

**REGULAR MEETING
MAYOR AND CITY COUNCIL
June 25, 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 City Administrator Frost, City Clerk Samuelsen, Deputy City Clerk Heath, City Solicitor Thomas Smith

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.

Council President McGuigan prepared a statement.

A couple of Saturdays ago at 3:48 a.m., two police officers responded to a motor vehicle accident on Route 30 with one vehicle fully engulfed with flames. One of the vehicles drove up onto an embankment sending it air borne of approximately 50 feet before it struck concrete pillars hitting a utility pole head on. The vehicle came to rest in the lane of travel and was struck by an auto driven by a 65-year-old man. The impact caused the car to catch on fire with the driver inside. Two nearby fishermen tried to remove the driver from the vehicle but were unable. Two Atlantic City police officers arrived, and the car was fully engulfed. The driver's seatbelt was cut, and the two police officers were able to pull this unconscious man from the car saving the man's life as the car became a complete fireball. The next day a local news agency posted the body cam footage from one of the officers. Council President McGuigan happened to notice the voice on the footage to be Michael Kedziora and reminisced knowing him when he was a child being raised in Somers Point. Officer Kedziora is the son of the Somers Point Harbor Master. Council President McGuigan stated that Atlantic City Police Officer Mike Kedziora was brave and never hesitated to provide aid in a perilous situation. City Council President McGuigan and the Governing Body is proud of him and his family! Council President McGuigan stated when this happened, there was no mentioning of defunding the police.

Communications:

Council President McGuigan reported that he received a letter from a resident requesting that the City allow Low Speed Vehicles in the City. City Council President indicated that he is not in

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favor of them and intends to advise the resident that he may gain support from another City Councilmember that could bring the subject to the Governing Body for consideration.

Council President McGuigan reported a letter was received from Seth Grossman, Esq., of Liberty and Prosperity requesting use of the Richard Somers Park on Friday, September 4, 2020. Councilmen Gerety stated that he has no problem for that event but recommended he add a disclaimer indicating that it is Liberty and Prosperity’s event. Additionally, insurance requirements must be met. Council President McGuigan also mentioned that social distancing and other COVID-19 regulations may be required. A motion was made regarding the above-mentioned, seconded and carried to approve the request. Council President McGuigan requested City Administrator Swain relay the approval with the conditions to Mr. Grossman.

Mayor’s Report:

Mayor Glasser reported that the proposals from the Mayor’s Working Group were forwarded to Governor Murphy, County Executive Levinson, Atlantic County Board of Freeholders and the Governing Body. Mayor Glasser offered his overwhelming thanks to Councilmen Dill and Gerety, City Administrator Swain, City Clerk Samuelson, OEM Coordinator Gaffney, Mr. Sykora of EDAC, Mr. Westcoat, Mr. Tees, Mr. Cabiness and Mr. Hirst. Mayor Glasser reported that the new firetrucks are due to arrive in the end of August. Mayor Glasser offered his kudos to the volunteers of the Office of Emergency Management led by Emergency Management Coordinator Phil Gaffney.

Administrator’s Report:

No report.

Solicitors Report:

Mr. Smith thanked everyone for their thoughts.

City Clerk Report:

Clerk Samuelson indicated the two polling sites available at the July 7th Primary Election. Additionally, she explained the two ways that a registered voter may cast their vote.

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Committee Reports:

Councilwoman Johnston reported that Bay Cas, LLC., is set up for a soft opening this weekend, and thanked the City Engineer for setting the buoys. Councilwoman Johnston thanked Greg Sykora and Councilman Owen for the office construction. On July 1st at 6:00 p.m., Councilwoman Johnston encouraged everyone to attend the grand opening.

Councilman Owen reported at the Recreation Commission there were discussions regarding the startup of Little League and hiring of lifeguards. Additionally, they approved the VFW area, the Mansion area and the beach area for installation of books drops by a non-profit organization that encourages reading.

Councilwoman Johnston attended an EDAC meeting Monday evening that discussed creating a separate page on the website for the marina. Also, the book boxes that were approved by the Recreation Commission are provided by the non-profit organization, and the boxes will be installed and maintained by them. Councilwoman Johnston mentioned that Restaurant Week will be 11/6 through 11/15/2020.

Approval of Minutes:

On the motion of Councilman Owen, seconded of Councilman Dill and carried, the regular meeting minutes 6/11/2020.

Ordinances:

Ordinance No. 5 of 2020

(Second Reading/Public Hearing/Final Adoption)

The ordinance was adopted by unanimous vote of those present.

The Public Portion was duly opened.

Dan Meyers requested an explanation of the ordinance. Councilwoman Johnston explained that the ordinance will officially designate these bus stops, which will enable bus shelters to be installed at no cost to taxpayers.

Hearing nothing further, the public portion was closed.

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No. 5 of 2020

**An Ordinance Amending and Supplementing Somers Point Municipal Code Section 250-36
Schedule XII: Bus Stops**

WHEREAS, N.J.S.A. 39:4-8(e) authorizes a Municipality, by Ordinance, to designate stops, stations, or stands for buses subject to recommendation, review and approval from New Jersey Transit and the New Jersey Department of Transportation; and

WHEREAS, a request had been made to New Jersey Transit ("NJT") to designate bus stop locations along Somers Point-Mays Landing Road (CR 559); and

WHEREAS, Somers Point-Mays Landing Road is a County road situated within the City of Somers Point; and

WHEREAS, the proposed bus stop locations along Somers Point-Mays Landing Road have been reviewed and approved by New Jersey Transit (NJT) and the Atlantic County Engineer; and

WHEREAS, approval has been received from NJT, and the Atlantic County Engineer to proceed with the introduction and adoption of this Ordinance; and

WHEREAS, Schedule XII in Somers Point Code Section 250-36 identifies the designated bus stops in the City of Somers Point; and

WHEREAS, upon final adoption a certified copy of this Ordinance will be submitted by the Somers Point City Clerk to the current Field Representative of New Jersey Transit, and the Atlantic County Engineer.

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

SECTION 1.

Schedule XII within Code Section 250-36 is amended and supplemented as follows:

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A. In accordance with the provisions of Code Section 250-15, the following described locations are hereby designated as bus stops:

Name of Street	Direction/Side	Location
Somers Point-Mays Landing Road	East/South	<p>Route 9 – mid block Beginning 500 east of the easterly curb line of Route 9 and extending 135 feet easterly therefrom.</p> <p>Great Bay Drive – far side Beginning at the easterly curb line of Great bay Drive and extending 100 feet easterly therefrom.</p> <p>Holly Hills Drive – far side Beginning at the easterly curb line of Holly Hills Drive and extending 100 feet easterly therefrom.</p>
Somers Point-Mays Landing Road	West/North	<p>Holly Hills Drive – far side Beginning at the westerly curb line of Holly Hills Drive and extending 100 feet westerly therefrom.</p> <p>Great Bay Drive – near side Beginning at the</p>

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easterly curb line of
Great bay Drive and
extending 105 feet
easterly

Route 9 – near side
Beginning at the
easterly curb line of
Route 9 and
extending 105 feet
easterly therefrom.
therefrom.

SECTION 2: All other provisions of Chapter 250 not modified or amended by this Ordinance shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This ordinance shall take effect immediately upon its final passage and publication.

Hearing nothing further from the public, this portion was duly closed.

Resolutions:

The meeting was duly opened to the Public.

Michael Bailey of 825 Bay Avenue requested clarification regarding Resolution No. 126. Council President McGuigan explained that the New Jersey Department of Transportation plans to close Exit 30 and make Exit 29 a full interchange. Additionally, there is a bike path, but there are no connections to Somers Point and Ocean City's bike paths. The Governing Body is requesting to keep Exit 30 open and requesting the bike path to be completed. Mr. Bailey expressed his concern of residents on Laurel Drive. Council President McGuigan opined if the

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plan were put in place, it would cause major traffic congestion. Additionally, Council President McGuigan noted that MacArthur Boulevard was reconstructed which enhanced businesses. If Exit 30 were to be closed, it would cause a financial hardship to the business owners and shoppers would be inconvenienced. Council President McGuigan indicated that the Steering Committee has been heavily involved for years and assisted in the design of the bike path. This is an ongoing issue that has been constantly addressed by the Governing Body with resolutions, meetings, letters and phone calls.

Resident Carol Cervi of Massachusetts Avenue questioned the particulars regarding the transient marina. Council President McGuigan explained where the marina is located, that the City received over \$1 million to fund the marina and rebuilt a first class, state of the art marina for boaters to enjoy shopping, restaurants, the beach and other venues in the City. The marina was pursued to enhance commerce.

Greg Sykora of 2 Horter Avenue thanked the Governing Body and the Steering Committee for their efforts regarding Resolution No. 126. Additionally, he mentioned that the road maintenance of Laurel Drive is important for noise control.

Mr. Swain reported that Resolution No. 126 does address the maintenance of the roadway.

Hearing nothing further from the public, this portion was duly closed.

Resolution No. 124

M/S- Dill/Owen

The resolution was adopted by unanimous vote of those present.

No. 124 of 2020

Subject: Change Order 2 – Contract No. 51 – Higbee Pier Transient Marina

Introduced by: Councilmen Dill and D’Adamo

WHEREAS, in accordance with Resolution 199 of 2018, Walters Marine Construction, Inc., of Ocean View, N.J., was awarded the contract for the Higbee Pier Transient Marina for the sum of \$1,477,400.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities, add additional lighting, install fire protection, and lengthen steel piles; and

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

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WHEREAS, in accordance with Resolution 168 of 2019, Change Order No. 1 for \$58,534.20 was previously approved; and

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

Contract Amount	\$1,477,400.00
Change order 1 (Previously Approved)	\$58,534.20
Change order 2	\$60,772.99
Revised Contract Amount	\$1,596,707.19

Total Deduction: \$0 Total Additional: \$119,307.19 Net Change: 8.08%

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 Higbee Pier Transient Marina is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 125

M/S- Toto/Dill

The resolution was adopted by unanimous vote of those present.

No. 125 of 2020

Subject: Change Order 1 – Contract No. 52 – Launch Avenue Emergency Construction

Introduced by: Councilmen Dill and D’Adamo

WHEREAS, in accordance with Resolution 130 of 2019, Arthur Henry, Inc. of Egg Harbor Township, N.J., was awarded the contract for the Launch Avenue Emergency Construction for the sum of \$466,666.00; and

WHEREAS, during the course of construction changes were made to reflect as-built quantities, import sand to replace unsuitable subbase, repair bulkhead damage due to a vehicle, install signage, replace cap material, and to install a new check vale; and

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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:

Contract Amount	\$466,666.00	
Change order 1	\$22,347.53	
Revised Contract Amount	\$489,013.53	
Total Deduction: \$0	Total Additional: \$22,347.53	Net Change: 4.79%

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 Launch Avenue Emergency Construction is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 126

M/S-Dill/D'Adamo

The resolution was adopted by unanimous vote of those present.

Councilman D'Adamo explained that this bike path bridge is needed due to a safety issue.

No. 126 of 2020

Subject: A Resolution Requesting Immediate Action to Amend the Proposed 2020 Capital Improvement Program of the New Jersey Turnpike Authority to Eliminate a Full Interchange at Exit 29 and to Fund and Construct the Bridge Interconnection of the Somers Point Bike Path and the Garden State Parkway Bridge

Introduced By: Council President McGuigan and Councilmen Dill and D'Adamo

Whereas, in March 2020 the New Jersey Highway Authority (NJHA) issued the 2020 Capital Improvement Program which includes \$15 million in funding for a full interchange at interchange 29 and the closing of Interchange 30; and

Whereas, this Plan was proposed and adopted during the coronavirus pandemic with little opportunity for public input; and

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Whereas, the City of Somers Point, along with the City of Ocean City and the County of Atlantic opposes a full interchange at Interchange 29 and the closing of Interchange 30; and

Whereas, as part of the Route 52 Project, the MacArthur Boulevard improvements were designed to provide for a gateway into Somers Point and to provide for the safe flow of traffic; and

Whereas, for over a decade the City has maintained that a cost-effective way to address heavy traffic on Laurel Drive is to restrict large trucks from exiting or entering the Garden State Parkway at interchange 30; and

Whereas, the City further maintains that the New Jersey Highway Authority should commit to maintaining Laurel Drive from Interchange 30 to US Route 9 to provide a secure funding source for this segment of road; and

Whereas, the City of Somers Point's top priority is to implement the State's plan to provide a safe connection to the new Garden State Parkway bike and pedestrian bridge over the Great Egg Harbor River; and

Whereas, representatives of the New Jersey Turnpike Authority, the New Jersey Department of Transportation, Atlantic County, and Somers Point have worked together to develop a plan to connect the Garden State Parkway Bridge pedestrian walkway/bike path to Route 9, the Somers Point - Mays Landing Road (CR559), Route 52, the Somers Point - Ocean City pedestrian walkway/bike path and the Somers Point Bike Path which will provide a safe and scenic route providing connectivity to the system of bike paths and bike routes within the State; and

Whereas, the State's plan was developed in 2016 by WSP USA and requires the construction of an overpass across the Northbound Parkway Exit Ramp connecting to the east side of the Exit Ramp, continuing along the east side of Route 9 to the intersection of Route 9 and Somers Point - Mays Landing Road (CR 559) and then along CR559 to the Somers Point - Ocean City Bridge; and

Whereas, the plan was further refined by Johnson, Mirmiran and Thompson, and was presented at a public meeting hosted by NJDOT on January 10, 2019 in Somers Point; and

Whereas, those who attended the public meeting were in full support of the proposed plan; and

Whereas, the Somers Point City Council and the Atlantic County Board of Chosen Freeholders adopted resolutions in support of the proposed plan.

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Now, therefore, it is hereby resolved that the City Council of the City of Somers Point requests that the 2020 NJHA Capital Improvement Program be amended to eliminate a full interchange at Interchange 29 and the closing of Interchange 30 and to include

funding for construction of the bicycle and pedestrian bridge and paths to access the NJHA Bridge over the Great Egg Harbor River and to maintain Laurel Drive from Interchange 30 to US Route 9; and

Be it further resolved that the NJHA restrict large trucks from using GSP Interchange 30; and

Be it further resolved that the Somers Point City Clerk shall provide a certified copy of this Resolution to:

Diane Gutierrez-Scaccetti, Commissioner of the New Jersey Department of Transportation and Chair of the New Jersey Turnpike Authority
John M. Keller, Executive Director, New Jersey Turnpike Authority
Congressman Jeff Van Drew
Senator Chris A. Brown
Assemblyman John Armato
Assemblyman Vincent Mazzeo
Atlantic County Executive Dennis Levinson
Atlantic County Board of Chosen Freeholders
Mayor Jay Gillian, Mayor of Ocean City
Ocean City – City Council
Michael Chait, Greater Atlantic City Chamber of Commerce
Chuck Westcott, Somers Point Business Association
Jennifer Marandino, South Jersey Transportation Planning Organization

Old Business:

None.

New Business:

Councilman Dill questioned the start up of the Little League baseball. Councilman D’Adamo indicated that the Little League and Babe Ruth leagues are following the State’s standards and the both have submitted required guidelines.

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Councilman Dill questioned is there is an established procedure to open the beach. City Administrator Wes Swain indicated that once lifeguards are hired, there will be someone periodically cleaning the restrooms and acting as a chaperone regarding social distancing.

Discussion of Bills:

Administrator Swain reported a Record of Payment dated 6/12/2020 in the amount of \$ 2,417.88, and a Bill List dated 6/23/2020 in the amount of \$ 905,902.61

Public Portion

The Public Portion was duly opened to the public.

Natalie Bailey of 825 Bay Avenue previously requested if a quarterly budget vs. expenses report could be posted on the website. Council President McGuigan indicated that a report is being formulated. Ms. Bailey requested that the beach concerts not be allowed this summer. Ms. Bailey expressed her concern regarding noise control from music from The Pointe. Council President McGuigan recommended calling the Police Department and filing a Complaint. Councilman Gerety mentioned that the Bayfront is always noisy during summertime and always has had that history. Additionally, he mentioned to call the police.

Thomas Smith, City Solicitor, explained that our legal case was dismissed without prejudice, and anyone may file a Complaint regarding the noise level.

Mr. Crean expressed his concern regarding the loud music at The Pointe. Mr. Smith indicated that due to the unprecedented Pandemic of COVID-19, the review of the noise ordinances has been delayed.

Greg Sykora of 2 Horter Avenue expressed that he is in favor of Low Speed Vehicles.

Mr. Phil Collins of 814 Bay Avenue questioned if City Council Chambers will be open for live meetings. Council President McGuigan has not had any conversions regarding live meetings; however, it will be further explored.

Councilman Gerety mentioned the difficulty in maintaining social distancing and suggested the possibility of holding a City Council meeting at Gateway Theatre.

Payment of Bills

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M/S – Gerety/D’Adamo

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.

The date for the next meeting is July 23rd. Mayor Glasser reported a serious accident ongoing at Bay and Gull Avenues.

Adjournment

There being no further business to come before Council, Councilman Gerety moved, Councilman Toto seconded and carried to adjourn the meeting at 8:35p.m.

Respectfully submitted,

Lucy R. Samuelson, RMC
Municipal Clerk
Approved: 7/24/2020