020	\$836.00	
ACUA, SEWER TREATMENT	55-502-300		\$144.00
INTEREST ON BONDS	55-523-000		\$692.00
		\$836.00	\$836.00

Cmr Weintrob moved, seconded by Cmr Piatt that Resolution No 136 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 137 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - ATLANTIC COUNTY DWI CHECKPOINT (\$440)

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$440.00, which item is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services – Public and

Private Revenues Offset with Appropriations: Atlantic County DWI Checkpoint

BE IT FURTHER RESOLVED that a like sum of \$440.00 be and the same is hereby appropriated under the caption of:

- (a) Operations – Excluded from CAPS
Public and Private Programs Offset by
Revenues: Atlantic County DWI Checkpoint

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 137 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 138 OF 2010 – CHP 159, INSERTION OF SPECIAL ITEM OF REVENUE INTO BUDGET - ATLANTIC COUNTY MUNICIPAL ALLIANCE FUND (\$13,347)

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Ventnor, in the County of Atlantic, New Jersey hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$13,470.00, which item is now available from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services – Public and
Private Revenues Offset with Appropriations: Atlantic County Municipal Alliance

BE IT FURTHER RESOLVED that a like sum of \$13,470.00 be and the same is hereby appropriated under the caption of:

- (b) Operations – Excluded from CAPS
Public and Private Programs Offset by
Revenues: Atlantic County Municipal Alliance

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Mayor Kelly moved, seconded by Cmr Piatt that Resolution No 138 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 139 OF 2010 - ESTABLISHING CHANGE FUND FOR TAX COLLECTION OFFICE

WHEREAS, it has been determined that the City of Ventnor City Tax Office requires a Change fund to start a new cash drawer and make the operation of the Tax Office more efficient.

NOW, THEREFORE, BE IT RESOLVED that a Change Fund be established for the City of Ventnor City Tax Office in the amount of One hundred Dollars (\$100.00) to be used as Change Fund for Tax Collection Office.

BE IT FURTHER RESOLVED THAT the City’s Finance Officer is authorized to issue a current fund check to establish the fund.

Cmr Piatt moved, seconded by Cmr. Weintrob that Resolution No 139 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 140 OF 2010 – APPROVAL OF INTERNAL CONTROLS POLICY MANUAL FOR HANDLING CASH DISBURSEMENT/RECEIPTS, BILLING & RECEIVABLES, & PAYROLL POLICIES WITHIN THE FINANCE DEPT

WHEREAS, it is in the best interest of the City to have written and consistent policies and procedures for all transactions; and

WHEREAS, the Statement of Auditing Standards Number 115 requires that written procedures be maintained for all transactions of the City; and

WHEREAS, the City Auditor encourages the adoption of written policies and procedures;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the following policies and procedures be adopted:

1. Cash Receipts Policies and Procedures.
2. Cash Disbursement Policies and Procedures.
3. Payroll Policies and Procedures.
4. Billing & Receivables Policies and Procedures.

BE IT FURTHER RESOLVED that the Policies and Procedures listed above be effective immediately.

Cmr Piatt moved, seconded by Cmr Weintrob that Resolution No 140 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 141 OF 2010 – AWARD OF CONTRACT, TWO (2) CUSTOM PUMPER REFURBISHING AND ASSOCIATED WORK

WHEREAS, the Municipal Clerk of the City of Ventnor City received in her Office on November 9, 2010 at 11:00 AM one (1) bid proposal for TWO CUSTOM PUMPERS REFURBISHING & RELATED WORK; and

WHEREAS, the bid has been reviewed and award is recommended..

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for TWO CUSTOM PUMPERS REFURBISHING & RELATED WORK to KME FIRE APPARATUS for their Total Amount Bid of \$215,230.00.

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr. Weintrob moved, seconded by Cmr Piatt that Resolution No 141 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 142 OF 2010 – APPROVAL OF CHANGE ORDER #1, IMPROVEMENTS TO ATLANTIC AVE TO INCLUDE MANHOLE COVERS & SEAL COATING OF PARKING AREAS

WHEREAS, the City of Ventnor City did award a contract for “Improvements to Atlantic Avenue from Dorset Avenue to Jackson Avenue” and did enter into a contract with A.E. Stone, Inc., 1435 Doughty Road, Egg harbor Township, New Jersey, in the amount of \$133,220.00; and

WHEREAS, during the performance of the project, it has been determined that ten (10) sanitary sewer manhole castings must be reset as they are either damaged or have settled. Resetting the casting will insure a smooth riding surface once the travel lanes are paved. The additional items are herein enclosed in Appendix A;

NOW, THEREFORE, BE IT RESOLVED that the Contract for the “Improvements to Atlantic Avenue from Dorset Avenue to Jackson Avenue” be amended from \$133,220.00 to \$136,220; a Net Increase of \$3,000.00.

APPENDIX A
 WORK CHANGE ORDER #1
 IMPROVEMENTS TO ATLANTIC AVENUE
 FROM DORSET AVENUE TO JACKSON AVENUE
 Doran #11449

Item #	Description	Qty/ Unit	Unit Price	Amount
1	Clear Site (Note to exceed 10% of Bid)	Lump Sum	\$13,156.12	\$13,156.12
2	Excavation/Removal of Unsuitable Base (If & where directed)	607 CY	\$0.01	\$6.07
3	Gravel Sub-base (If & where directed)	100 CY	\$0.01	\$1.00
4	Mill Existing Surface, 2” Thick	11,500 SY	\$0.75	\$8,625.00
5	Bitum. Conc. Surface HMA 12.5H76, 2” Min.	11,500 SY	\$7.50	\$86,250.00
6	ADA Detectable Warning Surfaces			
	A. Installed on Existing H/C Ramps	280 SF	\$37.75	\$10,570.00
7	Traffic Stripes (Long Life Epoxy Resin)			
	A. 4” Yellow Centerline Stripes	5,550 LF	\$0.40	\$2,220.00
	B. 4” Yellow Stripes	1,300 LF	\$0.50	\$650.00
	C. 4” White Stripes	1,000 LF	\$0.50	\$500.00
8	Traffic Stripes (Thermoplastic Markings)			
	A. Crosswalk Stripes	6,300 LF	\$0.50	\$3,150.00
	B. Crosswalk Hatching	150 LF	\$1.40	\$210.00
	C. Stop Bars	7 UN	\$42.00	\$294.00

9	Traffic Control and Protection			
	A. Construction Signs			
	1. W20-3 "Road Closed Ahead"	1 UN	\$29.00	\$29.00
	2. W20-2 "Detour Ahead"	1 UN	\$29.00	\$29.00
	3. M4-10L "Left Arrow Detour"	2 UN	\$29.00	\$58.00
	4. M410R "Right Arrow Detour"	2 UN	\$29.00	\$58.00
	5. W20-1 "Road Work Ahead"	18 UN	\$29.00	\$522.00
	6. R6-1R "One Way Right Arrow"	32 UN	\$29.00	\$928.00
	7. R11-5RA16 "Local Traffic Only"	15 UN	\$29.00	\$435.00
	8. R11-2 "Road Closed"	1 UN	\$29.00	\$29.00
	9. R3-2 "No Right Turn Arrow"	18 UN	\$29.00	\$522.00
	10. R3-1 "No Left Turn Arrow"	18 UN	\$29.00	\$522.00
	11. W8-8 "Rough Road"	18 UN	\$29.00	\$522.00
	12. M4-8A "End Detour"	1 UN	\$29.00	\$29.00
	13. R5-1 "Do Not Enter"	1 UN	\$29.00	\$29.00
	14. W20-1 Road Work Ahead 500 Feet	2 UN	\$29.00	\$58.00
	15. W20-1 Road Work Ahead 1,000 Feet	2 UN	\$29.00	\$58.00
	16. W20-1 Road Work Ahead 1,500 Feet	2 UN	\$29.00	\$58.00
	B. Type III Barricade	6 UN	\$0.01	\$0.06
	C. Cones	150 UN	\$0.01	\$1.50
	D. Barrels	25 UN	\$0.01	\$0.25
	E. Variable Traffic Message Sign	2 UN	\$1,850.00	\$3,700.00
10	Reset Manhole Castings	10 UN	\$300.00	\$3,000.00
			TOTAL	\$136,220.00

Cmr Weintrob moved, seconded by Cmr Piatt that Resolution No 142 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$7,391,567.54 and payrolls from 10/23/10 to 11/05/10 in the amount of \$403,774.83, payrolls from 11/06/10 to 11/19/10 in the amount of \$408,397.65 for approval.

Cmr. Weintrob moved, seconded by Cmr Piatt, that the bills & payrolls be approved.

Roll Call Vote:

Yeas: Commissioner Piatt, Weintrob and Mayor Kelly

PUBLIC COMMENTS

KEN MOSCA, 209 Lafayette asked if R140 was necessitated by audit. CMR PIATT said he did not believe it was directly related to an audit finding and that they wanted to do the same kind of control document they had done for purchasing procedures & this basically does that.

JOHN OLIVE, 4919 Ventnor asked if there were any plans for North Beach improvement, i.e. tax abatements, etc.

TIM KREISCHER, 117 N Somerset pushed Cmr Piatt to list other examples besides the fence, of Cmr Weintrob's failure to follow procedures causing audit problems. PIATT said most people in the audience are already aware the Commissioners were not in total accord and after thinking about the list, which while not extensive was significant, he decided that it was not in the best interest of the Commission to start listing them. Some did not have a paper trail because they were simply done or had been caught in time & he would be citing things that would largely be verbal conflict between the finance office & Cmr Weintrob.. whereas something was asked to be done and wasn't. The instance where a breach of purchasing procedure occurred - when a person attempted to go out and secure a vendor without going through the bidding process was significant enough to demonstrate the issue he was talking about. Apologizing for promising & changing his mind PIATT restated that he did not want to go into a long list attacking or criticizing any further. KREISCHER persisted he wanted disclosure. PIATT was definite, clear & final that he had no desire to exacerbate the situation further & would not be providing a list.

Re reconstruction of the Fishing Pier facilities, KREISCHER read from a copy of a NJDEP Zane letter to Richard Carter, dated 9/23/05, which purportedly affirmed that the clubhouse structure to be built was permitted. MAYOR Kelly said that was not her understanding but she would talk to the State again tomorrow as the permit she had (#17) did not say anything about a clubhouse. ENGINEER Doran said the plan he saw on file with the City Clerk showed a building with the notation 'to be built by others'. The City Clerk asked Kreischer if he had attachments, i.e. sketches, Carter's request, etc. Kreischer submitted a copy of the Zane letter saying there were no attachments. The Clerk promised to check the file for a copy of that letter. Cmr WEINTROB offered his understanding of the original application & plan from the prior City Engineer & conversations he had with the State's Dave Rosenblatt & Bruce Bechtloff & everyone agreed that the buildings were permitted 'to be built by someone else' at a later date because they existed prior to the reconstruction. The only exception was the shelter was not permitted because it was not included on the original plans or was outside the tidelands rules, etc. He further explained that the state would give 25% of the cost of the clubhouse to be built - not by the City but by outside donations & would allow incoming services to build it. KREISCHER asked that Mayor Kelly affirm what was being said. The Mayor would not do so, feeling it was contrary to the permit she had. SOLICITOR Maguire read from the Tidelands letter Kreischer submitted & said it refers to qualifying as to bulkhead replacement.

WEINTROB then returned to earlier comments regarding his relationship with the CFO. Cmr PIATT & Mayor KELLY responded to his comments.

JOHN OLIVE & Cmr WEINTROB discussed the number of people who use the pier vs. the cost borne by Ventnor taxpayers. MAYOR KELLY suggested Mr Olive see Ms Biagi or the CFO to obtain pier attendance stats/records.

CHRIS FRANGIONE , 6927 Winchester said she was here only because nothing has been done re the pothole situation @Wyoming/Winchester for the past 1½ yrs. The MAYOR assured her it will be looked into tomorrow.

ANNOUNCEMENTS

Mayor Kelly announced again that the City was collecting email addresses at the bottom left of the web page by just clicking on the bottom left, put in your email address & Peter Mokover will see that you receive a newsletter.

Engineer Doran said he had a request for WECO Construction the contractor for Cornwall & Victoria Aves be given the City's approval to work from 7AM – 3:30 PM to avoid conflict with a Ventnor Ordinance prohibiting work starting before 8:00 AM. The City Clerk reported all Commissioners approve.

Cmr Weintrob announced the Lighting of the Menorah Candles at the Library on December 1st at 5:15PM. Mayor Kelly added that this is our 3rd year, the service is beautiful & if you're in the area, one you might want to attend. The Cmr also stated that he spoke with Peter Mokover about putting something in the newsletter re donations for the bathrooms & is still waiting for an answer from the CFO on the roofing which hopefully will be done within the next week and that checks (donations) will be made out to the City of Ventnor & are tax deductible.

Disturbed that an item he requested on Friday did not appear on this Agenda, Cmr Weintrob formally requested that the investigation of the Sun Bank as a parking lot be placed on the next Agenda. The Clerk said she thought he had already discussed this at the last workshop and assured him it will be on the December 9th Workshop for discussion.

MEETING ADJOURNED: 8:02PM

Mayor Kelly moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on December 16, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Piatt moved, seconded by Cmr Weintrob that the minutes of the 11-18-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2nd READING (PUBLIC HEARING) OF ORDINANCE 2010-16

The City Clerk read the Title of Ord 2010-16 'ORDINANCE AMENDING BOND ORDINANCE 2009-14 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-16 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-17

The City Clerk read the Title of Ord 2010-17 'ORDINANCE AMENDING BOND ORDINANCE 2009-15 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-17 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - WEST CANAL PUMP STATION

Bid Opening: November 30, 2010 @ 11:00 AM

1.	Centerpoint Assoc, Inc Blackwood, NJ Bid Bond Attached	\$571,285.00
2.	Underground Utilities Corp. Linden, NJ 07036 Bid Bond Attached	\$898,140.51
3.	B & H Contracting Inc Folsom, NJ 08037 Bid Bond Attached	\$715,900.00
4.	Quad Construction Co. Lumberton, NJ Bid Bond Attached	\$897,000.00
5.	T & T Commonwealth Const., Co., Inc. Jackson, NJ 08527 Bid Bond Attached	\$813,970.00
6.	WECO Construction, Inc. Egg Harbor Twp., NJ 08234 Bid Bond Attached	\$988,371.00

Report Submitted By: Sandra M. Biagi, RMC/CMC, City Clerk/Administrator

Mayor Kelly moved, seconded by Cmr Piatt the Report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-18

ORDINANCE OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR WATER SEWER UTILITY IMPROVEMENTS AND REAPPROPRIATING SUCH UNFUNDED APPROPRIATION BALANCES FOR OTHER WATER SEWER UTILITY PROJECTS

Cmr Piatt moved, seconded by Cmr Weintrob that Ordinance 2010-18 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-16

ORDINANCE AMENDING BOND ORDINANCE 2009-14 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Cmr Piatt moved, seconded by Cmr Weintrob that Ordinance 2010-16 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-17

ORDINANCE AMENDING BOND ORDINANCE 2009-15 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Cmr Weintrob moved, seconded by Cmr Piatt that Ordinance 2010-17 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS

CONSENT AGENDA - BEFORE ADOPTION

Mayor Kelly asked if there were questions on Resolutions No 143 thru 177 of 2010 before they were voted by Consent.

Solicitor Maguire offered his understanding that based upon last week's conversation, Resolution No 144 awards the (West Canal Pump Station) contract to the lowest responsible bidder – which would basically allow the bidder who had made a mistake, to not go forward with the project as it was explained before. For purpose of elucidation, the Mayor stated this contract was being awarded to the second bidder. The Solicitor & City Clerk affirmed that to be the intent of the Resolution.

There being no one further wishing to be heard, Cmr Piatt moved, seconded by Mayor Kelly that Resolutions No 143 thru 177 of 2010 be adopted by consent.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 143 OF 2010 – AUTHORIZING EMERGENCY APPROPRIATION OF FUNDS, EMERGENCY WATER MAIN REPAIR AT DORSET & WELLINGTON AVES

WHEREAS, on October 27, 28 and 29, 2010 a water emergency occurred requiring the immediate repair of the Water Main at Dorset and Wellington Avenues; and

WHEREAS, due to the depth of the work required and the large amount of buried utilities in the area, it was necessary to engage the services of a Utility company to safely perform such repair.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that WECO Construction Co. is herein and hereby authorized to perform the emergency water main repair at Dorset and Wellington Avenues.

BE IT FURTHER RESOLVED that said emergency repair shall not exceed \$12,527.29

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 143 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 144 OF 2010 - AWARD OF CONTRACT, WEST CANAL PUMP STATION TO B&H CONTRACTING INC

WHEREAS, the Municipal Clerk of the City of Ventnor City received bids in her Office on Tuesday, November 30, 2010 at 11:00 AM, for the "SANITARY SEWER PUMP STATION AT WEST CANAL, CITY OF VENTNOR CITY, NEW JERSEY"; and

WHEREAS, the Municipal Engineer has reviewed same, and herewith recommends an award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it

December 16, 2010

hereinafter award the Contract for "SANITARY SEWER PUMP STATION AT WEST CANAL, CITY OF VENTNOR CITY, NEW JERSEY"; to B & H Contracting Inc., 1022 Black Horse Pike, Folsom, New Jersey, 08037, for their Total Amount Bid of \$715,900.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 144 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 145 OF 2010 – TAX REFUNDS, OVERPAYMENTS

WHEREAS, the 2010 tax on Block 157, Lot 17 C0303 assessed to John A Deal & Beverly Jacoby and known as Derby & Calvert Aves, Ventnor, NJ was overpaid in the amount of \$597.33 due to duplicate payments by the title company and the mortgage company; and

WHEREAS, Infinity Title has requested the overpayment be refunded to them at 33 East Main St, Unit 2, Moorestown, NJ 08057; and

WHEREAS, the 2010 tax on Block 164, Lot 9 assessed to Carl A Erlandson, Jr. and known as 209 N Sacramento Ave, Ventnor, NJ was overpaid in the amount of \$1,308.85 due to the mortgage company and the title company paying; and

WHEREAS, Lloyds & Handson Title Agency, LLC has requested a refund in the above amount sent to them at 5213 Atlantic Ave, Ventnor, NJ; and

WHEREAS, the 2010 tax on Block 126, Lot 16 known as 22 N Buffalo Ave, Ventnor, NJ and assessed to Michael R & Carol M Brown was overpaid in the amount of \$1,250.39 due to duplicate payments by the mortgage company and the title company; and

WHEREAS, Foundation Title, LLC, 1555 Zion Road, Northfield, NJ 08225 has requested a refund in the above amount sent to them; and

WHEREAS, the 2010 tax on Block 42, Lot 9 known as 110 S Swarthmore Ave, Ventnor, NJ and assessed to Betty Simon, Trustee, LLC was overpaid in the amount of \$2,231.25 due to duplicate payments; and

WHEREAS, Betty Simon, Trustee, LLC has requested a refund in the above amount sent to Herman & Marsha Zell, PO Box 3232, Margate, NJ 08402; and

WHEREAS, the 2010 tax on Block 159, Lot 1 C0611 assessed to Susan E Barrett and known as 6101 Monmouth Ave, Unit #611 was overpaid in the amount of \$1,252.63 due to duplicate payments by the homeowner and the mortgage company; and

WHEREAS, Ms Barrett has requested a refund sent to her at 443 Crescent Ave, Moorestown, NJ 08057; and

WHEREAS, the 2011 tax on Block 177, Lot 3 assessed to Thomas Markowski, III and known as 105 N Buffalo Ave, Ventnor, NJ was overpaid in the amount of \$1,722.97 due to the mortgage company and the title company paying; and

WHEREAS, Group 21 Title Agency has requested that a refund in the above amount be sent directly to Thomas Markowski, III at 105 N Buffalo Ave, Ventnor, NJ 08406; and

WHEREAS, the 2010 tax on Block 150, Lot 7 known as 5702 Edgewater Ave, Ventnor, NJ and assessed to Dante A & Eleonora G. Vespertino was overpaid in the amount of \$1,346.34 due to a duplicate payment by the homeowner and the mortgage company; and

WHEREAS, Mr. & Mrs. Vespertino have requested a refund sent to them at the above address in the amount of \$1,346.34.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as state above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 145 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 146 OF 2010 – WATER/SEWER REFUNDS, OVERPAYMENTS

WHEREAS, the 2010 water/sewer on Block 54, Lot 1, Account #1616-0, known as 5205 Atlantic Ave, Ventnor, NJ and assessed to Gregory Sykora, LLC was overpaid in the amount of \$125.00 due to a deconversion ; and

WHEREAS, Gregory Sykora, LLC, PO Box 366, Somers Point, NJ 08244 has requested a refund of \$125.00 sent to them.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue a refund check as stated above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 146 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 147 OF 2010 – TRANSFER OF FUNDS FROM 1 BUDGET LINE ITEM TO ANOTHER LINE ITEM

BE IT RESOLVED that the following appropriation transfers are hereby authorized

	ACCT #	FROM	TO
CITY CLERK			
OTHER EXPENSES	20-120-020	\$15,000.00	
CODIFICATION OF ORDINANCES	20-120-320	\$1,500.00	
AUDITOR			
OTHER EXPENSES	20-131-020		\$10,000.00
LEGAL SERVICES			
OTHER EXPENSES	20-155-020		\$14,500.00
PLANNING BOARD			
SALARIES & WAGES	21-180-010	\$400.00	
CONSTRUCTION CODE			
OTHER EXPENSES	22-195-020	\$2,000.00	
HOUSING CODE			
OTHER EXPENSES	22-196-020	\$2,000.00	
POLICE			
SALARIES & WAGES	25-240-011		\$28,000.00
COMMUNICATIONS			
OTHER EXPENSES	25-250-020		\$403.00
EMERGENCY MANAGEMENT			
OTHER EXPENSES	25-252-020	\$2,400.00	
FIRE DEPARTMENT			
SALARIES & WAGES	25-255-011		\$96,000.00
STREETS & ROADS			
SALARIES & WAGES	26-290-011	\$10,000.00	
BUILDINGS & GROUNDS			
OTHER EXPENSES	26-310-020	\$23,600.00	
RECREATION			
SALARIES & WAGES	26-370-010		\$500.00
OTHER EXPENSES	28-370-020	\$30,000.00	
BEACH PATROL			
SALARIES & WAGES	28-380-010	\$2,900.00	
BEACH CONTROL			
SALARIES & WAGES	28-381-010	\$4,100.00	
ELECTRIC	31-430-000	\$30,000.00	
TELEPHONE	31-440-000		\$5,000.00
GASOLNE	31-460-000		\$7,396.00
NATURAL GAS	31-446-000		
SOCIAL SECURITY SYSTEM	36-472-000	\$61,600.00	
MEDICARE INSURANCE	36-476-000	\$8,000.00	
DEFINED CONTRIBUTION RETIREMENT	36-478-000	\$7,400.00	
MUNICIPAL COURT			
SALARIES & WAGES	43-490-010	\$16,000.00	
INTEREST ON BONDS	45-930-000		\$1.00
INTEREST ON BAN	45-935-000		\$55,100.00
		\$216,900.00	\$216,900.00

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 147 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 148 OF 2010 – CANCELLING UNEXPENDED BALANCE OF 2010 BUDGET APPROPRIATIONS PURSUANT TO NJSA 40A: 4-60 (RECREATION TRUST FUND)

WHEREAS, NJSA 40A:4-60 provides for the governing body to cancel unexpended budget appropriations prior to the end of the fiscal year, and

WHEREAS, the Board of Commissioners of the City of Ventnor City has identified appropriations in the 2009 budget that it intends to cancel.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City, that the following unexpended balances of 2009 budget appropriations be canceled to the credit of Fund Balance:

Operations – within “CAPS”	
Recreation	
Other Expenses	\$36,534.65

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to record the effects of this resolution on the financial accounts of the City.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 148 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 149 OF 2010 - AUTHORIZE AXA EQUITABLE TO ADMINISTER DEFERRED COMPENSATION PLAN

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the City of Ventnor City (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a DEFERRED COMPENSATION PLAN and Service Agreement;

WHEREAS, the Employer made written requests for proposals from two or more approved contractors, including AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable), and The Hartford Group, for the administration of the investments of funds under a DEFFERED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule NJAC 5:37;

WHEREAS, the following contractors submitted written proposals: AXA Equitable; and The Hartford Group.

WHEREAS, Chief Finance Officer reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was determined that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants;

NOW, THEREFORE BE IT RESOLVED by: Board of Commissioners of the City of Ventnor City that (a) Effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by AXA Equitable and assigned the plan identifier: 66-PD-Equitable-053107 by the New Jersey Division of Local Government Services, is hereby adopted and signed by the Employer.

It is hereby acknowledge that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

(b) The Chief Finance Officer is authorized to execute the Service Agreement (bearing the identifier: 78-SA-Equitable-100410 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to NJAC Section 5:37-5.7.

(c) The City Administrator is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

A certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 149 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 150 OF 2010 – 2011 COMMISSION MEETING/WORKSHOP SESSION SCHEDULE

Pursuant to the Open Public Meetings Act, the following is the proposed 2011 Schedule of Meetings of the Ventnor City Board of Commissioners, which schedule shall be posted and distributed according to law:

2011

Thursday	Jan	13	7:00 PM	Workshop Session	Commission Chambers
Thursday	Jan	20	7:00 PM	Public Meeting	Commission Chambers
Thursday	Feb	10	7:00 PM	Workshop Session	Commission Chambers
Thursday	Feb	17	7:00 PM	Public Meeting	Commission Chambers
Thursday	Mar	10	7:00 PM	Workshop Session	Commission Chambers
Thursday	Mar	17	7:00 PM	Public Meeting	Commission Chambers
Thursday	Apr	14	7:00 PM	Workshop Session	Commission Chambers
Thursday	Apr	21	7:00 PM	Public Meeting	Commission Chambers
Thursday	May	12	7:00 PM	Workshop Session	Commission Chambers
Thursday	May	19	7:00 PM	Public Meeting	Commission Chambers
Thursday	June	09	7:00 PM	Workshop Session	Commission Chambers
Thursday	June	16	7:00 PM	Public Meeting	Commission Chambers
Thursday	July	14	7:00 PM	Workshop Session	Commission Chambers
Thursday	July	21	7:00 PM	Public Meeting	Commission Chambers
Thursday	Aug	11	7:00 PM	Workshop Session	Commission Chambers
Thursday	Aug	18	7:00 PM	Public Meeting	Commission Chambers
Thursday	Sept	08	7:00 PM	Workshop Session	Commission Chambers
Thursday	Sept	15	7:00 PM	Public Meeting	Commission Chambers
Thursday	Oct	13	7:00 PM	Workshop Session	Commission Chambers
Thursday	Oct	20	7:00 PM	Public Meeting	Commission Chambers
Thursday	Nov	10	7:00 PM	Workshop Session	Commission Chambers
Thursday	Nov	17	7:00 PM	Public Meeting	Commission Chambers
Thursday	Dec	08	7:00 PM	Workshop Session	Commission Chambers
Thursday	Dec	15	7:00 PM	Public Meeting	Commission Chambers

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 150 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 151 OF 2010 – ADOPT 2011 TEMPORARY BUDGET

CURRENT FUND		
GENERAL GOVERNMENT FUNCTIONS	FCOA	
Mayor's Office		
Salaries and Wages	20-110-010	15,430.00
Other Expenses	20-110-020	4,000.00
Police		
Salaries and Wages	25-240-010	871,190.00
Other Expenses	25-240-020	26,380.00
Fire Department		
Salaries and Wages	25-255-010	1,012,750.00
Other Expenses	25-255-020	22,700.00
Uniform Fire Safety		
Other Expenses	25-265-020	1,560.00
Radio & Communication		
Salaries and Wages	25-250-010	116,190.00
Other Expenses	25-250-020	6,530.00
City Administrator		
Salaries and Wages	20-100-010	3,940.00
Office of Emergency Management		
Salaries and Wages	25-252-010	21,720.00
Other Expenses	25-252-020	2,730.00
Dog Control	27-340-020	2,100.00
Electrical Division		
Salaries and Wages	26-300-010	30,770.00
Other Expenses	26-300-020	5,160.00
Celebration of Public Events	30-420-299	
Zoning Commission		
Salaries and Wages	21-185-010	800.00
Other Expenses	21-185-020	4,000.00
Beach Patrol		
Salaries and Wages	28-380-010	105,500.00
Other Expenses	28-380-020	5,000.00

Beach Control		
Salaries and Wages	28-381-010	0.00
Other Expenses	28-381-020	5,000.00
Public Works Commissioner		
Salaries and Wages	20-114-010	2,700.00
Other Expenses	20-114-020	0.00
Streets & Roads		
Salaries and Wages	26-290-010	105,000.00
Other Expenses	26-290-020	13,600.00
Motor Vehicle Maintenance		
Salaries and Wages	26-315-010	64,000.00
Other Expenses	26-315-020	12,600.00
Building & Grounds		
Salaries and Wages	26-310-010	44,000.00
Other Expenses	26-310-020	41,500.00
Beach & Boardwalk	26-310-303	0.00
Recreation		
Salaries and Wages	28-370-010	43,000.00
Other Expenses	28-370-020	45,000.00
City Engineer		
Salaries and Wages	20-165-010	0.00
Other Expenses	20-165-020	8,000.00
Solid Waste/Recycling		
Salaries and Wages	26-305-010	10,000.00
Other Expenses	26-305-020	300,000.00
Finance Commissioner		
Salaries and Wages	20-112-010	2,700.00
Other Expenses	20-112-020	0.00
Legal Services Costs		
Salaries and Wages	20-155-010	0.00
Other Expenses	20-155-020	54,500.00
City Clerk		
Salaries and Wages	20-120-010	20,000.00
Other Expenses	20-120-020	11,800.00
Revision/Codification of Ordinances	20-120-300	2,300.00
Election Expenses	20-120-400	2,200.00
Auditing Fees	20-131-020	13,000.00
Planning Board		
Salaries and Wages	20-180-010	700.00
Other Expenses	21-180-020	2,200.00
Financial Management		
Salaries and Wages	20-130-010	65,000.00
Other Expenses	20-130-020	14,500.00
Assessment of Taxes		
Salaries and Wages	20-150-010	20,000.00
Other Expenses	20-150-020	3,800.00
Collection of Taxes		
Salaries and Wages	20-145-010	21,000.00
Other Expenses	20-145-020	3,600.00
Information Technology		
Salaries and Wages	20-140-010	11,400.00
Other Expenses	20-140-020	10,000.00
Municipal Court		
Salaries and Wages	43-490-010	48,000.00
Other Expenses	43-490-020	2,000.00
Prosecutor		
Salaries and Wages	43-492-010	8,200.00
Public Defender		
Salaries and Wages	43-495-010	2,400.00
INSURANCE		
Other Insurance Premiums	23-211-000	66,000.00
Worker Compensation Insurance	23-215-000	200,000.00
Health Insurance	23-220-000	570,000.00
Construction Code		

Salaries and Wages	22-195-010	62,000.00
Other Expenses	22-195-020	1,000.00
Housing Code		
Salaries and Wages	22-196-010	16,000.00
Other Expenses	22-196-020	1,000.00
Electrical & Plumbing Inspections		
Salaries and Wages	22-197-010	2,300.00
Other Expenses	22-197-020	0.00
Utility Expenses		
Gasoline	31-460-000	23,700.00
Electricity	31-430-000	147,000.00
Telephone	31-440-000	15,000.00
Natural Gas	31-446-000	30,000.00
STATUTORY EXPENDITURES		
Contribution to:		
Unemployment	36-473-000	31,500.00
Social Security System (O.A.S.I.)	36-472-000	60,375.00
Consolidated P&FRS	36-474-000	2,000.00
Medicare Insurance	36-476-000	36,750.00
Lifeguard Pension Fund	36-477-000	
Police & Firemens Retirement System NJ	36-475-000	400,000.00
Public Employees Retirement System of NJ	36-471-000	85,000.00
Defined Contribution Retirement Plan	36-480-000	2,100.00
Interlocal Municipal Service Agreements		
Borough of Longport-UCC		
Salaries & Wages	22-198-010	8,500.00
Other Expense	22-198-020	1,300.00
Borough of Longport-Engineering		
Salaries & Wages	22-165-010	0.00
Other Expense	22-165-020	0.00
CAPITAL IMPROVEMENTS		
Capital Improvement Fund	44-901-000	150,000.00
MUNICIPAL DEBT SERVICE		
Bond Principal - General	45-920-000	1,055,000.00
Bonds Interest - General	45-930-000	212,000.00
Bond Principal - School	48-920-000	1,020,000.00
Bond Interest - School	48-930-000	397,000.00
Interest on BAN	45-935-000	0.00
Green Trust Loan	45-940-000	31,000.00
		\$ 7,898,675.00
WATER/SEWER UTILITY FUND		
WATER/SEWER UTILITY FUND	FCOA	
Operating		
Salaries and Wages	55-501-010	\$267,000.00
Other Expenses	55-502-020	\$300,000.00
ACUA Sewer Shared Costs	55-502-300	\$400,000.00
STATUTORY EXPENDITURES		
Contribution to:		
Unemployment	55-542-000	265.00
Social Security System (O.A.S.I.)	55-541-000	20,000.00
CAPITAL IMPROVEMENTS		
Capital Improvement Fund	55-512-000	75,000.00
MUNICIPAL DEBT SERVICE		
Bond Principal	55-520-000	155,000.00
Interest on Notes	55-522-000	19,745.00
Interest on Bonds	55-523-000	23,025.00
		\$1,260,035.00

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 151 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 152 OF 2010 – DESIGNATION OF BANK DEPOSITORIES

WHEREAS, the City of Ventnor City is desirous of designating certain local banks as depositories for City funds for the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the following banks are sod designated:

1. Wachovia
2. Cape Savings Bank
3. Ocean City Home Bank
4. TD Bank
5. Sun National Bank
6. Boardwalk Bank
7. Bank of America
8. PNC Bank
9. Sovereign Bank
10. Susquehanna Patriot Bank
11. NJ Asset & Rebate Management Program

BE IT FURTHER RESOLVED by the Board of Commissioners of the City of Ventnor City that a copy of this Resolution be forthwith filed with the Chief Financial Officer of the City of Ventnor City.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 152 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 153 OF 2010 – EMPLOYEE BONDS

WHEREAS, in accordance with NJSA 40A:5-34 and NJSA 40A:5-34.1, it is necessary for public officials to provide performance bonds for the faithful performance of their services for all years while employed for a municipality; and

WHEREAS, it is the direction of the Board of Commissioners that said faithful performance bonds be supplied for the year 2011 by said public officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of said City of Ventnor City provide a performance bond for faithful service to said City in an amount that shall be acceptable to the Board of Commissioners, as well as a Surety that shall be acceptable to the Board of Commissioners as set forth in NJSA 40A:5-34.

BE IT FURTHER RESOLVED that the Tax Collector of said City provide a performance bond for faithful service to said City in an amount that shall be acceptable to the Board of Commissioners, as well as a Surety that shall be acceptable to the Board of Commissioners as set forth in NJSA 40A:5-34.

BE IT FURTHER RESOLVED that the Municipal Court Administrator, Deputy Court Administrator and Personnel employed in said City Court system shall provide a blanket bond in accordance with NJSA 40A:5-34.1 for an amount not less than \$15,000 per position.

BE IT FURTHER RESOLVED that all other officers and employees of the City of Ventnor City shall supply a blanket bond in an amount not less than \$50,000 per position in accordance with NJSA 40A:5-34.1.

BE IT FURTHER RESOLVED that all such bonds as hereinbefore mentioned shall be approved as to amount, surety and sufficiency by the Board of Commissioners of the City of Ventnor City with the advice from the City Auditor and the City Solicitor.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 153 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 154 OF 2010 - ADOPTION OF 2011 CASH MANAGEMENT PLAN

BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Cash Management Plan for the City of Ventnor City, as outlined in the attached document, is adopted for the 2011 fiscal year.

Cash Management Plan of Ventnor City in the County of Atlantic

I STATEMENT OF PURPOSE

This Cash Management Plan (CMP) is prepared pursuant to provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits and investments of public funds of the City of Ventnor. The CMP is intended to assure that public funds identified herein are deposited in interest bearing accounts or otherwise safeguarded, in permitted investments to insure safety, liquidity and a maximum investment rate of return. The CMP is intended to insure that the any deposits and permitted investments mature within the time period that approximates the prospective need for the funds, deposited or invested so that there is a risk to the market value of Ventnor cash resources.

II CASH MANAGEMENT POLICY

A. Objectives: The priority of investing policies shall be, in order of descending importance, security, liquidity, and yield.

- (1) Security: The safety of principal is the foremost objective of the Cash Management Plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate.
- (1) Credit Risk: Credit risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:
 - (1) Limiting investments to the safest types of securities.
 - (2) Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which an entity will do business.
 - (3) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- (2) Interest Rate Risk: Interest rate risk is the risk that the market value of the securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:
 - (1) Structuring the investment portfolio so that securities mature to meet cash requirement for ongoing operations thereby avoiding the need to sell securities on the open market prior to maturity, and
 - (2) By investing operating funds primarily in shorter-term securities.
- (3) Liquidity: The investment portfolio must remain sufficiently liquid so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).
- (4) Yield: The investment must be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objective described above. The core of investments are limited to relative low risk securities in anticipation of earning a fair return relative to the risk being assumed. The Chief Financial Officer shall carefully evaluate any investment offering above market yields. Securities shall not be sold prior to maturity with the following exceptions:
 - (1) A declining credit security could be sold early to minimize the loss of principal.
 - (2) A security swap would improve the quality, yield, or target duration in the portfolio.
 - (3) Liquidity needs of the local unit require that the security be sold

B Standards of Care

- (1) **Prudence**
The standard of prudence to be used by investment officials shall be the Aprudent person@ standard and shall be applied in the context of managing an overall portfolio in accordance with the State Law and this policy. The Chief Financial Officer, acting in accordance with written procedures and this cash management plan and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or marked price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of the cash management plan and policy.

Investment shall be made with the judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- (2) **Ethics and Conflicts of Interest**
The designated officials in the investment process shall not have personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Actions of individuals involved in administering the cash management plan shall be governed by the Local Government Ethics Law. They shall disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. The action with the same individual with whom business is conducted on behalf of the City.
- (3) **Delegation of Authority**
Authority to manage the cash management plan is granted to the Chief Financial Officer pursuant to N.J.S.A. 40A:5-14. Responsibility for the operation of the cash management plan is hereby delegated to the Chief Financial Officer. No person may engage in an investment transaction except as provided under the terms of the policy and the written procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

III **IDENTIFIED FUNDS AND ACCOUNTS TO BE COVERED BY THIS PLAN**

The CMP is intended to cover the deposit and or investment of the following funds and of the City of Ventnor.

Current Fund

Dog License Trust
 Assessment Trust Fund
 Water/Sewer Utility Operating Fund
 Water/Sewer Utility Capital Fund
 Developer=s Escrow
 Lifeguard Pension
 Other Trust Fund
 Capital Fund
 Unemployment Trust Fund

IV DESIGNATION OF CITY OF VENTNOR OFFICIALS AUTHORIZED TO MAKE INVESTMENTS UNDER THE PLAN.

The Chief Financial Officer is required to supervise deposits and investments of the City of Ventnor. If the Chief Financial Officer is unavailable he/she may designate the employees under CFO's supervision have the ability to transfer and invest funds in only the allowed types of investments as permitted in the CMP. Prior to making any such deposits or any permitted investment such officials of the City of Ventnor are directed to supply all depositories or any other parties with whom the Deposits or permitted investments are made a written copy of such of this CMP which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

V DESIGNATION OF DEPOSITORIES.

The following banks and financial institutions are hereby designated as official depositories for the deposit of all public funds referred to in the CMP, including certificates of deposit which are not otherwise invested in permitted for in the CMP.

Wachovia
 Cape Savings Bank
 Ocean City Home Bank
 TD Bank
 Sun National Bank
 Boardwalk Bank
 Bank of America
 PNC Bank
 Sovereign Bank
 Susquehanna Patriot Bank
 NJ Asset & Rebate Management Program

Also for the purpose of investing, any other institution presenting a GUDPA Certificate may be used. All such depositories shall acknowledge in writing receipt of this CMP by sending a copy of such acknowledgment to the designated officials referred.

VI DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

In the event that the Chief Financial Officer deems it advantageous to utilize the services of Brokerage Firms and Dealers, this CMP will be amended to specify designees.

VII AUTHORIZED INVESTMENT.

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by the CMP, to the extent not otherwise held in deposits, in the following permitted investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.
- (2) Government money market mutual funds.
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.
- (4) Bond or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part of within which the school district is located.
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
- (6) Local government investment pools.
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section I of P.L. 1977, c. 281 (C.52:18A-90.4); or
- (8) Agreement for the repurchase of fully collateralized securities if
 - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section I of P.L. 1970. C.236(C.17:9-41); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

For the purpose of the above language, the terms Agovernment money market mutual fund@ and Alocal government investment pool@ shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940" 15 U.S.C. sec 80a-1 et seq, and operated in accordance with 17 C.F.R. sec 270.2a-7
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270. 2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) which has:
 - (1) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (2) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940" 15 U.S.C. sec 80B-1 et seq., with experience investing in US Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

- (a) Which is managed in accordance with 17 C.F.R. sec. 270.2a-7
- (b) Which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. Sec. 270k.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act" P.L. 1968, c.41 0(c.52:14B-1 et seq) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- (e) Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 to P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in Capital stock (or equivalent capitalization if not a corporation) surplus reserves for contingencies and undivided profits, or through a securities and reports daily to the Federal Reserve Bank of New York its position in the borrowing on such U.S. Government securities.

VIII **SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN**

To the extent that any Deposit or Permitted Investment involves a document or security by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the City to assure that there is not unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the City or by third party custodian prior to or upon the release of the City's Funds.

To assure that all parties with whom the City deals with by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this CMP, all such parties shall be supplied with a copy of this CMP in writing and all such parties shall acknowledge the receipt of the CMP in writing, a copy of which shall be on file with the Designated Officials.

IX **REPORTING REQUIREMENTS:**

On the first day of each month during which this CMP is in effect, the Designated Officials referred to in Section IV hereof shall supply to the governing body of the City a written report of any Deposits or Permitted Investment made pursuant to this CMP, which shall include, at a minimum, the following information:

- (a) The name of any institution holding funds of the City as Deposit of a Permitted Investment.
- (b) The amount of securities or Deposits purchased or sold during the immediately preceding month.
- (c) The class or type of securities purchased or Deposits made.

- (d) The book value of such Deposits or Permitted Investments.
- (e) The earned income on such Deposits or Permitted Investments to the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- (f) The fees incurred to undertake such Deposits or Permitted Investments.
- (g) The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month
- (h) All other information which may be deemed reasonable from time to time by the governing body of the City.

X

TERM OF PLAN:

This CMP shall be in effect from January 1, 2011 to December 31, 2011. Attached to this CMP is a resolution of the governing body of the City approving this CMP is a resolution of the governing body of the City approving this CMP for such period of time. The CMP may be amended from time to time. To the extent that any amendment is adopted by the Board of Commissioners, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved CMP, which amendment shall be acknowledged in writing in the same manner as the original CMP was so acknowledged.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 154 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 155 OF 2010 – REAPPOINT JIF RISK MANAGEMENT CONSULTANT GUNNISON

WHEREAS, the City of Ventnor City is a member of the Atlantic County Municipal Joint Insurance Fund, a self insurance pooling fund; and

WHEREAS, the Bylaws of said Fund require that each Municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Bylaws indicate a fee not to exceed six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the governing body; and

WHEREAS, CJ Adams Company/Stanley H. Gunnison has offered to perform the services required as Risk Management Consultant for a fee of three (3%) percent of the municipal assessment; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereby appoints the CJ Adams Company/Stanley H. Gunnison as its Risk Management Consultant in accordance with NJSA 40A:11-5.

BE IT FURTHER RESOLVED BE IT FURTHER RESOLVED that the Governing Body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of the decision to be published according to NJSA 40A:11-5(1),(a),(i).

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 155 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 156 OF 2010 – REAPPOINT SOLICITOR MAGUIRE

WHEREAS, by Resolution No. 150 of 2008, Timothy P. Maguire, Esq. was appointed as Solicitor for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing Timothy P. Maguire, Esq. to serve as City Solicitor for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Timothy P. Maguire, Esq. is herein and hereby reappointed Solicitor of the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 156 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 157 OF 2010 – REAPPOINT AUDITOR MOORE

WHEREAS, there exists a need for auditing services for the preparation and submission of the Statutory Municipal Audit of the City of Ventnor City for the year 2010, the preparation of the financial statement for 2010, and assistance in the preparation of the 2011 Municipal Budget; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Kenneth W. Moore of Swartz & Co.,LLC is hereby appointed auditor for the City of Ventnor City for the fiscal year 2011 and the said Kenneth W. Moore is hereby authorized and empowered to perform all services necessary for the preparation and submission of said audit and the necessary 2010 Annual Financial Statement to accompany the 2011 Budget.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 157 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 158 OF 2010 – REAPPOINT PUBLIC DEFENDER STEINER

WHEREAS, JERRY STEINER, ESQ. is presently serving in the position of Public Defender for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing JERRY STEINER, ESQ. to serve as Public Defender for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that JERRY STEINER, ESQ. is herein and hereby appointed Public Defender for the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 158 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 159 OF 2010 - REAPPOINT CITY ENGINEER DORAN

WHEREAS, by Resolution No. 34 of 2010, Matthew F. Doran, P.E. was appointed as Engineer for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing Matthew F. Doran, P.E. to serve as City Engineer for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Matthew F. Doran, P.E. is herein and hereby reappointed Engineer of the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 159 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 160 OF 2010 – REAPPOINT PROSECUTOR MOSCA

WHEREAS, Michael Mosca, Esq. is presently serving in the position of Municipal Prosecutor for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing Michael Mosca, Esq. to serve as Municipal Prosecutor for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Michael Mosca, Esq. is herein and hereby appointed Prosecutor for the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 160 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 161 OF 2010 – RETIREMENT OF SANDRA M BIAGI AS CITY CLERK

WHEREAS, SANDRA M. BIAGI began employment with the City of Ventnor City on August 21, 1967 as Secretary to Mayor Phillip B. Robinson, and

WHEREAS, by Resolution No. 104 of 1973, SANDRA M. BIAGI was appointed to the position of City Clerk of the City of Ventnor City, effective January 1, 1974. She became tenure and was certified by the State of New Jersey, Department of Community Affairs as a Registered Municipal Clerk & received from the International Institute of Municipal Clerks the title of Certified Municipal Clerk; and has continually served in that that capacity; and

WHEREAS, SANDRA M. BIAGI and has continually served in that that capacity; and

WHEREAS, on January 1, 2011, SANDRA M. BIAGI will retire from her position of City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the retirement of SANDRA M. BIAGI shall be effective January 1, 2011.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 161 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 162 OF 2010 – APPOINTMENT OF JANICE K. CALLAGHAN AS CITY CLERK

WHEREAS, SANDRA M. BIAGI, City Clerk, will retire from office on January 1, 2011; and

WHEREAS, the City desires to fill the vacancy caused by said retirement to endure smooth and efficient operation of City government.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that JANICE K. CALLAGHAN is hereby appointed as City Clerk of Ventnor City for a three year term effective January 1, 2011.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 162 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 163 OF 2010 – APPROVING APPLICATION FOR PARTICIPATION WITH THE NJ DIVISION OF ABC ENFORCING THE UNDERAGE DRINKING LAWS GRANT PROGRAM

WHEREAS, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws;

WHEREAS, the *City of Ventnor City Police Department* wishes to apply to the ABC for funds in connection with a project entitled *The City of Ventnor City Police Department EUDL Initiative*; and

WHEREAS, the Mayor and *Board of Commissioners of the City of Ventnor City* have reviewed said application and finds approval thereof to be in the best interests of the *City of Ventnor City*; and

WHEREAS, said project is a joint project between the State of New Jersey (ABC) and *the City of Ventnor City* for the purposes therein described:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of *the City of Ventnor City*

- (1) that as a matter of public policy *the Ventnor City Police Department* wishes to participate with the State of New Jersey (ABC) to the greatest extent possible;
- (2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said application on behalf of the municipality; and
- (3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 163 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 164 OF 2010 - RECONFIRMATION OF SANDRA M. BIAGI AS ADMINISTRATOR

WHEREAS, effective January 1, 2009 SANDRA M. BIAGI was appointed to the position of Ventnor City Municipal Administrator and assumed the additional responsibilities & duties of said position while serving in her capacity as the Ventnor City Municipal Clerk; and

WHEREAS, the Ventnor City Board of Commissioners wishes to reappoint SANDRA M. BIAGI to the position of Municipal Administrator effective January 1, 2011.

NOW BE IT RESOLVED BY THE VENTNOR CITY BOARD OF COMMISSIONERS that SANDRA M. BIAGI is herein and hereby reappointed to the position of Municipal Administrator of the City of Ventnor City, effective January 1, 2011, and reconfirms her initial appointment as of January 1, 2009.

This Resolution shall be effective immediately upon adoption.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 164 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 165 OF 2010 – AUTHORIZE CO #1, CLEANING & VIDEOTAPING OF SANITARY SEWER & STORM DRAINAGE SYSTEM

WHEREAS, the City of Ventnor City did award a contract for “2009 Cleaning and Videotaping of Sanitary Sewer and Storm Drainage Systems in the City of Ventnor City” and did enter into a contract with Tri-State Grouting, L.L.C. in the amount of \$202,850.00; and

WHEREAS, it has been determined that heavy duty cleaning of the sanitary sewer main is required throughout the City of Ventnor City. Therefore, the contract is to be amended to include a sanitary sewer main heavy duty cleaning unit price/linear foot for only the 24” diameter sanitary sewer main in Area 1 - Ventnor Heights and prices for sanitary sewer main heavy duty cleaning unit prices/linear foot for sanitary sewer mains 12” diameter or less and 14” to 24” diameter in Area 2 - Island, Area 3 – Island and Area 4 – Island. The unit prices are herein enclosed in Appendix A;

NOW, THEREFORE, BE IT RESOLVED that the Contract for the “2009 Cleaning and Videotaping of Sanitary Sewer and Storm Drainage Systems in the City of Ventnor City” be amended from \$202,850.00 to a Maximum of \$240,000.00; a Maximum Net Increase of \$37,150.00.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 165 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 166 OF 2010 – SUPPORTING LEGISLATION TO REPEAL SICK LEAVE INJURY PROGRAMS AT ALL LEVELS OF GOVERNMENT

Whereas: A recent study by the Municipal Excess Liability Joint Insurance Fund concluded that the cost of employee accident claims against New Jersey municipalities increased 7.7% per year since 2005 and is now \$2,520 per full time employee.

Whereas: Under 18A:30-2.1 and 11A:6-8 Municipalities and Boards of Education are permitted to adopt Sick Leave Injury (SLI) programs that extended for a period up to one year full pay for workers injured in the course of their employment.

Whereas: Recently a similar provision for State workers was repealed.

Whereas: The supposed purpose of this supplement is to make up the difference between the weekly benefit under workers’ compensation and the employee’s regular earnings.

Whereas: Because workers’ compensation is not taxed, employees out on workers’ compensation and SLI have higher after tax incomes while off the job.

Whereas: SLI provides an incentive for employees to resist coming back to work.

Whereas: SLI programs are not commonly offered in the private sector and to governmental employees in other states.

Whereas: SLI costs New Jersey Municipalities approximately \$500 per full time employee per year.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to amend 18A:30-2.1 and 11A:6-8 to eliminate SLI programs at all levels of government so that all New Jersey governmental employees are treated in a similar fashion.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly, that Resolution No 166 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 167 OF 2010 – AWARD CONTRACT FOR TIMBER BULKHEAD AT WINCHESTER AVE BETWEEN AUSTIN & MARION TO KG MARINE CONTRACTING, INC

WHEREAS, the Municipal Engineer of the City of Ventnor City received proposals on Thursday, December 9, 2010 at 12:00 PM, for the “BULKHEAD REPAIRS ALONG WINCHESTER AVENUE BETWEEN AUSTIN AND MARION AVENUES, CITY OF VENTNOR CITY, NEW JERSEY”; and

WHEREAS, the Municipal Engineer has reviewed same, and herewith recommends an award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it hereinafter award the Contract for “BULKHEAD REPAIRS ALONG WINCHESTER AVENUE BETWEEN AUSTIN AND MARION AVENUES”; to K.G. Marine Contracting, Inc., 46 Indian Road, Manahawkin, NJ 08050, for their Total Amount Bid of \$14,187.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 167 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 168 OF 2010 – SUPPORTING S-2404, CAPPING ATTORNEY FEES IN LITIGATION AGAINST PUBLIC ENTITIES

Whereas: Public Officials and Employment practices claims against municipalities have increased dramatically during the past several years

Whereas: According to a ten year closed claim study recently completed by the Municipal Excess Liability Joint Insurance Fund, the cost of employment practices liability claims per employee was \$26 in the year 2000 and increased to \$125 per employee for most of the decade.

Whereas: According to the same study, the cost per employee increased 175% to \$354 per employee in just the past two years.

Whereas: 65% of these claims are for police and the 2011 projected cost of these claims is \$740 per officer.

Whereas: Legal fees historically represent over 70% of the cost of these claims.

Whereas: Provisions in various laws such as LAD and CEPA providing for fee shifting have encouraged attorneys to make unreasonable demands in otherwise minor cases.

Whereas: John Farmer, Dean of the Rutgers Law School and former NJ Attorney General stated: “Even cases with marginal relevance are now being presented by plaintiffs’ counsel as having substantial settlement value.”

Whereas: in a recent case, a NJ court awarded the plaintiff’s attorney a fee of \$450,000 even though the jury awarded his client only \$20,000.

Whereas: The explosion of employment practices cases will continue until reasonable caps are placed on legal fee applications:

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to adopt S-2404 placing a cap on attorney fee awards in fee shifting cases against public entities as follows:

- For awards (compensatory and punitive damages combined) of \$50,000 or less, the maximum fee award should be \$50,000, though a lower fee should be awarded if warranted based on considerations of reasonableness
- For awards over \$50,000, the fee award should not exceed the verdict, though a lower fee should be awarded if warranted based on considerations of reasonableness

December 16, 2010

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 168 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 169 OF 2010 - APPROVAL OF PLANS & SPECS, UPGRADES TO LILY PARK SEWERAGE PUMPING STATION

WHEREAS, the City of Ventnor City has a need to upgrade the Lily Park Pump Station; and

WHEREAS, the City of Ventnor City approves of the plans and specification as prepared by Concord Atlantic Engineers for said upgrades and wishes to request Public Bids for the project:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorizes the Municipal Engineer, Doran Engineering, to publicly bid the project as required.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 169 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 170 OF 2010 – SUPPORT A-3431 TO AMEND TITLE 59 BY GRANTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTENANCE BY ORDINANCE

Whereas: Injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner.

Whereas: in *Lodato v. Evesham*, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance.

Whereas: In the same case, the courts ruled that the municipality, not the homeowner was liable for accidents on defective sidewalks notwithstanding the ordinance.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to adopt A3431 amending Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 170 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 171 OF 2010 – SUPPORT A-3430 TO AMEND TITLE 59 BY STRENGTHENING WEATHER IMMUNITY

Whereas: under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks.

Whereas: despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factor contributed to the accident, the immunity didn't apply because the accident was not "solely" caused by weather.

Whereas: Municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to adopt A-3430 amending Title 59 as follows:

1. Changing the word "solely" to "primarily, and
2. Extending this provision to all public property including storm water and waste systems, dams, rivers and streams.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 171 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 172 OF 2010 – SUPPORTING S-2333 & A-3432 TO AMEND TITLE 59 TO PROVIDE IMMUNITIES FOR BEACHES, BOARDWALKS AND SIMILAR PROPERTY

Whereas: under the provisions of Title 59 public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach.

Whereas: despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean.

Whereas: S–2333 would provide that public entities are immune for these accidents regardless of the circumstances under which they occur.

Whereas: Public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks.

Whereas: S–2333 provides that a public entity would be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to amend S-2333 and A-3432 to include piers, wharves, docks and similar public properties and adopt the amended bill.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 172 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 173 OF 2010 – APPROVAL OF PLANS & SPECS, DEMOLISH ABANDONED PUMP STATION & RELOCATION OF FORCE MAIN AT PUBLIC WORKS YARD

WHEREAS, the City of Ventnor City has a need to demolish the abandoned pump station at the Department of Public Works facilities located at Winchester and Cornwall Avenues, Ventnor, New Jersey, and to relocate the existing sanitary sewer force main that enters same.

WHERE AS, the City has received funding from the Community Development Block Grant (CBDG) Program for 2009 and 2010; and

WHEREAS, the City of Ventnor City approves of the preparation of plans and specification for said demolition and relocation and wishes to request Public Bids for the project:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorizes the Municipal Engineer, Doran Engineering, to prepare plans and specification and to publicly bid the project as required.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 173 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 174 OF 2010 - APPROVAL OF PLANS & SPECS, NEW ELECTRIC SERVICE & MISC. CONTROL UPGRADES AT WELL #7

WHEREAS, the City of Ventnor City has a need to install a new electric service and control panel for Well No. 7 located at Cambridge Avenue and the bay: and

WHEREAS, the City of Ventnor City approves of the preparation of plans and specifications for said new electric service and control panel for Well No. 7 and wishes to request public bids for the project;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the City of Ventnor City authorizes the Municipal Engineer, Doran Engineering, to prepare plans and specifications and to publicly bid the project as required; and

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 174 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 175 OF 2010 – URGING STATE LEGISLATURE & GOVERNOR TO EXEMPT RESERVE FOR UNCOLLECTED TAXES FROM 2%CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the BOARD OF COMMISSIONERS of the CITY OF VENTNOR CITY does herein & hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 175 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 176 OF 2010 – APPROVAL OF PLANS & SPECS, UTILITY TRUCK FOR TRAFFIC MAINT

WHEREAS, the City of Ventnor City is desirous of receiving bids for supplying of (1) Utility Body Vehicle for the Ventnor City Public Works Department; and

WHEREAS, Specifications have been prepared and are on file with the City Clerk of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter approves the aforementioned Specifications.

BE IT FURTHER RESOLVED that it hereinafter authorizes the City Clerk to advertise for bids in the December 20, 2010 issue of the Atlantic City Press, with bids to be received on January 11, 2011 at 2:00PM, prevailing time, in the City Clerk's Office, Room 5, City Hall in the City of Ventnor City, New Jersey.

BE IT FURTHER RESOLVED that the City of Ventnor reserves the right to reject any and all bids.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 176 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 177 OF 2010 – AWARD CONTRACT TO GRAMCO, UPGRADE SOUND SYSTEM IN COMMISSION CHAMBERS

WHEREAS, the City of Ventnor City received proposals to upgrade the sound system in the Ventnor City Commission Chambers; and

WHEREAS, said proposals have been reviewed and the recommendation is to award said contract to Gramco Business Communications.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for Upgrades to the Sound System in Commission Chambers to Gramco Business Communications, 1149 Bloomfield Ave., Clifton, NJ 07012, for their Total Amount Bid of \$11,697.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 177 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF RAFFLE LICENSE #366 – NJ NURSES ASSOCIATION, REGION 6

Cmr Weintrob moved, seconded by Cmr. Piatt that Raffle License #366 for NJ Nurses Asso Region 6 be approved.
Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$13,096,463.91 and payrolls from 11/20/10 to 12/03/10 in the amount of \$503,995.77 and payrolls from 12/04/10 to 12/17/10 in the amount of \$425,370.88 for approval.

Cmr Piatt moved, seconded by Cmr. Weintrob, that the bills & payrolls be approved.

Roll Call Vote: Yeas: Commissioner Piatt, Weintrob and Mayor Kelly

ANNOUNCEMENTS

Mayor Kelly announced that this is the last Commission Meeting that Sandra M. Biagi would be conducting as City Clerk as she is retiring from that position. The Mayor presented the following Proclamation:



**COMMENDATION FOR SANDRA M. BIAGI
ON HER RETIREMENT AS MUNICIPAL CLERK
OF THE CITY OF VENTNOR CITY**



WHEREAS, **SANDRA MAE LEEDS BIAGI** is a life-long resident of the City of Ventnor City, and

WHEREAS, **SANDRA M. BIAGI** has dedicated herself to the service of the City of Ventnor City and its citizens, beginning her career in 1967, serving as Secretary to Mayor Phillip Robinson; and

WHEREAS, on January 1, 1974 **SANDRA M. BIAGI** was appointed Municipal Clerk for the City of Ventnor City, a position she has continually and honorably held for the past 36 years; and

WHEREAS, **SANDRA M. BIAGI**, one of the advocates of professionalizing the position of Municipal Clerk in New Jersey, dedicated untold hours working with Rutgers University, the New Jersey Department of Community Affairs and the Municipal Clerks Association of New Jersey in establishing the educational criteria for certification of Municipal Clerks in New Jersey; and

WHEREAS, **SANDRA M. BIAGI** was one of the first Municipal Clerks of New Jersey to earn credentials as a Registered Municipal Clerk as well as earning the title Certified Municipal Clerk from the International Institute of Municipal Clerks; and

WHEREAS, during her tenure as City Clerk, **SANDRA M. BIAGI** has served as President of the Atlantic County Municipal Clerks Association and Atlantic County representative to the Municipal Clerks Association of New Jersey; and

WHEREAS, **SANDRA M. BIAGI'S** expertise and concern for her students as an adjunct professor with Rutgers University as well as serving as mentor to newly appointed clerks within New Jersey has won her the well deserved respect and admiration of her fellow Municipal Clerks; and

WHEREAS, in addition to her duties as City Clerk, on January 1, 2009, **SANDRA M. BIAGI** assumed the additional responsibilities of Ventnor City Municipal Administrator; and

WHEREAS, on January 1, 2011, **SANDRA M. BIAGI** will retire from her official position as City Clerk.

NOW, THEREFORE, BE IT RESOLVED that on behalf of all the citizens of the City of Ventnor City, we, the Ventnor City Board of Commissioners herein and hereby offers our best wishes and sincere thanks and gratitude to **SANDRA MAE LEEDS BIAGI** for her unselfish and dedicated 43 years of service to the City of Ventnor City.

BE IT FURTHER RESOLVED that this Proclamation shall be spread upon the official minutes of the City of Ventnor City and shall be presented to **SANDRA MAE LEEDS BIAGI** as a token of our heartfelt appreciation and admiration.



*Members of the Ventnor City Board of Commissioners
Mayor Theresa D. Kelly
Commissioner John R. Piatt
Commissioner Stephen D. Weintrob*

PUBLIC COMMENTS

RICH BOBB, 4901 Ventnor noted locations of bulky trash left by vacating occupants & unfinished street lining & traffic signage. He reiterated his concern that PW employees be monitored to assure that proper uniform & attire is always worn with prescribed safety gear, ladders, equipment & procedures used on each job. The bucket truck was exemplified. The Mayor & Administrator assured BOBB that they welcomed his phone calls & comments.

RICHARD GOBER, 26 N Hillside thanked City Clerk Sandy Biagi for her years of service & complimented her performance. He reported on the successful meeting he & Peter Mokoover had with the Police Chief & Capt Miller & their enlightenment on hearing the dangers inherent with designated bike paths expressed in police opposition. Also discussed was how to motivate residents to move their cars off-street during snow storms, including those w/short driveways who would overhang the sidewalk. MAYOR KELLY agreed the Ventnor Newsletter would be an ideal way to get this word out - adding her compliments to Peter Mokoover for the great job he continues to do. Also noted was North Beach's participation in the Holiday Parade sharing hugs from a 37' long, 1960 Cadillac.

DENNIS KELLY, 106 S Cambridge asked Cmr Weintrob if the memorial benches would be starting again. Cmr WEINTROB said he was all in favor of that & would do it as soon as he had the consensus of Commission.

DENNIS KELLY stated that he has known Sandy Biagi for over 45 years. That in all of his years with the Board of Education she has always had an ear open for his complaints or needs - that he has always valued her judgment and friendship and does appreciate all she has done for him personally, and for the Board.

There being no one further from the public wishing to be heard, the public portion was closed.

ANNOUNCEMENTS

Mayor Kelly thanked Patti Kedziora for her excellent handling of a Holiday Parade that has grown to 37 participants. The Police & Fire Departments were thanked for the great job they did in being out with the children. Special thanks was given to Santa who couldn't be beat for the wonderful way he treated the little ones.

Prefacing with the reminder that this past summer, Ventnor had suffered the loss of one of their police officers Mayor Kelly announced that on December 8th she swore in Robert Mooney as a Ventnor Police Officer in her office. She explained that the Chief had been searching when he found a fully trained Atlantic City Police Officer, who had been laid off & would not require academy training. He passed the battery of tests required of a new officer & the Mayor was requested to swear him in that he might be put on the street immediately.

The Mayor thanked the Beautification Committee for the two big trees at the Library they decorated so nicely and shine beautifully when lit at night. She also thanked them for the four new entrance signs now on their way - that say "Welcome to Ventnor" - which we were able to obtain through private contributions & businesses. Some saw what the signs will look like when the Committee ladies came here & showed the winning one.

Also given thanks were Public Works, Kevin Cannon & Jim O'Brien for putting up the Christmas decorations & everybody who worked hard bringing Santa to Ventnor.

Concluding, the Mayor wished everyone a happy holiday and a peaceful new year.

EXECUTIVE SESSION

MAYOR KELLY read the statement required before Executive Session: *"The New Jersey Open Public Meeting Act permits the discussion of certain matters within Executive Session, as an exception to certain provisions of said law. The Ventnor City Board of Commissioners wishes to discuss certain matters which qualify as exceptions in Executive Session. No action binding upon the Board of Commissioners will be taken within Executive Session and the discussion conducted in closed session will be disclosed to the public when legally permitted and when the public interest will no longer be served by keeping such matters confidential. The matter to be discussed is the ongoing litigation Ludy vs. Ventnor City"*.

Cmr Piatt moved, seconded by Cmr Weintrob the Board retire into Executive Session.
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

7:40PM EXECUTIVE SESSION CONCLUDED

Cmr Piatt moved, Seconded by Cmr Weintrob the Board returned into Regular Session

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

Solicitor Maguire reported that discussion in Executive Session was *the ongoing litigation Ludy vs. Ventnor City"*.

MEETING ADJOURNED: 7:44PM

Mayor Kelly moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.

The meeting of the Ventnor City Board of Commissioners was called to order in the Commission Chambers, City Hall on December 16, 2010 at 7:00 PM followed by the Pledge of Allegiance.

Present: Commissioners Piatt, Weintrob and Mayor Kelly

Mayor Kelly announced that "Pursuant to the Open Public Meetings Act adequate notice of this meeting has been provided in conformance with law".

Cmr Piatt moved, seconded by Cmr Weintrob that the minutes of the 11-18-10 Regular Commission meeting be approved as written (oral reading waived).

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2nd READING (PUBLIC HEARING) OF ORDINANCE 2010-16

The City Clerk read the Title of Ord 2010-16 'ORDINANCE AMENDING BOND ORDINANCE 2009-14 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-16 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

2ND READING (PUBLIC HEARING) OF ORDINANCE 2010-17

The City Clerk read the Title of Ord 2010-17 'ORDINANCE AMENDING BOND ORDINANCE 2009-15 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY' after which Mayor Kelly announced the Public Hearing was open and anyone could be heard speaking for or against the Ordinance.

There being no one wishing to be heard, it was moved by Mayor Kelly, seconded by Cmr Piatt the Public Hearing on Ordinance 2010-17 be closed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

REPORT OF BID OPENING - WEST CANAL PUMP STATION

Bid Opening: November 30, 2010 @ 11:00 AM

1.	Centerpoint Assoc, Inc Blackwood, NJ Bid Bond Attached	\$571,285.00
2.	Underground Utilities Corp. Linden, NJ 07036 Bid Bond Attached	\$898,140.51
3.	B & H Contracting Inc Folsom, NJ 08037 Bid Bond Attached	\$715,900.00
4.	Quad Construction Co. Lumberton, NJ Bid Bond Attached	\$897,000.00
5.	T & T Commonwealth Const., Co., Inc. Jackson, NJ 08527 Bid Bond Attached	\$813,970.00
6.	WECO Construction, Inc. Egg Harbor Twp., NJ 08234 Bid Bond Attached	\$988,371.00

Report Submitted By: Sandra M. Biagi, RMC/CMC, City Clerk/Administrator

Mayor Kelly moved, seconded by Cmr Piatt the Report be received and filed.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

INTRODUCTION OF ORDINANCE 2010-18

ORDINANCE OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR WATER SEWER UTILITY IMPROVEMENTS AND REAPPROPRIATING SUCH UNFUNDED APPROPRIATION BALANCES FOR OTHER WATER SEWER UTILITY PROJECTS

Cmr Piatt moved, seconded by Cmr Weintrob that Ordinance 2010-18 be introduced.

Roll Call Vote:

Yeas: Commissioners Piatt and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-16

ORDINANCE AMENDING BOND ORDINANCE 2009-14 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Cmr Piatt moved, seconded by Cmr Weintrob that Ordinance 2010-16 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

FINAL READING & ADOPTION OF ORDINANCE 2010-17

ORDINANCE AMENDING BOND ORDINANCE 2009-15 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Cmr Weintrob moved, seconded by Cmr Piatt that Ordinance 2010-17 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

NEW BUSINESS

CONSENT AGENDA - BEFORE ADOPTION

Mayor Kelly asked if there were questions on Resolutions No 143 thru 177 of 2010 before they were voted by Consent.

Solicitor Maguire offered his understanding that based upon last week's conversation, Resolution No 144 awards the (West Canal Pump Station) contract to the lowest responsible bidder – which would basically allow the bidder who had made a mistake, to not go forward with the project as it was explained before. For purpose of elucidation, the Mayor stated this contract was being awarded to the second bidder. The Solicitor & City Clerk affirmed that to be the intent of the Resolution.

There being no one further wishing to be heard, Cmr Piatt moved, seconded by Mayor Kelly that Resolutions No 143 thru 177 of 2010 be adopted by consent.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 143 OF 2010 – AUTHORIZING EMERGENCY APPROPRIATION OF FUNDS, EMERGENCY WATER MAIN REPAIR AT DORSET & WELLINGTON AVES

WHEREAS, on October 27, 28 and 29, 2010 a water emergency occurred requiring the immediate repair of the Water Main at Dorset and Wellington Avenues; and

WHEREAS, due to the depth of the work required and the large amount of buried utilities in the area, it was necessary to engage the services of a Utility company to safely perform such repair.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that WECO Construction Co. is herein and hereby authorized to perform the emergency water main repair at Dorset and Wellington Avenues.

BE IT FURTHER RESOLVED that said emergency repair shall not exceed \$12,527.29

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 143 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 144 OF 2010 - AWARD OF CONTRACT, WEST CANAL PUMP STATION TO B&H CONTRACTING INC

WHEREAS, the Municipal Clerk of the City of Ventnor City received bids in her Office on Tuesday, November 30, 2010 at 11:00 AM, for the "SANITARY SEWER PUMP STATION AT WEST CANAL, CITY OF VENTNOR CITY, NEW JERSEY"; and

WHEREAS, the Municipal Engineer has reviewed same, and herewith recommends an award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it

December 16, 2010

hereinafter award the Contract for "SANITARY SEWER PUMP STATION AT WEST CANAL, CITY OF VENTNOR CITY, NEW JERSEY"; to B & H Contracting Inc., 1022 Black Horse Pike, Folsom, New Jersey, 08037, for their Total Amount Bid of \$715,900.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 144 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 145 OF 2010 – TAX REFUNDS, OVERPAYMENTS

WHEREAS, the 2010 tax on Block 157, Lot 17 C0303 assessed to John A Deal & Beverly Jacoby and known as Derby & Calvert Aves, Ventnor, NJ was overpaid in the amount of \$597.33 due to duplicate payments by the title company and the mortgage company; and

WHEREAS, Infinity Title has requested the overpayment be refunded to them at 33 East Main St, Unit 2, Moorestown, NJ 08057; and

WHEREAS, the 2010 tax on Block 164, Lot 9 assessed to Carl A Erlandson, Jr. and known as 209 N Sacramento Ave, Ventnor, NJ was overpaid in the amount of \$1,308.85 due to the mortgage company and the title company paying; and

WHEREAS, Lloyds & Handson Title Agency, LLC has requested a refund in the above amount sent to them at 5213 Atlantic Ave, Ventnor, NJ; and

WHEREAS, the 2010 tax on Block 126, Lot 16 known as 22 N Buffalo Ave, Ventnor, NJ and assessed to Michael R & Carol M Brown was overpaid in the amount of \$1,250.39 due to duplicate payments by the mortgage company and the title company; and

WHEREAS, Foundation Title, LLC, 1555 Zion Road, Northfield, NJ 08225 has requested a refund in the above amount sent to them; and

WHEREAS, the 2010 tax on Block 42, Lot 9 known as 110 S Swarthmore Ave, Ventnor, NJ and assessed to Betty Simon, Trustee, LLC was overpaid in the amount of \$2,231.25 due to duplicate payments; and

WHEREAS, Betty Simon, Trustee, LLC has requested a refund in the above amount sent to Herman & Marsha Zell, PO Box 3232, Margate, NJ 08402; and

WHEREAS, the 2010 tax on Block 159, Lot 1 C0611 assessed to Susan E Barrett and known as 6101 Monmouth Ave, Unit #611 was overpaid in the amount of \$1,252.63 due to duplicate payments by the homeowner and the mortgage company; and

WHEREAS, Ms Barrett has requested a refund sent to her at 443 Crescent Ave, Moorestown, NJ 08057; and

WHEREAS, the 2011 tax on Block 177, Lot 3 assessed to Thomas Markowski, III and known as 105 N Buffalo Ave, Ventnor, NJ was overpaid in the amount of \$1,722.97 due to the mortgage company and the title company paying; and

WHEREAS, Group 21 Title Agency has requested that a refund in the above amount be sent directly to Thomas Markowski, III at 105 N Buffalo Ave, Ventnor, NJ 08406; and

WHEREAS, the 2010 tax on Block 150, Lot 7 known as 5702 Edgewater Ave, Ventnor, NJ and assessed to Dante A & Eleonora G. Vespertino was overpaid in the amount of \$1,346.34 due to a duplicate payment by the homeowner and the mortgage company; and

WHEREAS, Mr. & Mrs. Vespertino have requested a refund sent to them at the above address in the amount of \$1,346.34.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue refund checks as state above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 145 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 146 OF 2010 – WATER/SEWER REFUNDS, OVERPAYMENTS

WHEREAS, the 2010 water/sewer on Block 54, Lot 1, Account #1616-0, known as 5205 Atlantic Ave, Ventnor, NJ and assessed to Gregory Sykora, LLC was overpaid in the amount of \$125.00 due to a deconversion ; and

WHEREAS, Gregory Sykora, LLC, PO Box 366, Somers Point, NJ 08244 has requested a refund of \$125.00 sent to them.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of the City of Ventnor City is authorized to issue a refund check as stated above.

BE IT FURTHER RESOLVED that the Tax Collector of the City of Ventnor City and the Chief Financial Officer are authorized to mark their books and records accordingly.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 146 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 147 OF 2010 – TRANSFER OF FUNDS FROM 1 BUDGET LINE ITEM TO ANOTHER LINE ITEM

BE IT RESOLVED that the following appropriation transfers are hereby authorized

	ACCT #	FROM	TO
CITY CLERK			
OTHER EXPENSES	20-120-020	\$15,000.00	
CODIFICATION OF ORDINANCES	20-120-320	\$1,500.00	
AUDITOR			
OTHER EXPENSES	20-131-020		\$10,000.00
LEGAL SERVICES			
OTHER EXPENSES	20-155-020		\$14,500.00
PLANNING BOARD			
SALARIES & WAGES	21-180-010	\$400.00	
CONSTRUCTION CODE			
OTHER EXPENSES	22-195-020	\$2,000.00	
HOUSING CODE			
OTHER EXPENSES	22-196-020	\$2,000.00	
POLICE			
SALARIES & WAGES	25-240-011		\$28,000.00
COMMUNICATIONS			
OTHER EXPENSES	25-250-020		\$403.00
EMERGENCY MANAGEMENT			
OTHER EXPENSES	25-252-020	\$2,400.00	
FIRE DEPARTMENT			
SALARIES & WAGES	25-255-011		\$96,000.00
STREETS & ROADS			
SALARIES & WAGES	26-290-011	\$10,000.00	
BUILDINGS & GROUNDS			
OTHER EXPENSES	26-310-020	\$23,600.00	
RECREATION			
SALARIES & WAGES	26-370-010		\$500.00
OTHER EXPENSES	28-370-020	\$30,000.00	
BEACH PATROL			
SALARIES & WAGES	28-380-010	\$2,900.00	
BEACH CONTROL			
SALARIES & WAGES	28-381-010	\$4,100.00	
ELECTRIC	31-430-000	\$30,000.00	
TELEPHONE	31-440-000		\$5,000.00
GASOLNE	31-460-000		\$7,396.00
NATURAL GAS	31-446-000		
SOCIAL SECURITY SYSTEM	36-472-000	\$61,600.00	
MEDICARE INSURANCE	36-476-000	\$8,000.00	
DEFINED CONTRIBUTION RETIREMENT	36-478-000	\$7,400.00	
MUNICIPAL COURT			
SALARIES & WAGES	43-490-010	\$16,000.00	
INTEREST ON BONDS	45-930-000		\$1.00
INTEREST ON BAN	45-935-000		\$55,100.00
		\$216,900.00	\$216,900.00

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 147 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 148 OF 2010 – CANCELLING UNEXPENDED BALANCE OF 2010 BUDGET APPROPRIATIONS PURSUANT TO NJSA 40A: 4-60 (RECREATION TRUST FUND)

WHEREAS, NJSA 40A:4-60 provides for the governing body to cancel unexpended budget appropriations prior to the end of the fiscal year, and

WHEREAS, the Board of Commissioners of the City of Ventnor City has identified appropriations in the 2009 budget that it intends to cancel.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City, that the following unexpended balances of 2009 budget appropriations be canceled to the credit of Fund Balance:

Operations – within “CAPS”	
Recreation	
Other Expenses	\$36,534.65

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to record the effects of this resolution on the financial accounts of the City.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 148 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 149 OF 2010 - AUTHORIZE AXA EQUITABLE TO ADMINISTER DEFERRED COMPENSATION PLAN

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the City of Ventnor City (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a DEFERRED COMPENSATION PLAN and Service Agreement;

WHEREAS, the Employer made written requests for proposals from two or more approved contractors, including AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable), and The Hartford Group, for the administration of the investments of funds under a DEFFERED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule NJAC 5:37;

WHEREAS, the following contractors submitted written proposals: AXA Equitable; and The Hartford Group.

WHEREAS, Chief Finance Officer reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was determined that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants;

NOW, THEREFORE BE IT RESOLVED by: Board of Commissioners of the City of Ventnor City that (a) Effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by AXA Equitable and assigned the plan identifier: 66-PD-Equitable-053107 by the New Jersey Division of Local Government Services, is hereby adopted and signed by the Employer.

It is hereby acknowledge that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

(b) The Chief Finance Officer is authorized to execute the Service Agreement (bearing the identifier: 78-SA-Equitable-100410 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to NJAC Section 5:37-5.7.

(c) The City Administrator is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

A certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 149 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 150 OF 2010 – 2011 COMMISSION MEETING/WORKSHOP SESSION SCHEDULE

Pursuant to the Open Public Meetings Act, the following is the proposed 2011 Schedule of Meetings of the Ventnor City Board of Commissioners, which schedule shall be posted and distributed according to law:

2011

Thursday	Jan	13	7:00 PM	Workshop Session	Commission Chambers
Thursday	Jan	20	7:00 PM	Public Meeting	Commission Chambers
Thursday	Feb	10	7:00 PM	Workshop Session	Commission Chambers
Thursday	Feb	17	7:00 PM	Public Meeting	Commission Chambers
Thursday	Mar	10	7:00 PM	Workshop Session	Commission Chambers
Thursday	Mar	17	7:00 PM	Public Meeting	Commission Chambers
Thursday	Apr	14	7:00 PM	Workshop Session	Commission Chambers
Thursday	Apr	21	7:00 PM	Public Meeting	Commission Chambers
Thursday	May	12	7:00 PM	Workshop Session	Commission Chambers
Thursday	May	19	7:00 PM	Public Meeting	Commission Chambers
Thursday	June	09	7:00 PM	Workshop Session	Commission Chambers
Thursday	June	16	7:00 PM	Public Meeting	Commission Chambers
Thursday	July	14	7:00 PM	Workshop Session	Commission Chambers
Thursday	July	21	7:00 PM	Public Meeting	Commission Chambers
Thursday	Aug	11	7:00 PM	Workshop Session	Commission Chambers
Thursday	Aug	18	7:00 PM	Public Meeting	Commission Chambers
Thursday	Sept	08	7:00 PM	Workshop Session	Commission Chambers
Thursday	Sept	15	7:00 PM	Public Meeting	Commission Chambers
Thursday	Oct	13	7:00 PM	Workshop Session	Commission Chambers
Thursday	Oct	20	7:00 PM	Public Meeting	Commission Chambers
Thursday	Nov	10	7:00 PM	Workshop Session	Commission Chambers
Thursday	Nov	17	7:00 PM	Public Meeting	Commission Chambers
Thursday	Dec	08	7:00 PM	Workshop Session	Commission Chambers
Thursday	Dec	15	7:00 PM	Public Meeting	Commission Chambers

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 150 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 151 OF 2010 – ADOPT 2011 TEMPORARY BUDGET

CURRENT FUND		
GENERAL GOVERNMENT FUNCTIONS	FCOA	
Mayor's Office		
Salaries and Wages	20-110-010	15,430.00
Other Expenses	20-110-020	4,000.00
Police		
Salaries and Wages	25-240-010	871,190.00
Other Expenses	25-240-020	26,380.00
Fire Department		
Salaries and Wages	25-255-010	1,012,750.00
Other Expenses	25-255-020	22,700.00
Uniform Fire Safety		
Other Expenses	25-265-020	1,560.00
Radio & Communication		
Salaries and Wages	25-250-010	116,190.00
Other Expenses	25-250-020	6,530.00
City Administrator		
Salaries and Wages	20-100-010	3,940.00
Office of Emergency Management		
Salaries and Wages	25-252-010	21,720.00
Other Expenses	25-252-020	2,730.00
Dog Control	27-340-020	2,100.00
Electrical Division		
Salaries and Wages	26-300-010	30,770.00
Other Expenses	26-300-020	5,160.00
Celebration of Public Events	30-420-299	
Zoning Commission		
Salaries and Wages	21-185-010	800.00
Other Expenses	21-185-020	4,000.00
Beach Patrol		
Salaries and Wages	28-380-010	105,500.00
Other Expenses	28-380-020	5,000.00

Beach Control		
Salaries and Wages	28-381-010	0.00
Other Expenses	28-381-020	5,000.00
Public Works Commissioner		
Salaries and Wages	20-114-010	2,700.00
Other Expenses	20-114-020	0.00
Streets & Roads		
Salaries and Wages	26-290-010	105,000.00
Other Expenses	26-290-020	13,600.00
Motor Vehicle Maintenance		
Salaries and Wages	26-315-010	64,000.00
Other Expenses	26-315-020	12,600.00
Building & Grounds		
Salaries and Wages	26-310-010	44,000.00
Other Expenses	26-310-020	41,500.00
Beach & Boardwalk	26-310-303	0.00
Recreation		
Salaries and Wages	28-370-010	43,000.00
Other Expenses	28-370-020	45,000.00
City Engineer		
Salaries and Wages	20-165-010	0.00
Other Expenses	20-165-020	8,000.00
Solid Waste/Recycling		
Salaries and Wages	26-305-010	10,000.00
Other Expenses	26-305-020	300,000.00
Finance Commissioner		
Salaries and Wages	20-112-010	2,700.00
Other Expenses	20-112-020	0.00
Legal Services Costs		
Salaries and Wages	20-155-010	0.00
Other Expenses	20-155-020	54,500.00
City Clerk		
Salaries and Wages	20-120-010	20,000.00
Other Expenses	20-120-020	11,800.00
Revision/Codification of Ordinances	20-120-300	2,300.00
Election Expenses	20-120-400	2,200.00
Auditing Fees	20-131-020	13,000.00
Planning Board		
Salaries and Wages	20-180-010	700.00
Other Expenses	21-180-020	2,200.00
Financial Management		
Salaries and Wages	20-130-010	65,000.00
Other Expenses	20-130-020	14,500.00
Assessment of Taxes		
Salaries and Wages	20-150-010	20,000.00
Other Expenses	20-150-020	3,800.00
Collection of Taxes		
Salaries and Wages	20-145-010	21,000.00
Other Expenses	20-145-020	3,600.00
Information Technology		
Salaries and Wages	20-140-010	11,400.00
Other Expenses	20-140-020	10,000.00
Municipal Court		
Salaries and Wages	43-490-010	48,000.00
Other Expenses	43-490-020	2,000.00
Prosecutor		
Salaries and Wages	43-492-010	8,200.00
Public Defender		
Salaries and Wages	43-495-010	2,400.00
INSURANCE		
Other Insurance Premiums	23-211-000	66,000.00
Worker Compensation Insurance	23-215-000	200,000.00
Health Insurance	23-220-000	570,000.00
Construction Code		

Salaries and Wages	22-195-010	62,000.00
Other Expenses	22-195-020	1,000.00
Housing Code		
Salaries and Wages	22-196-010	16,000.00
Other Expenses	22-196-020	1,000.00
Electrical & Plumbing Inspections		
Salaries and Wages	22-197-010	2,300.00
Other Expenses	22-197-020	0.00
Utility Expenses		
Gasoline	31-460-000	23,700.00
Electricity	31-430-000	147,000.00
Telephone	31-440-000	15,000.00
Natural Gas	31-446-000	30,000.00
STATUTORY EXPENDITURES		
Contribution to:		
Unemployment	36-473-000	31,500.00
Social Security System (O.A.S.I.)	36-472-000	60,375.00
Consolidated P&FRS	36-474-000	2,000.00
Medicare Insurance	36-476-000	36,750.00
Lifeguard Pension Fund	36-477-000	
Police & Firemens Retirement System NJ	36-475-000	400,000.00
Public Employees Retirement System of NJ	36-471-000	85,000.00
Defined Contribution Retirement Plan	36-480-000	2,100.00
Interlocal Municipal Service Agreements		
Borough of Longport-UCC		
Salaries & Wages	22-198-010	8,500.00
Other Expense	22-198-020	1,300.00
Borough of Longport-Engineering		
Salaries & Wages	22-165-010	0.00
Other Expense	22-165-020	0.00
CAPITAL IMPROVEMENTS		
Capital Improvement Fund	44-901-000	150,000.00
MUNICIPAL DEBT SERVICE		
Bond Principal - General	45-920-000	1,055,000.00
Bonds Interest - General	45-930-000	212,000.00
Bond Principal - School	48-920-000	1,020,000.00
Bond Interest - School	48-930-000	397,000.00
Interest on BAN	45-935-000	0.00
Green Trust Loan	45-940-000	31,000.00
		\$ 7,898,675.00
WATER/SEWER UTILITY FUND		
WATER/SEWER UTILITY FUND	FCOA	
Operating		
Salaries and Wages	55-501-010	\$267,000.00
Other Expenses	55-502-020	\$300,000.00
ACUA Sewer Shared Costs	55-502-300	\$400,000.00
STATUTORY EXPENDITURES		
Contribution to:		
Unemployment	55-542-000	265.00
Social Security System (O.A.S.I.)	55-541-000	20,000.00
CAPITAL IMPROVEMENTS		
Capital Improvement Fund	55-512-000	75,000.00
MUNICIPAL DEBT SERVICE		
Bond Principal	55-520-000	155,000.00
Interest on Notes	55-522-000	19,745.00
Interest on Bonds	55-523-000	23,025.00
		\$1,260,035.00

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 151 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 152 OF 2010 – DESIGNATION OF BANK DEPOSITORIES

WHEREAS, the City of Ventnor City is desirous of designating certain local banks as depositories for City funds for the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the following banks are sod designated:

1. Wachovia
2. Cape Savings Bank
3. Ocean City Home Bank
4. TD Bank
5. Sun National Bank
6. Boardwalk Bank
7. Bank of America
8. PNC Bank
9. Sovereign Bank
10. Susquehanna Patriot Bank
11. NJ Asset & Rebate Management Program

BE IT FURTHER RESOLVED by the Board of Commissioners of the City of Ventnor City that a copy of this Resolution be forthwith filed with the Chief Financial Officer of the City of Ventnor City.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 152 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 153 OF 2010 – EMPLOYEE BONDS

WHEREAS, in accordance with NJSA 40A:5-34 and NJSA 40A:5-34.1, it is necessary for public officials to provide performance bonds for the faithful performance of their services for all years while employed for a municipality; and

WHEREAS, it is the direction of the Board of Commissioners that said faithful performance bonds be supplied for the year 2011 by said public officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Chief Financial Officer of said City of Ventnor City provide a performance bond for faithful service to said City in an amount that shall be acceptable to the Board of Commissioners, as well as a Surety that shall be acceptable to the Board of Commissioners as set forth in NJSA 40A:5-34.

BE IT FURTHER RESOLVED that the Tax Collector of said City provide a performance bond for faithful service to said City in an amount that shall be acceptable to the Board of Commissioners, as well as a Surety that shall be acceptable to the Board of Commissioners as set forth in NJSA 40A:5-34.

BE IT FURTHER RESOLVED that the Municipal Court Administrator, Deputy Court Administrator and Personnel employed in said City Court system shall provide a blanket bond in accordance with NJSA 40A:5-34.1 for an amount not less than \$15,000 per position.

BE IT FURTHER RESOLVED that all other officers and employees of the City of Ventnor City shall supply a blanket bond in an amount not less than \$50,000 per position in accordance with NJSA 40A:5-34.1.

BE IT FURTHER RESOLVED that all such bonds as hereinbefore mentioned shall be approved as to amount, surety and sufficiency by the Board of Commissioners of the City of Ventnor City with the advice from the City Auditor and the City Solicitor.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 153 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 154 OF 2010 - ADOPTION OF 2011 CASH MANAGEMENT PLAN

BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the Cash Management Plan for the City of Ventnor City, as outlined in the attached document, is adopted for the 2011 fiscal year.

Cash Management Plan of Ventnor City in the County of Atlantic

I STATEMENT OF PURPOSE

This Cash Management Plan (CMP) is prepared pursuant to provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits and investments of public funds of the City of Ventnor. The CMP is intended to assure that public funds identified herein are deposited in interest bearing accounts or otherwise safeguarded, in permitted investments to insure safety, liquidity and a maximum investment rate of return. The CMP is intended to insure that the any deposits and permitted investments mature within the time period that approximates the prospective need for the funds, deposited or invested so that there is a risk to the market value of Ventnor cash resources.

II CASH MANAGEMENT POLICY

A. Objectives: The priority of investing policies shall be, in order of descending importance, security, liquidity, and yield.

- (1) Security: The safety of principal is the foremost objective of the Cash Management Plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate.
- (1) Credit Risk: Credit risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:
 - (1) Limiting investments to the safest types of securities.
 - (2) Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which an entity will do business.
 - (3) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- (2) Interest Rate Risk: Interest rate risk is the risk that the market value of the securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:
 - (1) Structuring the investment portfolio so that securities mature to meet cash requirement for ongoing operations thereby avoiding the need to sell securities on the open market prior to maturity, and
 - (2) By investing operating funds primarily in shorter-term securities.
- (3) Liquidity: The investment portfolio must remain sufficiently liquid so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).
- (4) Yield: The investment must be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objective described above. The core of investments are limited to relative low risk securities in anticipation of earning a fair return relative to the risk being assumed. The Chief Financial Officer shall carefully evaluate any investment offering above market yields. Securities shall not be sold prior to maturity with the following exceptions:
 - (1) A declining credit security could be sold early to minimize the loss of principal.
 - (2) A security swap would improve the quality, yield, or target duration in the portfolio.
 - (3) Liquidity needs of the local unit require that the security be sold

B Standards of Care

- (1) **Prudence**
 The standard of prudence to be used by investment officials shall be the Aprudent person@ standard and shall be applied in the context of managing an overall portfolio in accordance with the State Law and this policy. The Chief Financial Officer, acting in accordance with written procedures and this cash management plan and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or marked price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of the cash management plan and policy.

Investment shall be made with the judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- (2) **Ethics and Conflicts of Interest**
 The designated officials in the investment process shall not have personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Actions of individuals involved in administering the cash management plan shall be governed by the Local Government Ethics Law. They shall disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. The action with the same individual with whom business is conducted on behalf of the City.
- (3) **Delegation of Authority**
 Authority to manage the cash management plan is granted to the Chief Financial Officer pursuant to N.J.S.A. 40A:5-14. Responsibility for the operation of the cash management plan is hereby delegated to the Chief Financial Officer. No person may engage in an investment transaction except as provided under the terms of the policy and the written procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

III IDENTIFIED FUNDS AND ACCOUNTS TO BE COVERED BY THIS PLAN

The CMP is intended to cover the deposit and or investment of the following funds and of the City of Ventnor.

Current Fund

Dog License Trust
 Assessment Trust Fund
 Water/Sewer Utility Operating Fund
 Water/Sewer Utility Capital Fund
 Developer=s Escrow
 Lifeguard Pension
 Other Trust Fund
 Capital Fund
 Unemployment Trust Fund

IV DESIGNATION OF CITY OF VENTNOR OFFICIALS AUTHORIZED TO MAKE INVESTMENTS UNDER THE PLAN.

The Chief Financial Officer is required to supervise deposits and investments of the City of Ventnor. If the Chief Financial Officer is unavailable he/she may designate the employees under CFO's supervision have the ability to transfer and invest funds in only the allowed types of investments as permitted in the CMP. Prior to making any such deposits or any permitted investment such officials of the City of Ventnor are directed to supply all depositories or any other parties with whom the Deposits or permitted investments are made a written copy of such of this CMP which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

V DESIGNATION OF DEPOSITORIES.

The following banks and financial institutions are hereby designated as official depositories for the deposit of all public funds referred to in the CMP, including certificates of deposit which are not otherwise invested in permitted for in the CMP.

Wachovia
 Cape Savings Bank
 Ocean City Home Bank
 TD Bank
 Sun National Bank
 Boardwalk Bank
 Bank of America
 PNC Bank
 Sovereign Bank
 Susquehanna Patriot Bank
 NJ Asset & Rebate Management Program

Also for the purpose of investing, any other institution presenting a GUDPA Certificate may be used. All such depositories shall acknowledge in writing receipt of this CMP by sending a copy of such acknowledgment to the designated officials referred.

VI DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

In the event that the Chief Financial Officer deems it advantageous to utilize the services of Brokerage Firms and Dealers, this CMP will be amended to specify designees.

VII AUTHORIZED INVESTMENT.

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by the CMP, to the extent not otherwise held in deposits, in the following permitted investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.
- (2) Government money market mutual funds.
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.
- (4) Bond or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part of within which the school district is located.
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
- (6) Local government investment pools.
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section I of P.L. 1977, c. 281 (C.52:18A-90.4); or
- (8) Agreement for the repurchase of fully collateralized securities if
 - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section I of P.L. 1970. C.236(C.17:9-41); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

For the purpose of the above language, the terms Agovernment money market mutual fund@ and Alocal government investment pool@ shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940" 15 U.S.C. sec 80a-1 et seq, and operated in accordance with 17 C.F.R. sec 270.2a-7
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270. 2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) which has:
 - (1) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (2) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940" 15 U.S.C. sec 80B-1 et seq., with experience investing in US Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

- (a) Which is managed in accordance with 17 C.F.R. sec. 270.2a-7
- (b) Which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. Sec. 270k.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act" P.L. 1968, c.41 0(c.52:14B-1 et seq) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- (e) Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 to P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in Capital stock (or equivalent capitalization if not a corporation) surplus reserves for contingencies and undivided profits, or through a securities and reports daily to the Federal Reserve Bank of New York its position in the borrowing on such U.S. Government securities.

VIII **SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN**

To the extent that any Deposit or Permitted Investment involves a document or security by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the City to assure that there is not unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the City or by third party custodian prior to or upon the release of the City's Funds.

To assure that all parties with whom the City deals with by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this CMP, all such parties shall be supplied with a copy of this CMP in writing and all such parties shall acknowledge the receipt of the CMP in writing, a copy of which shall be on file with the Designated Officials.

IX **REPORTING REQUIREMENTS:**

On the first day of each month during which this CMP is in effect, the Designated Officials referred to in Section IV hereof shall supply to the governing body of the City a written report of any Deposits or Permitted Investment made pursuant to this CMP, which shall include, at a minimum, the following information:

- (a) The name of any institution holding funds of the City as Deposit of a Permitted Investment.
- (b) The amount of securities or Deposits purchased or sold during the immediately preceding month.
- (c) The class or type of securities purchased or Deposits made.

- (d) The book value of such Deposits or Permitted Investments.
- (e) The earned income on such Deposits or Permitted Investments to the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- (f) The fees incurred to undertake such Deposits or Permitted Investments.
- (g) The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month
- (h) All other information which may be deemed reasonable from time to time by the governing body of the City.

X

TERM OF PLAN:

This CMP shall be in effect from January 1, 2011 to December 31, 2011. Attached to this CMP is a resolution of the governing body of the City approving this CMP is a resolution of the governing body of the City approving this CMP for such period of time. The CMP may be amended from time to time. To the extent that any amendment is adopted by the Board of Commissioners, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved CMP, which amendment shall be acknowledged in writing in the same manner as the original CMP was so acknowledged.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 154 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 155 OF 2010 – REAPPOINT JIF RISK MANAGEMENT CONSULTANT GUNNISON

WHEREAS, the City of Ventnor City is a member of the Atlantic County Municipal Joint Insurance Fund, a self insurance pooling fund; and

WHEREAS, the Bylaws of said Fund require that each Municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Bylaws indicate a fee not to exceed six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the governing body; and

WHEREAS, CJ Adams Company/Stanley H. Gunnison has offered to perform the services required as Risk Management Consultant for a fee of three (3%) percent of the municipal assessment; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereby appoints the CJ Adams Company/Stanley H. Gunnison as its Risk Management Consultant in accordance with NJSA 40A:11-5.

BE IT FURTHER RESOLVED BE IT FURTHER RESOLVED that the Governing Body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of the decision to be published according to NJSA 40A:11-5(1),(a),(i).

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 155 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 156 OF 2010 – REAPPOINT SOLICITOR MAGUIRE

WHEREAS, by Resolution No. 150 of 2008, Timothy P. Maguire, Esq. was appointed as Solicitor for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing Timothy P. Maguire, Esq. to serve as City Solicitor for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Timothy P. Maguire, Esq. is herein and hereby reappointed Solicitor of the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 156 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 157 OF 2010 – REAPPOINT AUDITOR MOORE

WHEREAS, there exists a need for auditing services for the preparation and submission of the Statutory Municipal Audit of the City of Ventnor City for the year 2010, the preparation of the financial statement for 2010, and assistance in the preparation of the 2011 Municipal Budget; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Kenneth W. Moore of Swartz & Co.,LLC is hereby appointed auditor for the City of Ventnor City for the fiscal year 2011 and the said Kenneth W. Moore is hereby authorized and empowered to perform all services necessary for the preparation and submission of said audit and the necessary 2010 Annual Financial Statement to accompany the 2011 Budget.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 157 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 158 OF 2010 – REAPPOINT PUBLIC DEFENDER STEINER

WHEREAS, JERRY STEINER, ESQ. is presently serving in the position of Public Defender for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing JERRY STEINER, ESQ. to serve as Public Defender for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that JERRY STEINER, ESQ. is herein and hereby appointed Public Defender for the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 158 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 159 OF 2010 - REAPPOINT CITY ENGINEER DORAN

WHEREAS, by Resolution No. 34 of 2010, Matthew F. Doran, P.E. was appointed as Engineer for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing Matthew F. Doran, P.E. to serve as City Engineer for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Matthew F. Doran, P.E. is herein and hereby reappointed Engineer of the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 159 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 160 OF 2010 – REAPPOINT PROSECUTOR MOSCA

WHEREAS, Michael Mosca, Esq. is presently serving in the position of Municipal Prosecutor for the City of Ventnor City; and

WHEREAS, the Ventnor City Board of Commissioners is desirous of reappointing Michael Mosca, Esq. to serve as Municipal Prosecutor for a one year term beginning January 1, 2011; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:5-11 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Ventnor City Board of Commissioners as follows:

The Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the law permits the waiving of competitive bids under NJSA 40A:5-11.

BE IT FURTHER RESOLVED that Michael Mosca, Esq. is herein and hereby appointed Prosecutor for the City of Ventnor City for a one year term effective January 1, 2011.

BE IT FURTHER RESOLVED that a notice of this appointment be published at least once in the Press pursuant to the requirements of Chapter 198 of the laws of 1971.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 160 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 161 OF 2010 – RETIREMENT OF SANDRA M BIAGI AS CITY CLERK

WHEREAS, SANDRA M. BIAGI began employment with the City of Ventnor City on August 21, 1967 as Secretary to Mayor Phillip B. Robinson, and

WHEREAS, by Resolution No. 104 of 1973, SANDRA M. BIAGI was appointed to the position of City Clerk of the City of Ventnor City, effective January 1, 1974. She became tenure and was certified by the State of New Jersey, Department of Community Affairs as a Registered Municipal Clerk & received from the International Institute of Municipal Clerks the title of Certified Municipal Clerk; and has continually served in that that capacity; and

WHEREAS, SANDRA M. BIAGI and has continually served in that that capacity; and

WHEREAS, on January 1, 2011, SANDRA M. BIAGI will retire from her position of City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that the retirement of SANDRA M. BIAGI shall be effective January 1, 2011.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 161 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 162 OF 2010 – APPOINTMENT OF JANICE K. CALLAGHAN AS CITY CLERK

WHEREAS, SANDRA M. BIAGI, City Clerk, will retire from office on January 1, 2011; and

WHEREAS, the City desires to fill the vacancy caused by said retirement to endure smooth and efficient operation of City government.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that JANICE K. CALLAGHAN is hereby appointed as City Clerk of Ventnor City for a three year term effective January 1, 2011.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 162 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 163 OF 2010 – APPROVING APPLICATION FOR PARTICIPATION WITH THE NJ DIVISION OF ABC ENFORCING THE UNDERAGE DRINKING LAWS GRANT PROGRAM

WHEREAS, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws;

WHEREAS, the *City of Ventnor City Police Department* wishes to apply to the ABC for funds in connection with a project entitled *The City of Ventnor City Police Department EUDL Initiative*; and

WHEREAS, the Mayor and *Board of Commissioners of the City of Ventnor City* have reviewed said application and finds approval thereof to be in the best interests of the *City of Ventnor City*; and

WHEREAS, said project is a joint project between the State of New Jersey (ABC) and *the City of Ventnor City* for the purposes therein described:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of *the City of Ventnor City*

- (1) that as a matter of public policy *the Ventnor City Police Department* wishes to participate with the State of New Jersey (ABC) to the greatest extent possible;
- (2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said application on behalf of the municipality; and
- (3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 163 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 164 OF 2010 - RECONFIRMATION OF SANDRA M. BIAGI AS ADMINISTRATOR

WHEREAS, effective January 1, 2009 SANDRA M. BIAGI was appointed to the position of Ventnor City Municipal Administrator and assumed the additional responsibilities & duties of said position while serving in her capacity as the Ventnor City Municipal Clerk; and

WHEREAS, the Ventnor City Board of Commissioners wishes to reappoint SANDRA M. BIAGI to the position of Municipal Administrator effective January 1, 2011.

NOW BE IT RESOLVED BY THE VENTNOR CITY BOARD OF COMMISSIONERS that SANDRA M. BIAGI is herein and hereby reappointed to the position of Municipal Administrator of the City of Ventnor City, effective January 1, 2011, and reconfirms her initial appointment as of January 1, 2009.

This Resolution shall be effective immediately upon adoption.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 164 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 165 OF 2010 – AUTHORIZE CO #1, CLEANING & VIDEOTAPING OF SANITARY SEWER & STORM DRAINAGE SYSTEM

WHEREAS, the City of Ventnor City did award a contract for “2009 Cleaning and Videotaping of Sanitary Sewer and Storm Drainage Systems in the City of Ventnor City” and did enter into a contract with Tri-State Grouting, L.L.C. in the amount of \$202,850.00; and

WHEREAS, it has been determined that heavy duty cleaning of the sanitary sewer main is required throughout the City of Ventnor City. Therefore, the contract is to be amended to include a sanitary sewer main heavy duty cleaning unit price/linear foot for only the 24” diameter sanitary sewer main in Area 1 - Ventnor Heights and prices for sanitary sewer main heavy duty cleaning unit prices/linear foot for sanitary sewer mains 12” diameter or less and 14” to 24” diameter in Area 2 - Island, Area 3 – Island and Area 4 – Island. The unit prices are herein enclosed in Appendix A;

NOW, THEREFORE, BE IT RESOLVED that the Contract for the “2009 Cleaning and Videotaping of Sanitary Sewer and Storm Drainage Systems in the City of Ventnor City” be amended from \$202,850.00 to a Maximum of \$240,000.00; a Maximum Net Increase of \$37,150.00.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 165 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 166 OF 2010 – SUPPORTING LEGISLATION TO REPEAL SICK LEAVE INJURY PROGRAMS AT ALL LEVELS OF GOVERNMENT

Whereas: A recent study by the Municipal Excess Liability Joint Insurance Fund concluded that the cost of employee accident claims against New Jersey municipalities increased 7.7% per year since 2005 and is now \$2,520 per full time employee.

Whereas: Under 18A:30-2.1 and 11A:6-8 Municipalities and Boards of Education are permitted to adopt Sick Leave Injury (SLI) programs that extended for a period up to one year full pay for workers injured in the course of their employment.

Whereas: Recently a similar provision for State workers was repealed.

Whereas: The supposed purpose of this supplement is to make up the difference between the weekly benefit under workers’ compensation and the employee’s regular earnings.

Whereas: Because workers’ compensation is not taxed, employees out on workers’ compensation and SLI have higher after tax incomes while off the job.

Whereas: SLI provides an incentive for employees to resist coming back to work.

Whereas: SLI programs are not commonly offered in the private sector and to governmental employees in other states.

Whereas: SLI costs New Jersey Municipalities approximately \$500 per full time employee per year.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to amend 18A:30-2.1 and 11A:6-8 to eliminate SLI programs at all levels of government so that all New Jersey governmental employees are treated in a similar fashion.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly, that Resolution No 166 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 167 OF 2010 – AWARD CONTRACT FOR TIMBER BULKHEAD AT WINCHESTER AVE BETWEEN AUSTIN & MARION TO KG MARINE CONTRACTING, INC

WHEREAS, the Municipal Engineer of the City of Ventnor City received proposals on Thursday, December 9, 2010 at 12:00 PM, for the “BULKHEAD REPAIRS ALONG WINCHESTER AVENUE BETWEEN AUSTIN AND MARION AVENUES, CITY OF VENTNOR CITY, NEW JERSEY”; and

WHEREAS, the Municipal Engineer has reviewed same, and herewith recommends an award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it hereinafter award the Contract for “BULKHEAD REPAIRS ALONG WINCHESTER AVENUE BETWEEN AUSTIN AND MARION AVENUES”; to K.G. Marine Contracting, Inc., 46 Indian Road, Manahawkin, NJ 08050, for their Total Amount Bid of \$14,187.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 167 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 168 OF 2010 – SUPPORTING S-2404, CAPPING ATTORNEY FEES IN LITIGATION AGAINST PUBLIC ENTITIES

Whereas: Public Officials and Employment practices claims against municipalities have increased dramatically during the past several years

Whereas: According to a ten year closed claim study recently completed by the Municipal Excess Liability Joint Insurance Fund, the cost of employment practices liability claims per employee was \$26 in the year 2000 and increased to \$125 per employee for most of the decade.

Whereas: According to the same study, the cost per employee increased 175% to \$354 per employee in just the past two years.

Whereas: 65% of these claims are for police and the 2011 projected cost of these claims is \$740 per officer.

Whereas: Legal fees historically represent over 70% of the cost of these claims.

Whereas: Provisions in various laws such as LAD and CEPA providing for fee shifting have encouraged attorneys to make unreasonable demands in otherwise minor cases.

Whereas: John Farmer, Dean of the Rutgers Law School and former NJ Attorney General stated: “Even cases with marginal relevance are now being presented by plaintiffs’ counsel as having substantial settlement value.”

Whereas: in a recent case, a NJ court awarded the plaintiff’s attorney a fee of \$450,000 even though the jury awarded his client only \$20,000.

Whereas: The explosion of employment practices cases will continue until reasonable caps are placed on legal fee applications:

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to adopt S-2404 placing a cap on attorney fee awards in fee shifting cases against public entities as follows:

- For awards (compensatory and punitive damages combined) of \$50,000 or less, the maximum fee award should be \$50,000, though a lower fee should be awarded if warranted based on considerations of reasonableness
- For awards over \$50,000, the fee award should not exceed the verdict, though a lower fee should be awarded if warranted based on considerations of reasonableness

December 16, 2010

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 168 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 169 OF 2010 - APPROVAL OF PLANS & SPECS, UPGRADES TO LILY PARK SEWERAGE PUMPING STATION

WHEREAS, the City of Ventnor City has a need to upgrade the Lily Park Pump Station; and

WHEREAS, the City of Ventnor City approves of the plans and specification as prepared by Concord Atlantic Engineers for said upgrades and wishes to request Public Bids for the project:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorizes the Municipal Engineer, Doran Engineering, to publicly bid the project as required.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 169 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 170 OF 2010 – SUPPORT A-3431 TO AMEND TITLE 59 BY GRANTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTENANCE BY ORDINANCE

Whereas: Injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner.

Whereas: in *Lodato v. Evesham*, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance.

Whereas: In the same case, the courts ruled that the municipality, not the homeowner was liable for accidents on defective sidewalks notwithstanding the ordinance.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to adopt A3431 amending Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 170 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 171 OF 2010 – SUPPORT A-3430 TO AMEND TITLE 59 BY STRENGTHENING WEATHER IMMUNITY

Whereas: under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks.

Whereas: despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factor contributed to the accident, the immunity didn't apply because the accident was not "solely" caused by weather.

Whereas: Municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to adopt A-3430 amending Title 59 as follows:

1. Changing the word "solely" to "primarily, and
2. Extending this provision to all public property including storm water and waste systems, dams, rivers and streams.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 171 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 172 OF 2010 – SUPPORTING S-2333 & A-3432 TO AMEND TITLE 59 TO PROVIDE IMMUNITIES FOR BEACHES, BOARDWALKS AND SIMILAR PROPERTY

Whereas: under the provisions of Title 59 public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach.

Whereas: despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean.

Whereas: S–2333 would provide that public entities are immune for these accidents regardless of the circumstances under which they occur.

Whereas: Public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks.

Whereas: S–2333 provides that a public entity would be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VENTNOR CITY THAT: the legislature is urged to amend S-2333 and A-3432 to include piers, wharves, docks and similar public properties and adopt the amended bill.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 172 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 173 OF 2010 – APPROVAL OF PLANS & SPECS, DEMOLISH ABANDONED PUMP STATION & RELOCATION OF FORCE MAIN AT PUBLIC WORKS YARD

WHEREAS, the City of Ventnor City has a need to demolish the abandoned pump station at the Department of Public Works facilities located at Winchester and Cornwall Avenues, Ventnor, New Jersey, and to relocate the existing sanitary sewer force main that enters same.

WHERE AS, the City has received funding from the Community Development Block Grant (CBDG) Program for 2009 and 2010; and

WHEREAS, the City of Ventnor City approves of the preparation of plans and specification for said demolition and relocation and wishes to request Public Bids for the project:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Ventnor City authorizes the Municipal Engineer, Doran Engineering, to prepare plans and specification and to publicly bid the project as required.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 173 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 174 OF 2010 - APPROVAL OF PLANS & SPECS, NEW ELECTRIC SERVICE & MISC. CONTROL UPGRADES AT WELL #7

WHEREAS, the City of Ventnor City has a need to install a new electric service and control panel for Well No. 7 located at Cambridge Avenue and the bay: and

WHEREAS, the City of Ventnor City approves of the preparation of plans and specifications for said new electric service and control panel for Well No. 7 and wishes to request public bids for the project;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the City of Ventnor City authorizes the Municipal Engineer, Doran Engineering, to prepare plans and specifications and to publicly bid the project as required; and

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 174 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 175 OF 2010 – URGING STATE LEGISLATURE & GOVERNOR TO EXEMPT RESERVE FOR UNCOLLECTED TAXES FROM 2%CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the BOARD OF COMMISSIONERS of the CITY OF VENTNOR CITY does herein & hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 175 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 176 OF 2010 – APPROVAL OF PLANS & SPECS, UTILITY TRUCK FOR TRAFFIC MAINT

WHEREAS, the City of Ventnor City is desirous of receiving bids for supplying of (1) Utility Body Vehicle for the Ventnor City Public Works Department; and

WHEREAS, Specifications have been prepared and are on file with the City Clerk of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter approves the aforementioned Specifications.

BE IT FURTHER RESOLVED that it hereinafter authorizes the City Clerk to advertise for bids in the December 20, 2010 issue of the Atlantic City Press, with bids to be received on January 11, 2011 at 2:00PM, prevailing time, in the City Clerk's Office, Room 5, City Hall in the City of Ventnor City, New Jersey.

BE IT FURTHER RESOLVED that the City of Ventnor reserves the right to reject any and all bids.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 176 of 2010 be adopted.

Roll Call Vote:

Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

RESOLUTION NO. 177 OF 2010 – AWARD CONTRACT TO GRAMCO, UPGRADE SOUND SYSTEM IN COMMISSION CHAMBERS

WHEREAS, the City of Ventnor City received proposals to upgrade the sound system in the Ventnor City Commission Chambers; and

WHEREAS, said proposals have been reviewed and the recommendation is to award said contract to Gramco Business Communications.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the Contract for Upgrades to the Sound System in Commission Chambers to Gramco Business Communications, 1149 Bloomfield Ave., Clifton, NJ 07012, for their Total Amount Bid of \$11,697.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds is issued by the Municipal Chief Financial Officer shall be attached hereto.

Cmr Piatt moved, seconded by Mayor Kelly that Resolution No 177 of 2010 be adopted.

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF RAFFLE LICENSE #366 – NJ NURSES ASSOCIATION, REGION 6

Cmr Weintrob moved, seconded by Cmr. Piatt that Raffle License #366 for NJ Nurses Asso Region 6 be approved.
Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

APPROVAL OF BILLS & PAYROLLS

The City Clerk read bills in the amount of \$13,096,463.91 and payrolls from 11/20/10 to 12/03/10 in the amount of \$503,995.77 and payrolls from 12/04/10 to 12/17/10 in the amount of \$425,370.88 for approval.

Cmr Piatt moved, seconded by Cmr. Weintrob, that the bills & payrolls be approved.

Roll Call Vote: Yeas: Commissioner Piatt, Weintrob and Mayor Kelly

ANNOUNCEMENTS

Mayor Kelly announced that this is the last Commission Meeting that Sandra M. Biagi would be conducting as City Clerk as she is retiring from that position. The Mayor presented the following Proclamation:



**COMMENDATION FOR SANDRA M. BIAGI
ON HER RETIREMENT AS MUNICIPAL CLERK
OF THE CITY OF VENTNOR CITY**



WHEREAS, **SANDRA MAE LEEDS BIAGI** is a life-long resident of the City of Ventnor City, and

WHEREAS, **SANDRA M. BIAGI** has dedicated herself to the service of the City of Ventnor City and its citizens, beginning her career in 1967, serving as Secretary to Mayor Phillip Robinson; and

WHEREAS, on January 1, 1974 **SANDRA M. BIAGI** was appointed Municipal Clerk for the City of Ventnor City, a position she has continually and honorably held for the past 36 years; and

WHEREAS, **SANDRA M. BIAGI**, one of the advocates of professionalizing the position of Municipal Clerk in New Jersey, dedicated untold hours working with Rutgers University, the New Jersey Department of Community Affairs and the Municipal Clerks Association of New Jersey in establishing the educational criteria for certification of Municipal Clerks in New Jersey; and

WHEREAS, **SANDRA M. BIAGI** was one of the first Municipal Clerks of New Jersey to earn credentials as a Registered Municipal Clerk as well as earning the title Certified Municipal Clerk from the International Institute of Municipal Clerks; and

WHEREAS, during her tenure as City Clerk, **SANDRA M. BIAGI** has served as President of the Atlantic County Municipal Clerks Association and Atlantic County representative to the Municipal Clerks Association of New Jersey; and

WHEREAS, **SANDRA M. BIAGI'S** expertise and concern for her students as an adjunct professor with Rutgers University as well as serving as mentor to newly appointed clerks within New Jersey has won her the well deserved respect and admiration of her fellow Municipal Clerks; and

WHEREAS, in addition to her duties as City Clerk, on January 1, 2009, **SANDRA M. BIAGI** assumed the additional responsibilities of Ventnor City Municipal Administrator; and

WHEREAS, on January 1, 2011, **SANDRA M. BIAGI** will retire from her official position as City Clerk.

NOW, THEREFORE, BE IT RESOLVED that on behalf of all the citizens of the City of Ventnor City, we, the Ventnor City Board of Commissioners herein and hereby offers our best wishes and sincere thanks and gratitude to **SANDRA MAE LEEDS BIAGI** for her unselfish and dedicated 43 years of service to the City of Ventnor City.

BE IT FURTHER RESOLVED that this Proclamation shall be spread upon the official minutes of the City of Ventnor City and shall be presented to **SANDRA MAE LEEDS BIAGI** as a token of our heartfelt appreciation and admiration.



*Members of the Ventnor City Board of Commissioners
Mayor Theresa D. Kelly
Commissioner John R. Piatt
Commissioner Stephen D. Weintrob*

PUBLIC COMMENTS

RICH BOBB, 4901 Ventnor noted locations of bulky trash left by vacating occupants & unfinished street lining & traffic signage. He reiterated his concern that PW employees be monitored to assure that proper uniform & attire is always worn with prescribed safety gear, ladders, equipment & procedures used on each job. The bucket truck was exemplified. The Mayor & Administrator assured BOBB that they welcomed his phone calls & comments.

RICHARD GOBER, 26 N Hillside thanked City Clerk Sandy Biagi for her years of service & complimented her performance. He reported on the successful meeting he & Peter Mokoover had with the Police Chief & Capt Miller & their enlightenment on hearing the dangers inherent with designated bike paths expressed in police opposition. Also discussed was how to motivate residents to move their cars off-street during snow storms, including those w/short driveways who would overhang the sidewalk. MAYOR KELLY agreed the Ventnor Newsletter would be an ideal way to get this word out - adding her compliments to Peter Mokoover for the great job he continues to do. Also noted was North Beach's participation in the Holiday Parade sharing hugs from a 37' long, 1960 Cadillac.

DENNIS KELLY, 106 S Cambridge asked Cmr Weintrob if the memorial benches would be starting again. Cmr WEINTROB said he was all in favor of that & would do it as soon as he had the consensus of Commission.

DENNIS KELLY stated that he has known Sandy Biagi for over 45 years. That in all of his years with the Board of Education she has always had an ear open for his complaints or needs - that he has always valued her judgment and friendship and does appreciate all she has done for him personally, and for the Board.

There being no one further from the public wishing to be heard, the public portion was closed.

ANNOUNCEMENTS

Mayor Kelly thanked Patti Kedziora for her excellent handling of a Holiday Parade that has grown to 37 participants. The Police & Fire Departments were thanked for the great job they did in being out with the children. Special thanks was given to Santa who couldn't be beat for the wonderful way he treated the little ones.

Prefacing with the reminder that this past summer, Ventnor had suffered the loss of one of their police officers Mayor Kelly announced that on December 8th she swore in Robert Mooney as a Ventnor Police Officer in her office. She explained that the Chief had been searching when he found a fully trained Atlantic City Police Officer, who had been laid off & would not require academy training. He passed the battery of tests required of a new officer & the Mayor was requested to swear him in that he might be put on the street immediately.

The Mayor thanked the Beautification Committee for the two big trees at the Library they decorated so nicely and shine beautifully when lit at night. She also thanked them for the four new entrance signs now on their way - that say "Welcome to Ventnor" - which we were able to obtain through private contributions & businesses. Some saw what the signs will look like when the Committee ladies came here & showed the winning one.

Also given thanks were Public Works, Kevin Cannon & Jim O'Brien for putting up the Christmas decorations & everybody who worked hard bringing Santa to Ventnor.

Concluding, the Mayor wished everyone a happy holiday and a peaceful new year.

EXECUTIVE SESSION

MAYOR KELLY read the statement required before Executive Session: *"The New Jersey Open Public Meeting Act permits the discussion of certain matters within Executive Session, as an exception to certain provisions of said law. The Ventnor City Board of Commissioners wishes to discuss certain matters which qualify as exceptions in Executive Session. No action binding upon the Board of Commissioners will be taken within Executive Session and the discussion conducted in closed session will be disclosed to the public when legally permitted and when the public interest will no longer be served by keeping such matters confidential. The matter to be discussed is the ongoing litigation Ludy vs. Ventnor City"*.

Cmr Piatt moved, seconded by Cmr Weintrob the Board retire into Executive Session.
Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

7:40PM EXECUTIVE SESSION CONCLUDED

Cmr Piatt moved, Seconded by Cmr Weintrob the Board returned into Regular Session

Roll Call Vote: Yeas: Commissioners Piatt, Weintrob and Mayor Kelly

Solicitor Maguire reported that discussion in Executive Session was *the ongoing litigation Ludy vs. Ventnor City*".

MEETING ADJOURNED: 7:44PM

Mayor Kelly moved, seconded by Cmr Weintrob, the meeting be adjourned. So ordered.