

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
April 23, 2020**

**Meeting called to order via ZOOM at 7:00 p.m. by President McGuigan with a salute to the flag. Roll call was recorded as follows:**

**Present:** Johnston, D'Adamo, Toto, Owen, Dill, Gerety, McGuigan

**Also Present:** Mayor Glasser, Administrator Swain, Assistant Administrator Frost, City Clerk Samuelson, Deputy City Clerk Heath, Assistant City Clerk Hornig, City Solicitor Thomas Smith

**Absent:** None

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**Open Public Meetings Act:**

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office and on the City's website, somerspointgov.org. The meeting was held via ZOOM platform due to the pandemic of COVID-19. Council President McGuigan announced the instructions for joining the meeting electronically.

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**Communications:**

None

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**Mayor's Report:**

Mayor Glasser commended all the City employees for being at their post in these trying times of COVID-19. He complimented the residents for practicing social distancing and staying home to flatten the curve. Mayor Glasser sadly announced the postponement of the annual Memorial Day service in hopes of rescheduling in late summer or fall.

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**Administrator's Report:**

None

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**Solicitors Report:**

Thomas Smith, Esq., City Solicitor, reported that Resolution No. 94-2020 is listed on this evening's agenda for consideration regarding barring transient guests or seasonal tenants in the City's seven hotels/motels. City Solicitor Smith explained that the Somers Point Office of Emergency Management in conjunction with Mayor Glasser issued Order No. 1 of 2020 with guidance from Governor Murphy's Administrative Order 2020-8.

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**Committee Reports:**

Councilman Gerety reported the Arts Commission cancelled the event "Art in the Park". Although Council President McGuigan agreed with the decision, he sadly noted that the City lost Bayfest and now another great event.

Councilwoman Johnston reported some marina damage from a recent windstorm, but all damage has been repaired. The electric is completed and being tested. The next step will be the indoor construction.

Councilman Owen announced that the Recreation Commission has scheduled an electronic meeting using the ZOOM platform for 5/7/2020.

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**Approval of Minutes:** On the motion of Councilman Toto, seconded of Councilman Dill and carried, the Special City Council Meeting minutes of 4/7/2020 were approved.

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**Ordinances:**

Ordinance No. 2 of 2020  
(*First Reading/Introduction*)

**M/S:** Gerety/D'Adamo

The ordinance was adopted by unanimous vote of those present.

City Administrator Swain explained the City is not near the CAP limitation; however, we generally take advantage of it to have a CAP bank if needed, which is good for two years and then is extinguished.

**ORDINANCE No. 2 of 2020  
CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

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(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the City Council of the City of Somers Point in the County of Atlantic finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$123,545.24 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Somers Point, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the City of Somers Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$432,408.33, and that the CY 2020 municipal budget for the City of Somers Point be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Public Portion on Resolutions:**

The Public Portion was duly opened.

Mr. Bill Collins questioned if City Administrator Swain would be reviewing the budget this evening. Council President McGuigan explained that Mr. Swain would explain the budget, but since this is the introduction of the budget, he cautioned that the budget could change. City Administrator Swain reported that the City started the year with approximately \$2.2 million in

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surplus and is using approximately \$1.9 million for this budget, which leaves a remaining surplus of \$209,000. However, Mr. Swain explained that there is an interfund regarding the dredging and maria grant. Once the City is reimbursed those funds, the surplus will be approximately \$600,000.00, which is within comfort level. Mr. Swain further explained that the City lost a large revenue from Shore Medical Center that greatly affected our increase in the tax rate. The municipal budget will increase taxes by 2.96 cents. Council President McGuigan mentioned that the City does have the support that was enjoyed over the years from Shore Medical Center and noted that everyone is in a difficult position.

Hearing nothing further from the public, it was duly closed.

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**INTRODUCTION TO MUNICIPAL BUDGET 2020**

**Resolution No. 91 of 2020**

**M/S:** Dill/D'Adamo

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**Resolution No. 88**

**M/S-** Toto/Gerety

The resolution was adopted by unanimous vote of those present.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

***City of Somers Point***

**Resolution  
No 88 of 2020**

**Introduced by: Council President McGuigan**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring

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practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Somers Point City Council of the City of Somers Point, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON April 23, 2020.

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**Resolution No. 89**

M/S-Gerety/Toto

The resolution was adopted by unanimous vote of those present.

City Administrator Swain explained that the original report of bids had a typo and this will correct the error.

**No. 89 of 2020**

**Subject:** Correcting Resolution No. 206 of 2019  
**Introduced by:** Councilmen Dill and Toto

**WHEREAS**, by Resolution No. 206 of 2019 North American Pipeline Services, LLC, of Freehold, New Jersey was awarded the contract for the 2019 Stormwater Cleaning & Inspection project for the sum of \$77,000.00; and

**WHEREAS**, the amount of that award was based on a typographical error in the report of bids; and

**WHEREAS**, City Council hereby desires to correct the error in the amount of the contract award.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the amount of the contract award to North American Pipeline Services, LLC, of

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Freehold, New Jersey for the 2019 Stormwater Cleaning & Inspection project be corrected from \$77,000.00 to \$77,700.00 in accordance with their actual lowest responsible bid.

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**Resolution No. 90**

M/S-Gerety/Toto

The resolution was adopted by unanimous vote of those present.

**No. 90 of 2020**

**Subject: Authorizing Estimated Tax Billing**  
**Introduced by: Council President McGuigan and Councilmen Dill and Gerety**

**WHEREAS**, at this time it is unknown when the City may anticipate receipt of its certified tax rate so that the mailing or delivery of tax bills can be completed by June 14, 2020; and

**WHEREAS**, under these circumstances it may become necessary to issue estimated tax bills for the third quarter of 2020; and

**WHEREAS**, the Tax Collector in consultation with Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 to be between \$33,890,787.88 and \$37,458,239.24.

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

- 1.) Upon the written authorization of the City Administrator the Tax Collector is directed to immediately prepare and issue estimated tax bills for the City of Somers Point for the third quarter of 2020 in accordance with the provisions of N.J.S.A 54:4-66.2 et seq.
- 2.) The entire estimated tax levy for 2020 is hereby determined to be \$36,501,080.92.
- 3.) The Tax Collector is authorized to take any additional steps necessary to implement this resolution.
- 4.) Certified copies of this resolution shall be forwarded to the Tax Collector and the Chief Finance Officer by the City Clerk.

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**Resolution No. 92**

M/S-D'Adamo/Gerety

The resolution was adopted by unanimous vote of those present.

**Resolution No. 92 of 2020**

**Subject: Change Order – 2018 Road Program Rebid**

**Introduced by: Councilmen Dill and Toto**

**WHEREAS**, in accordance with Resolution 124 of 2019, Landberg Construction, LLC of Dorothy, N.J., was awarded the contract for the 2018 Road Program Rebid project for the sum of \$821,962.78; and

**WHEREAS**, during the course of construction changes were made to reflect as-built quantities; and

**WHEREAS**, the City Engineer has recommended approval of these changes; and

**WHEREAS**, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$821,962.78	
Change order 1 (deduct to reflect as-built quantities)	(\$ -64,752.48)	
Revised Contract Amount	\$757,210.30	
Total Deduction: \$64,752.48	Total Additional: \$ 0	Net Change: -7.88%

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the above listed change to the contract for the 2018 Road Program Rebid is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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**Resolution No. 93**

M/S-D'Adamo/Gerety

The resolution was adopted by unanimous vote of those present.

**No. 93 of 2020**

**Subject: Change Order – 2019 Stormwater Repairs**

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**Introduced by:** Councilmen Dill and Toto

**WHEREAS**, in accordance with Resolution 126 of 2019, Landberg Construction, LLC of Dorothy, N.J., was awarded the contract for the 2019 Stormwater Repairs project for the sum of \$180,620.00; and

**WHEREAS**, during the course of construction changes were made to reflect as-built quantities; and

**WHEREAS**, the City Engineer has recommended approval of these changes; and

**WHEREAS**, those changes have resulted in a change of the contract amount as follows:

Base Contract	\$180,620.00	
Change order 1 (deduct to reflect as-built quantities)	(\$ -33,957.22)	
Revised Contract Amount	\$146,662.78	
Total Deduction: \$33,957.22	Total Additional: \$ 0	Net Change: -18.80%

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the above listed change to the contract for the 2019 Stormwater Repairs is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

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**Resolution No. 94**

**M/S-D** Adamo/Gerety

The resolution was adopted by unanimous vote of those present.

Council President McGuigan mentioned that the current circumstances are extraordinary, and this action was needed to flatten the curve.

**No. 94 of 2020**

**Subject:** The Retroactive Approval and Adoption of Order No. 1 of 2020 of the City's Office of Emergency Coordinator Wherein all Hotels, Motels, Guest Houses, or Private Residences, or Parts thereof, in the City of Somers Point are Barred from Accepting any Transient Guests, or Seasonal Tenants, after 11:59 p.m. on Friday, April 17, 2020.

**Introduced by:** Council President Sean McGuigan



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**WHEREAS**, on March 9, 2020, in light of the dangers posed by COVID-19, Governor Philip D. Murphy declared both a Public Health Emergency and State of Emergency by way of Executive Order No. 103 (2020); and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order No. 104 (2020), which established statewide social mitigation strategies for combatting COVID-19; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order No. 108, which stated that “there exists certain limited circumstances where it may be beneficial for localities to be able to impose additional restrictions” and “certain municipalities may have legitimate concerns about an influx of new visitors, which may cause public health concerns as [the State imposed] social distancing measures and aimed to avoid unnecessary increases in density of individuals,”

**WHEREAS**, on April 4, 2020, Col. Patrick J. Callahan, State Director of Emergency Management, issued Administrative Order No. 2020-8, which allowed municipalities and counties to impose additional restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences, or parts thereof, to accept new transient guests or seasonal tenants; and

**WHEREAS**, on April 17, 2020, the City of Somers Point’s Emergency Management Coordinator, Philip Gaffney, pursuant to his authority under the Civilian Defense and Disaster Control Act (N.J.S.A. App. A9-40.5), and based upon the imminent danger of the spread of COVID-19, issued a directive and order declaring a State of Local Disaster Emergency within the City of Somers Point wherein all hotels, motels, guest houses, or private residences, or parts thereof, in the City of Somers Point were barred from accepting any transient guests, or seasonal tenants, after 11:59 p.m. on Friday, April 17, 2020; and

**WHEREAS**, the Emergency Management Coordinator recognized the necessity of exempting out guests who were essential employees, first responders and residents of Somers Point required to self-quarantine; and

**WHEREAS**, this governing body both recognizes the concern of the potential imminent danger of the spread of COVID-19, and supports the position taken by the City’s Emergency Management Coordinator relative to the containment of this virus.

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of Somers Point that the order and directive of April 17, 2020, of Emergency Management Coordinator Philip Gaffney, which is attached hereto, is hereby retroactively approved and adopted by this City Council with all hotels, motels, guest houses, or private residences, or parts thereof, in the City of Somers Point being barred from accepting any new transient guests, or seasonal tenants, after 11:59 p.m. on Friday, April 17, 2020, with the exceptions as noted in the aforesaid order and directive.

**BE IT FURTHER RESOLVED** that the Emergency Management Coordinator is hereby directed to serve upon such premises a copy of this Resolution of Council.

**Old Business:**

None

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**New Business:**

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Council President McGuigan mentioned that he has been contacted by local businesses with requests to consider waiving certain fees. The Government Body will take their suggestions under advisement.

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**Discussion of Bills:**

Administrator Swain reported a Record of Payment dated 4/17/2020 in the amount of \$ 118,974.16, a Record of Payment dated 4/17/2020 in the amount of \$148,675.24, and a Bill List dated 4/21/2020 in the amount of \$3,222,971.78.

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**Public Portion**

The Public Portion was duly opened.

Resident, Ms. Patricia Pierson, expressed that she is unhappy with the Budget and Shore Medical Center.

Council President McGuigan mentioned it is extraordinary times, and added that Shore Medical Center have asked for voluntary layoffs due to their revenue being gravely affected. Councilwoman Johnston announced that there will be some funding available for hospitals that may help the City. Council President McGuigan reported that there are almost daily discussions with Shore Medical Center and will continue with ongoing discussions regarding funding, safety and the health of our citizens and neighboring municipalities. City Administrator Swain reported that the Public Hearing and Adoption of the Budget is scheduled for 5/28/2020.

Mr. Bill Collins expressed his concern regarding the loss of revenue from Shore Medical Center. Additionally, he requested the Governing Body consider extending the tax grace period as he seen in the newspaper. Council President McGuigan indicated that City Council will research and consider that option.

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**Payment of Bills**

**M/S – Gerety/Toto**

The Bill List was approved by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

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Councilman Dill suggested City Solicitor Smith and Administration research the option of extending the tax grace period. Council President McGuigan concurred with his suggestion.

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**Adjournment**

There being no further business to come before Council, Councilman Gerety moved, Councilman Toto seconded and carried to adjourn the meeting at 8:09 p.m.

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Respectfully submitted,

Lucy R. Samuelsen, RMC  
Municipal Clerk  
Approved: 5/14/2020