

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 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 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.

Communications:

None

Mayor's Report:

Mayor Glasser stated that the U.S.S. Somers Reunion Committee planned to meet in Somers Point in September; however, due to the COVID-19 pandemic, they postponed their visit until September 12-16, 2021. Additionally, Mayor Glasser reported that he had conversations with Chief Somers and Chief Sweeney regarding delivery of the firetrucks, which are on schedule to be delivered at the end of the summer.

Administrator's Report:

Administrator Swain announced that the beach is now open and extended his appreciation to Assistant City Administrator Frost for an exceptional job. Administrator Swain mentioned that City Engineer, Greg Schneider, filed the annual storm water report.

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Solicitors Report:

No report

Committee Reports:

Councilwoman Johnston reported that Bay Cats, LLC., is up and running and doing very well at the marina. They offer paddle board and kayak rentals including sunset/sunrise cruises. Additionally, they plan to offer a four-day children's camp (ages 8-12) and teach them how to paddle board, kayak and include other beach activities with art. Councilwoman Johnston reported that the marina has increased use of the boat slips.

Approval of Minutes:

On the motion of Councilman Gerety, seconded of Councilman Owen and carried, the regular meeting minutes 6/25/2020.

Ordinances:

None

Resolutions:

Council President McGuigan read by title only the list of resolutions. Councilwoman Johnston Pro Tempore called for a motion to waive the 48-hour rule to add Resolution No. 141, which was duly added by a motion, seconded and carried.

The meeting was duly opened to the Public.

Resident Patricia Pierson of 587 Marks Road questioned if the City is having a real estate auction. Council President McGuigan replied no; it is for real property that is no longer of use to the City. Ms. Pierson stated that she is a proponent of Resolution No. 139.

Council President McGuigan stated that the resolution is urging State and County officials to allow a in person election at the polling site, and a voter would still have the option to vote by mail as customary.

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City Council President McGuigan offered his appreciation for all the long hours and hard work of the election board workers.

Laurie Sanderson of 6 Gulf Mill Road expressed her concern regarding the expenses of the election, protection of public health and the language within Resolution No. 139 regarding purported irregularities in the casting of vote-by-mail ballots. Ms. Sanderson is an opponent of the resolution.

Councilman D'Adamo concurred with Ms. Sanderson and expressed his concerns regarding the language also stating it is counter-productive and political.

Greg Sykora resident of 2 Horter Avenue is a proponent of Resolution No. 139. Additionally, he opined that vote-by-mail ballots should be used for voters that are not able to vote in person.

Robert Hopkins resident of 123 E. Meyran Avenue concurred with Mr. Sykora and is a proponent of Resolution No. 139.

Council President read Resolution No. 139 in full.

Levi Fox resident of 90 Broadway is an opponent of Resolution No. 139. Council President McGuigan offered to motion for an amendment when the resolution will be considered to address Mr. Fox's concerns. Councilman D'Adamo mentioned that there are many concerns that need to be reviewed and opined that this resolution imposes voter suppression.

Thomas Smith, City Solicitor, read the subject line and Number 1 of the resolution and noted that those statements make the Governing Body's stance clear. City Councilman D'Adamo expressed his concern regarding the last "whereas" language and questioned if that is the law. Mr. Smith indicated there is pending litigation regarding Governor Murphy's authority by Executive Order to order an election where voting machines are not available to non-disabled voters. Additionally, City Solicitor Smith explained that the Governing Body may express their opinion, which is that a Democratic Governor should not be altering the nature of the General Election by Executive Order but should be done by the Legislature.

Resident Daniel Meyers of 429 Shore Road opines that the resolution is an editorial, which should be written in a letter form, not a resolution. Mr. Meyers is an opponent of the resolution.

Council President McGuigan stated that the Governing Body writes many resolutions urging and taking positions to State Legislators and the Governor. The definition of a resolution is: just a sentiment at that time of the City Council; whereas, the definition of an ordinance is: a City law that continues from year to year.

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Celeste Fernandez of Galloway, N.J., expressed her concern regarding Resolution No. 139 due to public health and opined that the resolution is voter suppression. Ms. Fernandez is an opponent of the resolution.

Council President McGuigan reiterated that the resolution supports vote by mail ballots.

Joe McCarrie, resident, is a proponent of the resolution and opines that the vote by mail ballot has a place; however, he prefers to vote in person.

Resident Laurie Sanderson of 6 Gulf Mill Road stated that she doesn't object to people voting in person, but objects to the language of the resolution and expressed her concern regarding the transmission of COVID-19.

Levi Fox, resident of 90 Broadway, opines it is voter suppression, which lowers the amount of voter participation.

Carol Cervi of 1414 Massachusetts Avenue stated that she wants the option to vote by mail.

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

Resolution No. 127

M/S- Dill/Owen

The resolution was adopted by unanimous vote of those present.

No. 127 of 2020

Subject: Increasing Bid Threshold

Introduced By: Council President McGuigan Councilmen Dill and Gerety

WHEREAS, pursuant to N.J.S.A. 40A:11-9 the City of Somers Point has appointed William E. Swain as its Qualified Purchasing Agent; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3.a the City of Somers Point has established its bid threshold at \$40,000.00; and

WHEREAS, on July 1, 2020 pursuant to N.J.S.A. 40A:11-3.c the bid threshold increased from \$40,000. to \$44,000.

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NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Somers Point, in the County of Atlantic, in the State of New Jersey hereby increases its bid threshold to \$44,000.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

Resolution No. 128

M/S- Toto/Dill

The resolution was adopted by unanimous vote of those present.

No. 128 of 2020

Subject: Chapter 159 Resolution – FY 2020 Clean Communities
Introduced By: Council President McGuigan, Councilmen Gerety, and Dill

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any 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 an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$26,850.14 and wishes to amend its 2020 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$26,850.14 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

FY2020 Clean Communities Grant \$26,850.14

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$26,850.14 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

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Public and Private Programs Offset by Revenues:
FY2020 Clean Communities Grant \$26,850.14

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Resolution No. 129

M/S- Dill/Toto

The resolution was adopted by unanimous vote of those present.

No. 129 of 2020

Subject: Awarding Bid for 2020 Pump Station Generator Replacements Project

Introduced by: Councilmen Dill and Toto

WHEREAS, on July 15, 2020 the City of Somers Point received bids from seven contractors for the 2020 Pump Station Generator Replacements project; and

WHEREAS, Ronald Janney Electrical Contractor, Inc. of Estell Manor, New Jersey, was the lowest responsible bidder; and

WHEREAS, the Sewer Utility Engineer has recommended that the City award the contract to Ronald Janney Electrical Contractor, Inc. of Estell Manor, New Jersey, in the amount of \$338,200.00.

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

- 1.) The Contract for the 2020 Pump Station Generator Replacements project is hereby awarded to Ronald Janney Electrical Contractor, Inc. of Estell Manor, New Jersey, in the amount of \$338,200.00.

- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Ronald Janney Electrical Contractor, Inc., signing on behalf of the City.

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Resolution No. 130

M/S- Dill/Johnston

The resolution was adopted by unanimous vote of those present.

No. 130 of 2020

Subject: Authorizing Advertising Bids for FY 19 Bikeways Grant – Mays Landing Road Bike Lanes

Introduced by: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to construct bike lanes along Mays Landing Road using funding from FY 2019 Bikeways Grant; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the FY 19 Bikeways Grant – Mays Landing Road Bike Lanes; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk’s office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 131

M/S- Johnston/Owen

The resolution was adopted by unanimous vote of those present.

No. 131 of 2020

Subject: Authorizing Advertising Bids for FY 18 and FY 20 Safe Routes to Transit - Rt.9 Pedestrian Improvements

Introduced by: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to construct pedestrian improvements along Rt.9 using funding from FY 2018 and FY 2020 Safe Routes to Transit Grants; and

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the FY 18 and FY 20 Safe Routes to Transit - Rt.9 Pedestrian Improvements; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 132

M/S- Dill/Owen

The resolution was adopted by unanimous vote of those present.

No. 132 of 2020

Subject: Authorizing Advertising Bids for 2019 Road Program – Phase II

Introduced by: Councilmen Dill and Toto

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Sixth Street from Pennsylvania Avenue to Massachusetts Avenue, Massachusetts Avenue from Sixth Street to Seventh Street, Fourth Street from Dobbs Avenue to Rhode Island Avenue, Connecticut Avenue from New Road to Shore Road, Rhode Island Avenue from Seventh Street to First Street; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2019 Road Program-Phase II; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Resolution No. 133

M/S- Dill/D'Adamo

The resolution was adopted by unanimous vote of those present.

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No. 133 of 2020

**Subject: Change Order 3 – Contract No. 33 – Somers Point Bike Path
Widening- Federal Project # TAP-D00S (221) Construction - NJDOT
Job # 5521309**

Introduced by: Councilmen Dill and D’Adamo

WHEREAS, during the construction process, they were delays in acquiring materials for the project; and

WHEREAS, due to the COVID-19 pandemic, the paving subcontractor is experiencing a shortage of laborers; and

WHEREAS, in accordance with Resolution 218 of 2019, Kane Communications, LLC of Trenton, New Jersey was awarded the contract for the Somers Point Bike Path Widening (Federal Project # TAP-D00S (221) Construction - NJDOT Job # 5521309) for the sum of \$1,427,684.45; and

WHEREAS, the Contractor has requested a forty-five (45) day extension to complete the project; and

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

WHEREAS, in accordance with Resolution 77 of 2020, a Change Order No. 1 for \$14,850 was previously approved; and

WHEREAS, in accordance with Resolution 120 of 2020, a Change Order No. 2 for \$17,640.00 was previously approved; and

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

Contract Amount	\$1,427,684.45
Change Order 1 (Previously Approved)	\$14,850.00
Change Order 2 (Previously Approved)	\$17,640.00
Change Order 3 (Time Extension)	\$0.00

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Revised Contract Amount \$1,460,174.45

Total Deduction: \$0 Total Additional: \$32,490.00 Net Change: 2.28%

WHEREAS, the NJDOT Local Aid Office must also concur with this Change Order No. 3;

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 Somers Point Bike Path Widening (Federal Project # TAP-D00S (221) Construction - NJDOT Job # 5521309) 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. 134

M/S- Toto/Owen

The resolution was adopted by unanimous vote of those present.

No. 134 of 2020

Subject: Resolution of the City of Somers Point, County of Atlantic, State of New Jersey Authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website

Introduced By: Council President Sean McGuigan

WHEREAS, the City of Somers Point has determined that surplus items including but not limited to, Miscellaneous Office Equipment, Miscellaneous Recreation Equipment, Public Works Vehicles, Public Works Equipment and Miscellaneous Computer Equipment are property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the City of Somers Point has the property listed in schedule A, attached to this Resolution, and desires to sell this property online.

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NOW, THEREFORE, BE IT RESOLOVED by the City of Somers Point’s Governing Body that the City of Somers Point is hereby authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: www.govdeals.com

Length of Auction: 14 Days.

Start Date: Monday August 3rd, 2020 (see schedule A)

End Date: Monday August 17th, 2020 (see schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: 1 West New Jersey Avenue, Somers Point, New Jersey, 08244.

Possession: Within 10 business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold “as is, where is”.

Payment by the bidder must be submitted to the City of Somers Point within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days (excluding holidays) of winning bid unless other arrangements have been made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned

Schedule A

1. **Auction 1:** 1998 Dump Truck / 1FDNK74P5KVA03087 (Public Works)

Bid Start: Monday August 3rd 2020 : 9:00AM

Bid Stop: Monday August 17th 2020 : 9:00AM

2. **Auction 2:** 1992 Grain Truck / 1FDXK74P1MVA36598 (Public Works)

Bid Start: Monday August 3rd 2020 : 9:00AM

Bid Stop: Monday August 17th 2020 : 9:30AM

3. **Auction 3:** International Trailer / 1ZFUF121XLB000889 (Public Works)

Bid Start: Monday August 3rd 2020 : 9:00AM

Bid Stop: Monday August 17th 2020 : 10:00AM

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4. **Auction 3:** Audio Equipment and Misc Items (Police Department)
- Bid Start: Monday August 3rd 2020 : 9:00AM**
Bid Stop: Monday August 17th 2020 : 10:30AM
5. **Auction 3:** 2004 Ford Expedition / 1FMPU16L34LB49724 (Police Department)
- Bid Start: Monday August 3rd 2020 : 9:00AM**
Bid Stop: Monday August 17th 2020 : 11:00AM
6. **Auction 6:** 2004 GMC Yukon / 1GKEK13Z34J105300 (Police Department)
- Bid Start: Monday August 3rd 2020 : 9:00AM**
Bid Stop: Monday August 17th 2020 : 11:30AM
7. **Auction 7:** 2008 Ford Expedition / 1FMFU16568LA86704 (Police Department)
- Bid Start: Monday August 3rd 2020 : 9:00AM**
Bid Stop: Monday August 17th 2020 : 12:00PM
8. **Auction 8:** Misc Computer Equipment (Police Department)
- Bid Start: Monday August 3rd 2020 : 9:00AM**
Bid Stop: Monday August 17th 2020 : 12:30PM
9. **Auction 9:** Misc Portable Radio Parts (Police Department)
- Bid Start: Monday August 3rd 2020 : 9:00AM**
Bid Stop: Monday August 17th 2020 : 1:00PM
10. **Auction 10:** Misc Radio Equipment (Police Department)
- Bid Start: Monday August 3rd 2020 : 9:00AM**
Bid Stop: Monday August 17th 2020 : 1:30PM

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Resolution No. 135

M/S- D'Adamo/Owen

The resolution was adopted by unanimous vote of those present.

No. 135 of 2020

**Subject: Extending Contract for Sanitary Sewer Emergency
Repairs and Miscellaneous Maintenance**

Introduced by: Councilmen Dill and Toto

WHEREAS, on July 18, 2019 the City of Somers Point received bids from four contractors for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance; and

WHEREAS, the total amount of the bid was based on specified units and quantities of work multiplied times the bidder's unit prices of labor, material and equipment for various categories of anticipated emergency repairs and miscellaneous repairs to the sanitary sewer system; and

WHEREAS, after applying these calculations, Mathis Construction Co., Inc., of Little Egg Harbor Township, New Jersey was the lowest responsible bidder; and

WHEREAS, an open-end contract was awarded to Mathis Construction Co., Inc. that was in effect for a period of one (1) year with the possibility of two (2) one-year extensions if both parties agree to the extension, subject to the requirements of N.J.S.A. 40A:11-1 et seq; and

WHEREAS, the Sewer Utility Engineer has found their work satisfactory and has recommended that the City accept the first one-year extension to the contract with Mathis Construction Co., Inc. with an index rate increase of 3% over the 2019-2020 and in the established maximum amount of \$283,517.80.

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

- 3.) Because their services are being performed in an efficient and effective manner, a one-year extension to the Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance is hereby awarded to Mathis Construction Co., Inc., of Little Egg Harbor Township, New Jersey in the maximum amount of \$283,517.80

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- 4.) The City Administrator is hereby authorized to execute any required documents in this regard on behalf of the City.

Resolution No. 136

M/S- Dill/Owen

The resolution was adopted by unanimous vote of those present.

No. 136 of 2020

Subject: Awarding Bid for the 2020 Stormwater Cleaning & Video Inspection

Introduced by: Councilmen Dill and Toto

WHEREAS, on July 21, 2020, the City of Somers Point received bids for the 2020 Stormwater Cleaning & Video Inspection project; and

WHEREAS, Video Pipe Services, Inc., of Newfield, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Video Pipe Services, Inc., of Newfield, New Jersey in the amount of \$56,600.00

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

- 1.) The Contract for the 2020 Stormwater Cleaning & Video Inspection is hereby awarded to Video Pipe Services, Inc., of Newfield, New Jersey in the amount of \$56,600.00.
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Video Pipe Services, Inc., signing on behalf of the City.

Resolution No. 137

M/S- Toto/Johnston

The resolution was adopted by unanimous vote of those present.

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No. 137 of 2020

Subject: Awarding Bid for the 2020 Stormwater Repairs

Introduced by: Councilmen Dill and Toto

WHEREAS, on July 21, 2020, the City of Somers Point received bids for the 2020 Stormwater Repairs project; and

WHEREAS, Mathis Construction Co., Inc., of Little Egg Harbor, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Mathis Construction Co., Inc., of Little Egg Harbor, New Jersey in the amount of \$247,537.27

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

- 3.) The Contract for the 2020 Stormwater Repairs is hereby awarded to Mathis Construction Co., Inc., of Little Egg Harbor, New Jersey in the amount of \$247,537.27
- 4.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Mathis Construction Co., Inc. signing on behalf of the City.

Resolution No. 138

M/S- Dill/D'Adamo

The resolution was adopted by unanimous vote of those present.

No. 138 of 2020

Subject: Awarding Bid for the JFK Park Dock Repairs

Introduced by: Council President McGuigan and Councilman Owen

WHEREAS, on July 21, 2020, the City of Somers Point received bids for the JFK Park Dock Repairs project; and

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WHEREAS, Albert Marine Construction, of Waretown, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer's office has recommended that the City award the contract to Albert Marine Construction, of Waretown, New Jersey in the amount of \$96,690.00

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

- 5.) The Contract for the JFK Park Dock Repairs is hereby awarded to Albert Marine Construction, of Waretown, New Jersey in the amount of \$96,690.00
- 6.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Albert Marine Construction signing on behalf of the City.

Resolution No. 139

M/S- Toto/Owen (TABLED)

Councilman D'Adamo questioned if it is the intent to eliminate the fact that people can receive mail in ballots as occurred in the primary election if the Governor were to issue an executive order saying that the general election will occur as it did in the primary election. Councilman Toto answered, no, you still would receive a vote by mail ballot. Councilman D'Adamo expressed his concern regarding senior citizens, ill citizens and handicapped citizens being able to stay home and voting by a vote by mail ballot and not an absentee ballot. Additionally, he expressed his disapproval of the language of "various reports" in the body of the resolution, because he opines that they happen in all elections. Councilman D'Adamo vehemently disagreed with the language regarding the use a party names and stated that it is political and inappropriate. He continued to express his concern that the resolution does not state the use of voting machines. Councilman D'Adamo indicated that Number 1 of the resolution doesn't belong before City Council. Thomas Smith, City Solicitor, stated that the position of City Council is if the general election is going to the executed like the primary election; it should not be by executive order, but should be done by the Legislature. Next, Councilman D'Adamo expressed his concern with Number 2 of the resolution mentioning that election officials must be sworn in; therefore, the resolution is reinforcing something that already exists. Finally, Councilman D'Adamo stated that the State should pay for the expense of the additional costs of the elections.

Councilman Toto mentioned experiences of a number of over votes, a number of under votes and machines breaking down. They had one size for the machine and another size ballot that created

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confusion. Councilman Toto stated if a voter wants the vote by mail or vote by going to the polls, they should have those options.

Thomas Smith, City Solicitor, and City Council discussed changing the language.

Councilman Gerety stated that the resolution warrants clarification and motioned to table, seconded by Councilman D'Adamo and carried unanimously by roll call vote.

No. 139 of 2020

TABLED

Subject: Resolution Opposing a Full Vote-By-Mail Election for the November 2020 General Election

Introduced by: Councilman James Toto

WHEREAS, the State of New Jersey conducted an all vote-by-mail primary election on July 7, 2020; and

WHEREAS, the number of ballots cast by mail overwhelmed the Statewide Voter Registration System, Atlantic County Board of Elections, Atlantic County Superintendent of Elections and Atlantic County Clerk; and

WHEREAS, numerous reports of purported irregularities in the casting of vote-by-mail ballots were made including a notable Atlantic City political operative allegedly signing a vote-by-mail ballot twice, a voter deceased for two years receiving a ballot at his spouse's home, a voter who has been a resident out of State for three years receiving a ballot, and a registered Republican receiving a Democratic ballot; and

WHEREAS, the number of votes to be cast in the general election of November 3, 2020 will greatly exceed the number of votes cast on the July 7, 2020 primary, particularly since this is a Presidential election year; and

WHEREAS, the costs associated with running an all vote-by-mail primary has led to extraordinary costs and expenses which constitute an unfunded mandate by the State of New Jersey upon Somers Point; and

WHEREAS, Governor Murphy is without any legal authority to alter the nature of the general election by executive order and without specific state legislation;

NOW, THEREFORE, be it resolved by the City Council of the City of Somers Point that:

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1. We oppose any efforts by Governor Philip Murphy via executive order to summarily and without legislative authority alter the terms and conditions of manner in which the general election on November 3, 2020 is to be conducted.
2. We urge all election officials to immediately implement safeguards concerning the protection of all vote-by-mail ballots to ensure integrity in the voting process.
3. A true copy of this Resolution shall be provided to Governor Philip Murphy, State Senate President Stephen Sweeney, State Assembly Speaker Craig J. Coughlin, State Senator Christopher Brown, State Assemblyman Vincent Mazzeo, State Assemblyman John Armata, and Chairman Frank Formica of the Atlantic County Board of Chosen Freeholders.

Resolution No. 140

M/S- Johnston/Owen

The resolution was adopted by unanimous vote of those present.

No. 140 of 2020

Subject: Extending the Time Period for Temporary and Limited Expansion of the Operations of Bars/Restaurants to their Outside Areas and Municipal Right of Ways

Introduced by: Council President Sean McGuigan

WHEREAS, on June 3, 2020, Governor Murphy signed Executive Order No. 150 (2020), which set an effective date of Monday, June 15, 2020 at 6:00 a.m., for all restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” to offer in-person service at outdoor areas, subject to provisos; and

WHEREAS, on June 11, 2020, this governing body passed Resolution No. 121-2020 which provided a temporary and limited expansion of the operations of bars/restaurants to their outside areas and municipal right of ways; and

WHEREAS, said Resolution held that pending further resolution, the force and effect of the resolution, and all temporary rights set forth therein, were to terminate upon the earlier of either the effective date and time of the State of New Jersey relaxing the provisions of Executive Order 107 relative to its prohibition of on-premises consumption of food or beverages at bars and

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restaurants and requirement of social distancing as set forth therein, or at 11:59 p.m. on July 24, 2020; and

WHEREAS, the provisions of Executive Order 107 have not yet been relaxed; and

WHEREAS, is recognized by this governing body that the COVID-19 outbreak continues to cause substantial economic suffering and financial hardship for many of the businesses of the City of Somers Point, including bars and restaurants; and

WHEREAS, this governing body wishes to extend the time period for the temporary and limited expansion of the operations of Bars/Restaurants to their outside areas and municipal right of ways.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that the provisions of Resolution No. 121-2020 are hereby extended until the earlier of either the effective date and time of the State of New Jersey relaxing the provisions of Executive Order 107 relative to its prohibition of on-premises consumption of food or beverages at bars and restaurants and requirement of social distancing as set forth therein, or at 11:59 p.m. on September 14, 2020, at which time the allowances provided herein shall be rescinded.

Resolution No. 141

M/S-Owen/D’Adamo

Council President McGuigan recused himself from this portion of the meeting. Councilman Dill recused himself from this portion of the meeting. Councilwoman Johnston Pro Tempore called for a motion.

The resolution was adopted by unanimous vote of those present with Council President McGuigan and Councilman Dill recusing themselves.

No. 141 of 2020

**Subject: Memorandum of Agreement – Police Benevolent Association
Somers Point Police Supervisors**

Proposed By: Mayor John L. Glasser
Introduced By: Councilpersons Johnston and Toto

WHEREAS, the City of Somers Point and the Mainland PBA, Local 77, Somers Point Police Supervisors were parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1, 2012 through December 31, 2016; and

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WHEREAS, the City of Somers Point and the Mainland PBA, Local 77, Somers Point Police Supervisors have continued to operate pursuant to that Agreement

since its expiration on December 31, 2016 and have continued to negotiate for a successor agreement; and

WHEREAS, those negotiations have concluded and the terms and conditions have been memorialized in a Memorandum of Agreement which is attached hereto and made a part hereof; and

WHEREAS, the term of the successor agreement shall be from January 1, 2017 through December 31, 2021; and

WHEREAS, that Memorandum of Agreement is hereby agreed to by this governing body.

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

1. Mayor John L. Glasser, Jr. is hereby authorized to sign the attached Memorandum of Agreement on behalf of the City which will then be incorporated into the full, formal written agreement.
2. Once the formal written agreement is prepared in conformance with the Memorandum of Agreement Mayor John L. Glasser, Jr. is hereby authorized to sign the agreement between the City of Somers Point and the Mainland PBA, Local 77, Somers Point Police Supervisors on behalf of the City and a copy thereof will be attached hereto.

Old Business:

None.

New Business:

None

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Discussion of Bills:

Administrator Swain reported a Record of Payments dated 7/21/2020 in the amounts of \$20,500.62, \$33,531.22 and \$139,765.58, and a Bill List dated 7/21/2020 in the amount of \$ 573,288.66.

Public Portion

The Public Portion was duly opened to the public.

Patricia Pierson resident of 587 Marks Road requested the City to request the \$250,000 contribution from Shore Medical Center. Council President McGuigan will confer with the hospital committee, noted that the committee has ongoing communications with the hospital. Ms. Pierson inquired the thoughts of City Council regarding the new, large sign at a Circle Liquor, which she mentioned is a beautiful sign. Council President McGuigan mentioned that he will drive by to view the sign. Considering the pandemic, Ms. Pierson suggested that the City does not purchase the street sweeper or hire any more employees. Additionally, Ms. Pierson questioned if there would be a short fall for the first and second quarter, and if there is, what are City Council's plans. Council President McGuigan stated that the budget is a year-round process, and they continue to look at the budget regarding expenses versus revenues. In addition, they continue to review and monitor the appropriation and revenue sides and explore ways to generate more revenue in the town. Council President McGuigan just received a photo of the Circle Liquor sign and indicated that its an attractive and large sign. Ms. Pierson recommended using a consulting company for administration of the City. Additionally, Ms. Pierson expressed her disappointment that the beach concerts were cancelled. Council President McGuigan agreed and mentioned that the City lost a lot of events this year; however, the decision was based on an evaluation with proper protocols and consideration of the pandemic. Ms. Pierson thanked Council President McGuigan for her time.

Mr. Crean expressed his concern and frustration regarding the loud music from The Pointe and questioned if City Council plans to enforce the existing ordinances or make changes to the noise ordinances. Council President McGuigan recommended to file a complaint and mentioned that his concern is noted and will get the proper attention.

Greg Sykora of 2 Horter Avenue thanked City Council for continuing the outdoor seating ordinance and suggested it become permanent. Additionally, he suggested to review the parking ordinance.

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Levi Fox resident of 90 Broadway suggested realigning the City’s priorities to address the complaint of the noise level.

Alexander Kazmark of 229 Landing Lane, Linwood, requested that the reversion clause be removed from a document regarding 92 Broadway. At the request of Mr. Kazmark, Council President McGuigan will set up an appointment with him.

Mr. Phil Collins of 814 Bay Avenue questioned if there is information regarding proposed metered parking. Council President McGuigan indicated that there has not been any official information brought to any committee or City Council. Councilwoman Johnston stated that she is researching the subject and is the liaison for the Economic Development Advisory Commission; however, she is not ready to make any recommendation at this time.

Payment of Bills

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.

Adjournment

There being no further business to come before Council, Councilman Gerety moved, Councilman Toto seconded and carried to adjourn the meeting at 9:07 p.m.

Respectfully submitted,

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 8/20/2020