

FINAL AGENDA

COUNCIL MEETING AGENDA

JANUARY 27, 2010

5:00PM

ATLANTIC CITY COUNCILMEMBERS

WILLIAM MARSH, PRESIDENT

STEVEN MOORE, VICE PRESIDENT

MOISSE DELGADO

DENNIS MASON

FRANK GILLIAM, JR.

MARTY SMALL

TIMOTHY MANCUSO

GEORGE TIBBITT

G. BRUCE WARD

- 1) PLEDGE OF ALLEGIANCE - INVOCATION
- 2) ROLL CALL
- 3) OPEN PUBLIC MEETING ACT
- 4) APPROVAL OF MINUTES
- 5) REPORTS AND RECOMMENDATIONS FROM THE MAYOR
RE-APPOINTMENT OF MARY LOU FAULK TO THE ATLANTIC CITY FREE PUBLIC LIBRARY.
APPOINTMENT OF MOHAMMAD HAROON RASHEED TO THE ATLANTIC CITY PLANNING BOARD.(ALTERNATE)
APPOINTMENT OF CHARLES TURNER TO THE ATLANTIC CITY PLANNING BOARD.
RE-APPOINTMENT OF KEITH MILLS TO THE ATLANTIC CITY PLANNING BOARD. (CLASS II)
APPOINTMENT OF LLOYD HILL TO THE ATLANTIC CITY PLANNING BOARD.
- 6) PRESIDENT OF COUNCIL AD-HOC COMMITTEE REPORTS
- 7) COMMUNICATIONS AND PETITIONS

CIVIL ACTION.....AMBROSE GRAY; ANGELA TINARI & NICHOLAS TINARI; PATRICIA CAPASSO GALLO VS CITY CLERK, MAYOR, CITY COUNCIL & ET AL; FRITZ POLANCO & LUTHER FLUERANCOIS VS. CITY OF ATLANTIC CITY.

NOTICE OF CLAIMDEBORAH HARDEMAN; ESTATE OF JOSEPH TARANTO; DENISE MURRAY; TAMMY L. BOSTIC; DEBORAH WHEALTON; ALBERTA OLSSON; ENTERPRISE RENT-A-CAR; JOYCE RUBESTEIN; GUY WEEKS; MICHAEL TRIVERS VS. CITY OF ATLANTIC CITY.

MAYOR LORENZO T. LANGFORD STATE OF ADDRESS

MOVED TO THE FRONT OF THE AGENDA – REGULAR RESOLUTION(S)

- P 105 - CITY COUNCIL hereby JOINS in the MOURNING of the PASSING of ABNER (BEAVER) CHESTER, III.

MOVED TO THE FRONT OF THE AGENDA – ORDINANCE(S) ON FIRST READING

WARD PASSED	2-E	AN ORDINANCE TO PROVIDE FOR AN ADDITIONAL NAME AND DESIGNATION TO THE BLOCK OF MASSACHUSETTS AVENUE BETWEEN ATLANTIC AND PACIFIC AVENUES AFTER MELVIN WEINBERG.
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8 & 9) PUBLIC COMMENT on AGENDA ITEMS and GOOD and WELFARE

EXECUTIVE SESSION

- P 54 - (a) FOLEY vs. CITY of ATLANTIC CITY
(b) BLAKE vs. CITY of ATLANTIC CITY

**10) ORDINANCES
FIRST READING**

MASON PULLED UNTIL 2-10-10	1-D	AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE LAND USE DEVELOPMENT ORDINANCE, CHAPTER 163 OF THE ATLANTIC CITY CODE.
MARSH PASSED AS AMENDED	1-E	AN ORDINANCE CREATING AN ADVISORY BOARD TO BE KNOWN AS THE ATLANTIC CITY ADVISORY BOARD ON MULTI-CULTURAL AFFAIRS, AND CREATING THE OFFICE OF BI-LINGUAL AND MULTI-CULTURAL AFFAIRS WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

MASON & WARD PULLED UNTIL 2-10-10	2-A	AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE RIVERSIDE REDEVELOPMENT AREA.
MARSH PULLED UNTIL 2-10-10	2-B	AN ORDINANCE APPROVING APPLICATION FOR LOCAL INCENTIVE GRANTS PURSUANT TO THE NEW JERSEY ECONOMIC SIMULUS ACT OF 2009 AND THE REGULATIONS PROMULGATED THEREUNDER.
MARSH PASSED	2-C	AN ORDINANCE TO ADVERTISE FOR SALE THE LAND AND PREMISES LISTED.
MOORE PASSED AS AMENDED	2-D	AN ORDINANCE AMENDING CHAPTER 209A SECTIONS 6B OF THE CODE OD THE CITY OF ATLANTIC CITY TO INCREASE THE RENTAL FEES FOR THE WESTSIDE ALL WARS MEMORIAL BUILDING.
TIBBITT PASSED	2-F	AN ORDINANCE TO ACQUIRE A LEASE HOLD INTEREST IN REAL PROPERTY FOR THE PURPOSE OF HOUSING THE INTERNAL AFFAIRS DIVISION OF THE POLICE DEPARTMENT FOR THE CITY OF ATLANTIC CITY PURSUANT N.J.S.A. 40A:12-5(a) (1)
MARSH PASSED	2-G	AN ORDINANCE AMENDING CHAPTER 57 OF THE CODE OF THE CITY OF ATLANTIC CITY WHICH REGULATES JOB TITLES WITHIN THE CITY GOVERNMENT. (PUBLIC WORKS)
MARSH PASSED	2-H	AN ORDINANCE AMENDING CHAPTER 57 OF THE CODE OF THE CITY OF ATLANTIC CITY WHICH REGULATES JOB TITLES WITHIN THE CITY GOVERNMENT.
MARSH PASSED	2-I	AN ORDINANCE AMENDING CHAPTER 57 OF THE CODE OF THE CITY OF ATLANTIC CITY WHICH REGULATES JOB TITLES WITHIN THE CITY. (REVENUE & FINANCE)
MARSH PASSED	2-J	AN ORDINANCE AMENDING CHAPTER 4, ARTICLE VIII OF THE CODE OF THE CITY OF ATLANTIC CITY WHICH REGULATES JOB TITLES WITHIN CITY GOVERNMENT. (PUBLIC SAFETY)

NEW BUSINESS
ORDINANCE(S)

SECOND READING ORDINANCES

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| MASON
PASSED | 1 | AN ORDINANCE GRANTING A MAJOR SUBDIVISION ON NINE LOTS TOGETHER WITH AMENDMENTS to the FINAL PLAN AND “C” VARIANCE RELIEF FOR THE PROPERTY KNOWN AS 1301 ADRIATIC AVENUE, BLOCK 535 LOTS 2 AND 3. |
| MASON
BACK TO 1 ST READING | 2 | AN ORDINANCE TO RECEIVE DONATED LAND FOR A PUBLIC PURPOSE. |
| MARSH & MASON
PASSED | 3 | AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF THE ATLANTIC OF ATLANTIC CITY OF ATLANTIC CITY. |
| MOORE
PASSED | 4 | AN ORDINANCE AMENDING CHAPTER 4-47 OF THE CODE OF THE CITY OF ATLANTIC CITY WHICH REGULATES THE ORGANIZATION OF THE DEPARTMENT OF PUBLIC WORKS. (PAINT and SIGN SHOP) |
| MARSH & MOORE
PASSED | 5 | AN ORDINANCE AMENDING CHAPTER 57 OF THE CODE OF THE CITY OF ATLANTIC CITY WHICH REGULATES JOB TITLES WITHIN THE CITY GOVERNMENT. (VARIOUS DEPARTMENTS) |
| MARSH & MOORE
PASSED | 6 | AN ORDINANCE AMENDING CHAPTER 57 OF THE CODE OF THE CITY OF ATLANTIC CITY WHICH REGULATES JOB TITLES WITHIN THE CITY GOVERNMENT. (DEPARTMENT OF ADMINISTRATION) |
| MARSH & MOORE
PASSED | 7 | AN ORDINANCE TO PROVIDE FOR THE RENAMING OF THE NEW YORK AVENUE COMFORT STATION TO THE JAMES “JIMMY” WILKINS COMFORT STATION. |

REGULAR RESOLUTIONS

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| H | 27 - | BASED on RECOMMENDATION by the PLANNING BOARD, ABSECON BOULEVARD, PENROSE CANAL, CLAM THOROFARE and GRAMMERCY AVENUE qualifies as an “AREA in NEED of REDEVELOPMENT and the CITY of ATLANTIC CITY designates ITSELF as the REDEVELOPMENT ENTITY. |
| P | 57 - | VENDOR’S LIST beginning with #1 AMERICAN HOTEL REGISTER COMP. - \$1,353.80 and ending with #27 T & J COURT REPORTERS, LLC - \$3,430.35. |

- P 60 - AUTHORIZATION to ATTEST to a CONTRACT from BRB VALUATION & CONSULTING SERVICES for the PURCHASE of PROFESSIONAL APPRAISAL SERVICES for a term not to exceed one year commencing FEBRUARY 1, 2010 and ending JANUARY 31, 2011 – \$175,000.00.
- P 61 - AUTHORIZATION to ATTEST to a CONTRACT from M. SYKES REAL ESTATE COMPANY, INC. for the PURCHASE of PROFESSIONAL APPRAISAL SERVICES for a term not to exceed one year, commencing FEBRUARY 1, 2010 and ending JANUARY 31, 2011 – \$35,000.00.
- P 62 - AUTHORIZATION to ATTEST to a CONTRACT from APPRAISAL CONSULTANTS CORP. for the PURCHASE of PROFESSIONAL APPRAISAL SERVICES for a term not to exceed one year, commencing FEBRUARY 1, 2010 and ending JANUARY 31, 2011 – \$175,000.00.
- P 63 - CHANGE ORDER NO. 4 with DECOTIIS, FITZPATRICK, COLE & WISLER, LLP to do EXTRA WORK – \$ 270,000.00.
- P 64 - A RESOLUTION to AUTHORIZE the 2009 TAX APPEALS to serve as a REDUCTION to the 2009 TAX LEVY - \$5,590,278.000.
- P 67 - THE MAYOR hereby NOMINATES HENRY L. WARNER, ESQUIRE as a JUDGE of the MUNICIPAL COURT for a term of three (3) years.
- P 68 - THE MAYOR has APPOINTED and CITY COUNCIL confirms JONATHAN E. DIEGO, ESQUIRE, as CHIEF MUNICIPAL PROSECUTOR effective JANUARY 28, 2010.
- P 75 - CHANGE ORDER #1 with NORTHEAST & BACK COMPANY d/b/a MULLIN & LONERGAN ASSOCIATES, INC. to do EXTRA WORK - \$10,000.00.
- P 76 - AUTHORIZATION to ATTEST to a CONTRACT for the PURCHASE of LEGAL SERVICES in the AREA of REAL ESTATE ATTORNEY from RIDGWAY & RIDGWAY, for a TERM of ONE YEAR from FEBRUARY 1, 2010, not to exceed – \$50,000.00.
- P 77 - AUTHORIZATION to ATTEST to a CONTRACT for the PURCHASE of LEGAL SERVICES in the AREA of BANKRUPTCY, ENERGY and REDEVELOPMENT MATTERS from STRADLEY, RONON, STEVENS & YOUNG, LLP, for a TERM of ONE YEAR from FEBRUARY 1, 2010, not to EXCEED - \$30,000.00.
- P 78 - AUTHORIZATION to ATTEST to a CONTRACT for the PURCHASE of LEGAL SERVICES in the AREA of FORECLOSURE from JOHN M. ECCLES, JR.,LLC, for a TERM of ONE YEAR from FEBRUARY 1, 2010 not to exceed - \$25,000.00.
- P 79 - AUTHORIZATION to ATTEST to a CONTRACT for the PURCHASE of LEGAL SERVICES for GENERAL MUNICIPAL, LABOR and WORKERS' COMPENSATION MATTERS from RUDERMAN & GLICKMAN, P.C. for a TERM of ONE YEAR from FEBRUARY 1, 2010 – \$200,000.00.
- P 80 - CHANGE ORDER #2 with RUDERMAN & GLICKMAN, P.C. for ADDITIONAL LEGAL SERVICES for 2009 - \$60,000.00.
- P 84 - AUTHORIZATION to ATTEST to a CONTRACT for the PURCHASE of LEGAL SERVICES for GENERAL MUNICIPAL MATTERS from MICHAEL A. ARMSTRONG & ASSOCIATES, for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$100,000.00.

MOVED TO THE FRONT OF THE AGENDA

- P 96 - RESOLUTION ENCOURAGING THE BOARD of DIRECTORS of the BOYS & GIRLS CLUB of ATLANTIC CITY to CHANGE the FACILITY to the REDENIA GILLIAM MOSEE BOYS & GIRLS CLUB of ATLANTIC CITY.
- P 85 - AUTHORIZATION to ATTEST to a CONTRACT to PROVIDE the DEFENSE of WILLIAM MARSH in the MATTER of BALDWIN VS. CITY OF ATLANTIC CITY from JOHN PHILIP MAOCCIA, ESQ. for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$17,500.00.
- P 89 - CITY COUNCIL hereby DESIGNATES DR. JOEMY C. TAM of SINOVA, LLC as SPECIAL ENVOY for ASIAN-ATLANTIC CITY BUSINESS DEVELOPMENT .
- P 91 - AUTHORIZATION to ATTEST to a CONTRACT to PROVIDE the DEFENSE for GEORGE TIBBITT in the MATTER of BALDWIN VS. CITY OF ATLANTIC CITY from ERIC BERNSTEIN & ASSOCIATES, LLC, for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$17,500.00.
- P 92 - AUTHORIZATION to ATTEST to a CONTRACT to PROVIDE the DEFENSE for CAROL FREDERICKS in the MATTER of BANKS vs. CITY OF ATLANTIC CITY from McMANIMON & SCOTLAND, for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$17,500.00.
- P 93 - AUTHORIZATION to ATTEST to a CONTRACT to PROVIDE the DEFENSE for ARTHUR SNELLBAKER in the MATTER of REILLY VS. CITY OF ATLANTIC CITY from MARRAZZO & PLATT, P.C. for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$17,500.00.
- P 95 - AUTHORIZATION to ATTEST a CONTRACT to PROVIDE the DEFENSE for the CITY OF ATLANTIC CITY in the MATTER of REILLY VS. CITY OF ATLANTIC CITY from SECARE, RYAN & HENSEL, P.C. for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$17,500.00.
- P/A 98 - AUTHORIZATION to ATTEST to a CONTRACT to PROVIDE the DEFENSE for TIMOTHY MANCUSO IN THE MATTER OF BALDWIN VS CITY OF ATLANTIC CITY from TUOHY and TUOHY for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$17,500.00.
- P/A 103 - 2010 TEMPORARY BUDGET APPROPRIATIONS.

CONSENT

- P 28 - INTERGOVERNMENTAL TRASH SERVICE EXPENSE REIMBURSEMENT AGREEMENT has been APPROVED by the SCHOOL BOARD and THE CITY.
- P 52 - REFUND DUE TO OVERPAYMENT OF TAXES.
- P 53 - BIDS SUBMITTED at PUBLIC AUCTION for LAND SALE for 18 N. CONNECTICUT and 16 N. CONNECTICUT AVENUES are hereby ACCEPTED.
- P 55 - JITNEY LICENSE PERMIT #07 TRANSFER from LIVIO TAVERAS to KWANG CHOON YOO is hereby APPROVED.

- P 56 - AUTHORIZATION to RELEASE VARIOUS BONDS for PROCIDA REALTY & CONSTRUCTIONS CORPORATION.
- P 58 - AUTHORIZATION to ATTEST to an AGREEMENT with EDMUNDS & ASSOCIATES, INC. for 2010 SOFTWARE MAINTENANCE commencing JANUARY 1, 2010 to DECEMBER 31, 2010 – \$50,689.00
- P 59 - AUTHORIZATION to ATTEST to the MAINTENANCE AGREEMENT with GARDEN STATE OFFICE SYSTEMS & EQUIPMENT for one year effective JANUARY 1, 2010 thru DECEMBER 31, 2010, for MAINTENANCE AGREEMENT for CITY'S LEKTRIEVERS - \$23,338.00.
- P 65 - AUTHORIZATION to ISSUE a WARRANT to CLAIRE FOX-SUBIN, who RETIRED JANUARY 1, 2010 – \$25,205.72.
- P 66 - AUTHORIZATION to ISSUE a WARRANT to WILLIAM MAZUR, for BACK PAY COMMANDER PAY not PAID – \$3,460.08.
- P 69 - AMUSEMENT GAMES LICENSE.
- P 70 - AUTHORIZATION to ADVERTISE for bids for POLICE UNIFORMS & RELATED EQUIPMENT, at the PURCHASING BOARD meeting to be held, TUESDAY, FEBRUARY 23, 2010, in the COUNCIL CHAMBERS, ROOM 206, CITY HALL, at 11:00 A.M.
- P 71 - AGREEMENT with ATLANTICARE BEHAVIORAL HEALTH for PROFESSIONAL SERVICES for term of one year, from MARCH 1, 2010 through FEBRUARY 28, 2011 - \$19,800.00.
- P 72 - AUTHORIZATION to ISSUE a WIRE TRANSFER to SCIBAL ASSOCIATES - \$30,584.96.
- P 73 - AUTHORIZATION to ISSUE a WARRANT for FIDELITY NATIONAL PROPERTY CASUALTY INSURANCE COMPANY for FLOOD INSURANCE on CITY PROPERTIES for one year from FEBRUARY 19, 2010 through FEBRUARY 19, 2011 - \$ 49,837.00.
- P 74 - AUTHORIZATION to ATTEST to a CONTRACT for the PURCHASE of LEGAL SERVICES in the AREA of CONFLICTS PROSECUTOR from CURCIO & CURCIO, for a TERM of ONE YEAR from FEBRUARY 1, 2010, not to exceed - \$5,000.00.
- P 81 - AUTHORIZATION to PROCESS PURCHASE ORDERS with VARIOUS VENDORS UNDER STATE CONTRACT.
- P 82 - AUTHORIZATION to ISSUE a WIRE TRANSFER to MEDICAL and LEGAL PROVIDERS – CLAIMS.
- P 83 - AUTHORIZATION to ADVERTISE for QUALIFICATIONS for a COMMUNITY DEVELOPMENT GRANT/HOME CONSULTANT for the CITY OF ATLANTIC CITY, to be RECEIVED in the OFFICE of the CITY SOLICITOR, ROOM 406, CITY HALL, FEBRUARY 19, 2010.
- P 86 - THE MAYOR is hereby AUTHORIZED to SIGN the APPLICATION to EFFECTUATE the PERMITS to ALLOW CONSTRUCTION of a BULKHEAD along MUNICIPAL PROPERTY ADJACENT to GARDNER'S BASIN as part of its FLOOD MITIGATION PROGRAM, from the NEW JERSEY DEPARTMENT of ENVIRONMENTAL PROTECTION, DIVISION of LAND USE REGULATION.

- P 87 - CITY COUNCIL wishes to CHANGE the current APPOINTMENT of WILLIE B. NORMAN from a REGULAR ZONING BOARD MEMBER to an ALTERNATE MEMBER for a TWO YEAR TERM, commencing JANUARY 1, 2010.
- P 88 - CITY COUNCIL wishes to APPOINT LIBBIE WILLS as a REGULAR MEMBER to the ATLANTIC CITY ZONING BOARD, who RESIDES at 200 MADISON AVENUE, in the 1ST WARD to fill the VACANCY, which term EXPIRES DECEMBER 31, 2010.
- P 90 - THE TAX COLLECTOR is hereby AUTHORIZED and DIRECTED to CANCEL TAX BALANCES for 2009 on VARIOUS PROPERTIES.
- P 94 - AUTHORIZATION to ATTEST to a CONTRACT for PROFESSIONAL SERVICES in the AREAS of FINANCIAL, BUDGETARY from DONALD KEHRLI, for a TERM of ONE YEAR from FEBRUARY 1, 2010 - \$15,000.00.
- P 97 - AUTHORIZATION to ATTEST to an AGREEMENT with DEKBON COMMUNITY DEVELOPMENT CORPORATION to ALLOCATE HOME INVESTMENT PARTNERSHIP FUNDS from the DEPARTMENT of HOUSING & URBAN DEVELOPMENT to DEKBON COMMUNITY DEVELOPMENT CORPORATION.
- P 99 - AUTHORIZATION to ISSUE a WARRANT to DOMINIC R. BERRY for BACK PAY - \$105.08.
- P 100 - AUTHORIZATION to ISSUE a WARRANT to ISMAIL ABDUSSAMAD for BACK PAY – \$1,712.52.
- P 101 - AUTHORIZATION to ISSUE a WARRANT to DARYL N. HALL, JR. for BACK PAY - \$606.56.
- P 102 - AUTHORIZATION to ADVERTISE for RFP'S for ENVIRONMENTAL REMEDIATION for the CITY, to be RECEIVED at the OFFICE of the CITY CLERK, ROOM 704, CITY HALL, FEBRUARY 23, 2010.

NEW BUSINESS
RESOLUTION(S)

- P 106 - TRANSFER of FUNDS from the 2009 BUDGET APPROPRIATION RESERVES.
- P 107 - CITY COUNCIL hereby ENCOURAGES the ATLANTIC CITY BOARD of EDUCATION to CHANGE the name of the PENNSYLVANIA AVENUE SCHOOL on PENNSYLVANIA AVENUE to the REDENIA GILLIAM MOSEE SCHOOL.

11) OTHER PENDING BUSINESS

- 12) ROSEMARY ADAMS, CITY CLERK**
RHONDA WILLIAMS, DEPUTY CITY CLERK