

# **REGULAR MEETING MAYOR AND CITY COUNCIL January 9, 2025**

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

**Present:** DePamphilis, Dill, Gerety, Johnston, McGuigan, Owen, Council President Haberkorn

**Also Present:** Mayor Tapp, Administrator Frost, City Clerk Heath, City Solicitor Smith, and City Engineer Schneider

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## **Open Public Meetings Act:**

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided to two local newspapers. The agenda has been posted at City Hall and on the City's website, somerspointgov.org.

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Council Member Haberkorn thanked employees for a quick turnaround preparing the agenda.

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## **Communications:**

None

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## **Mayor's Report:**

Mayor Tapp thanked Guy Martin and the Public Works Department for their hard work during the first snow removal of the season. Mayor Tapp shared Shore Medical Center and Cape Atlantic Coalition are offering a cancer thriving and surviving 6-week course for survivors, care givers, and patients starting on January 28<sup>th</sup> 4:30 PM– 7 PM. Mayor Tapp mentioned bringing in David R. Thierman for a free Seminar and will keep everyone updated when he receives more information.

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## **Administrator's Report:**

Administrator Frost explained there are several construction projects going on in Somers Point. He is making a great effort to contact contractors and keep Council and Residents informed.

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## **Solicitors' Report:**

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Solicitor Smith gave a brief overview to City Council on Ordinance 2 of 2025 and Resolution 39 of 2025.

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## **Engineer's Report:**

Engineer Schnieder discussed the grant process for the repaving project of New Jersey Ave. He reported Approval from the New Jersey Department of Transportation should be received this month. He intends to receive bids in February.

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## **Committee Reports:**

Council Member McGuigan gave an update regarding the Affordable Housing Committee. Council Member McGuigan explained a new COAH Solicitor has been hired and will be present at the next meeting to help the committee with future obligations.

Council Member Haberkorn shared he attended the School Board Reorganization meeting and there will be a resolution to recognize all the efforts of the School Board Members.

Council Member Dill showed gratitude to the Public Works department, especially the Sanitation workers for the great job they do in extreme weather conditions.

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## **Approval of Minutes:**

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 12/12/2024 and Executive Session Meeting minutes of 12/12/2024, approved as to content only.

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## **Ordinances:**

### **Ordinance No. 1 of 2025**

*(First Reading/Introduction)*

**M/S- Gerety / Dill**

This ordinance was adopted by a unanimous vote of those present.

**No. 1 of 2025**

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**AN ORDINANCE AMENDING ORDINANCE NO. 1 OF 2024,  
AN ORDINANCE OF THE CITY OF SOMERS POINT,  
COUNTY OF ATLANTIC, NEW JERSEY, ESTABLISHING  
THE RATES, FEES, RENTS AND OTHER CHARGES OF  
THE CITY OF SOMERS POINT SEWER UTILITY**

**BE IT ORDAINED** by the City Council of the City of Somers Point, that, in accordance with the Municipal and County Sewerage Act, N.J.S.A. 40A:26-A-1 et seq., Section 1 of Ordinance No. 1 of 2019 is hereby amended, and the following schedule of rates, fees, rents and other charges is hereby implemented:

**Rates and Charges  
of the  
City of Somers Point Sewer Utility**

**SECTION 1.**

1. The minimum charge per equivalent domestic unit shall be \$387.00 annually.
2. The annual unit sewer charge based on the type of property served shall be as follows:
  - (a) Private dwellings, condominium units and cooperative units basic charge . . . . . \$387.00
  - (b) Structures with apartments - each apartment . . . . . \$387.00
  - (c) Hotels, rooming houses and private dwellings with rented rooms –  
basic charge . . . . . \$387.00  
plus each rented room . . . . . \$285.00
  - (d) Motels - each standard rental unit . . . . . \$285.00  
- each efficiency rental unit..... \$387.00
  - (e) Small Businesses/Professional Office/Professional Condo Office –  
Minimum one charge for each office . . . . . \$387.00  
Additional charges based on water consumption . . . . . \$387.00
  - (f) Trailer parks - each trailer . . . . . \$387.00
  - (g) Service stations and garages . . . . . \$387.00

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- (h) Service stations and garages with washing facilities ..... \$770.00
- (i) Pumpout facilities for marinas ..... \$387.00
- (j) Churches ..... \$387.00
- (k) Public buildings .....\$760.00
- (l) The service charge for the use of services of the sewerage system for the persons who are hereinafter designated, shall be and the same is hereby fixed and determined as follows: The calculation of the said service charge shall be based and computed on the consumption of water on or in connection with the real property of such persons, which water consumption shall be determined by the reading of the water use meter used in connection with the real property of such person during the highest three (3) month period of such water used during any given billing year; such water use thus determined shall then be divided by a factor of twenty-seven thousand (27,000) and the quotient shall then be rounded upwards to the next highest whole number; the said quotient shall then be multiplied by a factor of \$387.00, and the resulting product, which shall be expressed in terms of dollars, shall be the annual sewerage charge for such persons.

The persons referred to in this section are the following: self service laundries, schools, restaurants, diners, bars, taverns, nursing homes, hospitals, bowling alleys, theatres, shopping centers, barber shops and beauty parlors. Large business establishments or industrial plants and other commercial establishments not herein specifically mentioned.

- (m) Any building, institution, commercial or industrial establishment discharging wastes other than domestic sewage will pay a premium charge for the waste. If the waste discharged into the sewer system by industrial users is stronger than allowed by the rules and regulations, the user shall pay a premium charge for the extra strength waste applied as a factor against the annual charge in category. The premium charge shall be based on the following formula for determination of the multiplication factor.

Factor=53.0%+19% (BOD in ppm\*) +22% (ss in ppm\*) +6% (chlorine demand in ppm\*)

300

350

5

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\*Where these figures are less than 300 ppm in BOD or 350 ppm in suspended solids or 5ppm in chlorine demand, the value in the parentheses ( ) shall be equal to "1".

The industrial user will be required to submit a report at least once monthly indicating the strength of sewage entering the Utility's system. The report shall be from an independent laboratory approved by the Utility. For billing purposes during any one year, the Utility will take the average of the samples submitted for use in determining the strength factor. If no reports are submitted to the Utility then the Utility reserves the right to obtain representative samples and use the results obtained from the samples to determine the factor for billing purposes. The cost of any tests required to be performed by the Utility will be added to the user's charges.

All other provisions relating to industrial wastes will be found in the Rules and Regulations of the Utility.

- (n) Notwithstanding anything to the contrary in this section, the minimum service charge to be paid with respect to any type of property shall be .....
- \$387.00

**SECTION 2:**

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**SECTION 3:**

This Ordinance shall take effect after final passage, adoption and publication according to law.

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**Ordinance No. 2 of 2025**  
*(First Reading/Introduction)*  
**M/S- Gerety / Owen**

This ordinance was adopted by a unanimous vote of those present.

**No. 2 of 2025**

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## **An Ordinance Repealing Article II of Chapter 34 of Code of the City of Somers Point**

**WHEREAS**, the City Council of the City of Somers Point previously enacted Article II of Chapter 34, which created the position of Community Education/Recreation Director (CER Director), and set forth the responsibilities and duties of said position; and

**WHEREAS**, the intent of creating the aforesaid position was that it was to be a position shared with the Somers Point School System; and

**WHEREAS**, the Somers Point Board of Education elected to no longer participate in connection with said shared position; and

**WHEREAS**, City Council previously reviewed the aforesaid section of the City's Code, and determined that the duties and responsibilities of said position had changed as the result of the separation of the position from the Somers Point School System; and

**WHEREAS**, City Council, on December 14, 2023, passed Ordinance No. 29 of 2023, repealing the then Article II of Chapter 34 and creating a new Article II of said Chapter; and

**WHEREAS**, City Council has had the opportunity to review the workings of position created by Ordinance 29 and no longer believes that the duties and responsibilities should performed by one person, since many of the duties for said position are actually performed by other employees and volunteers of the City, and that said position can be eliminated from the City Code.

**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:**

Article II of Chapter 34 of the Code of the City of Somers Point, identified as "Community Program and Recreation Director", is hereby repealed in its entirety.

### **SECTION 2:**

It is the intention of City Council with the passage of this ordinance to replace any references to "the Community Education/Recreation Director" or "the Community Program and Recreation Director," with the following language: "the individual(s) assigned by the City Administrator."

### **SECTION 3:**

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

### **SECTION 4:**

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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 after final passage, publication and adoption in the manner prescribed by law.

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### **Resolutions:**

#### **Public Portion Resolutions:**

Council Member Haberkorn duly opened the meeting to the public.

Patricia Pierson of Somers Point asked for clarification on resolution No. 39 of 2025.

Council Member Haberkorn provided insight on resolution No. 39 of 2025.

John Loreaux of Somers Point shared disapproval on resolution No. 39 of 2025.

Kathleen Lloyd of Somers Point provided her thoughts and concerns on resolution No. 39 of 2025.

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

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### **Resolution No. 38 of 2025**

#### **M/S- Dill/Johnston**

This resolution was adopted by unanimous vote of those present.

#### **No. 38 of 2025**

**Subject: Resolution of Support from Local Governing Body Authorizing the  
FY 2025 Local Recreation Improvement Grant (LRIG) Application funded by the  
New Jersey Department of Community Affairs**

**Introduced by: Council President Haberkorn**

**WHEREAS**, the New Jersey Department of Community Affairs is offering the Local Recreation Improvement Grant (LRIG); and

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**WHEREAS,** The Local Recreation Improvement Grant is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums; and

**WHEREAS,** access to outdoor recreation and community resources is critical for mental and physical health, particularly for those residents with limited or no other access to quality outdoor space or private recreational opportunities. Assisting local units in achieving unmet recreational obligations addresses these equity considerations, meeting the needs of communities that have been placed under substantial stress due to the lack of quality recreational facilities and spaces; and

**WHEREAS,** Local Recreation Improvement Grant funds will be allocated to each grant recipient to help cover costs associated with updating community centers, playgrounds, pools, fields, walking or bicycle trails, rail trails, multi-sport courts, and recreational facilities; one-time personnel costs directly related to improvements; project development professional services costs; equipment costs including playground and recreation facilities equipment; and environmental remediation costs required to prepare recreation sites for use; and

**WHEREAS,** the Local Recreation Improvement Grant (LRIG) exists to: fund improvements to recreational facilities; provide quality outdoor recreational space to underserved, communities, particularly in this time of heightened need; and assist local units in achieving unmet recreational obligations; and

**WHEREAS,** the City of Somers Point strives to save tax dollars, assure clean land, air, and water, improve working and living environments; and

**WHEREAS,** the City of Somers Point wishes to apply for funding through the NJDCA Local Recreation Improvement Grant; and

**WHEREAS,** the NJDCA Local Recreation Improvement Grant prioritizes unfunded projects and those that include a local match component; and

**WHEREAS,** the City of Somers Point desires to apply for and obtain a grant from the NJDCA for approximately \$100,000 for improvements to (insert name of park); and

**NOW, THEREFORE, BE IT RESOLVED** that

- 1) The Governing Body of the City of Somers Point does hereby authorize the application for this NJDCA Local Recreation Improvement Grant application; and
- 2) Recognizes and accepts that the NJDCA may offer a lesser or greater amount and therefore, upon receipt of the fully executed agreement from the NJDCA, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Somers Point and the NJDCA.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit a grant application for the NJDCA Local Recreation Improvement Grant on behalf of the City of Somers Point.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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## **Resolution No. 39 of 2025**

**M/S- McGuigan/Owen**

This resolution was adopted by unanimous vote of those present.

Council Member Johnston expressed concerns about why Resolution No. 39 of 2025 was on the agenda.

Council Member Gerety clarified and added support on Resolution No. 39 of 2025.



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**No. 39 of 2025**

**Subject:                   Authorizing an Advertisement for an RFP for Calendar Year 2025  
Summer Beach Concert Series**

**Introduced By:       Council President Haberkorn**

**WHEREAS**, the Governing Body of the City of Somers Point is interested in soliciting proposals from independent contractors to provide Services for the Calendar Year 2025; and

**WHEREAS**, the RFP will be solicited through a fair and open process pursuant to N.J.S.19:44A-20.4 et seq; and

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

1. The City Administrator is hereby authorized to advertise the Requests for Proposals for CY 2025 Summer Beach Concert Series.
2. Said RFP shall be advertised as soon as possible on the City's Website.
3. The City anticipates awarding a contract on or before February 13<sup>th</sup> 2025 but reserves the right to reject any and all proposals in their entirety and may take no action in awarding a contract for this RFP.

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**Resolution No. 40 of 2025**

**M/S- Dill/Johnston**

This resolution was adopted by unanimous vote of those present.

**No. 40 of 2025**

**AUTHORIZING EXECUTIVE SESSION**

**Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION**

**Introduced By:       Council President Haberkorn**

**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A.10:4-

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12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend; and

**WHEREAS**, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on January 9, 2025, during a public meeting to be held commencing at 7:00 P.M; and

**WHEREAS** there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**1 “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.”**

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

**Advice of Counsel and attorney-client privileged communication regarding the status of litigation involving the City entitled, “GMH Restaurant Holdings, LLC, GMH Restaurant Enterprises, Gary M. Holloway v. the City of Somers Point,” having a docket number of ATL-C-66-24.**

**WHEREAS** the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

**BE IT FURTHER RESOLVED** that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

**BE IT FURTHER RESOLVED** that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure

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can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to handling of litigation.

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**Resolution No. 41 of 2025**

**M/S- Owen/Dill**

This resolution was adopted by unanimous vote of those present.

**No. 41 of 2025**

**Subject: Appointment of Back-Up/Conflict Municipal Solicitor**

**Introduced by: Council President Haberkorn**

**WHEREAS**, the City of Somers Point has identified a need for a Back-Up/Conflict Municipal Solicitor for 2025; and

**WHEREAS**, this contract is being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

1. James E. Franklin II, Esq., be and hereby is appointed as Municipal Solicitor for the City of Somers Point for the period January 1, 2025, through December 31, 2025, inclusive.
2. This Agreement is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an Agreement with Thomas G. Smith, Esq., in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S. 40A:11-5.(1)(a)(i) is not required.

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**Resolution No. 42 of 2025**

**M/S- Dill/Owen**

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This resolution was adopted by unanimous vote of those present.

**No. 42 of 2025**

**Subject:           Authorizing the City’s Assessor and Tax Counsel to Prosecute Matters at the  
Tax Board and in the Tax Court**

**Introduced by:       Council President Haberkorn**

**WHEREAS**, the City Tax Assessor, pursuant to N.J.S.A. 54:4-23, is obligated to set the assessment of all properties in the City of Somers Point based on his or her determination of value as of October 1, each year; and

**WHEREAS**, at times, the City Tax Assessor may not have sufficient information on the value of such property as of the date the books are set for the City; and

**WHEREAS**, the City Council of Somers Point recognizes that, at times, the City Assessor may need to have a claim made to increase an assessment, be either at the Tax Board or Tax Court level.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Somers Point that the City Tax Assessor and the City’s Tax Counsel are hereby authorized to file and prosecute claims before the Atlantic County Tax Board and the Tax Court of New Jersey.

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**Resolution No. 43 of 2025**

**M/S- Dill/Owen**

This resolution was adopted by unanimous vote of those present.

Solicitor Smith and City Council discuss the proposed agreement.

**No. 43 of 2025**

**Subject:           A Resolution Authorizing the Mayor to Execute an Agreement with  
Joseph McCarrie as Negotiated by the Business Administrator**

**Introduced by: Council President Haberkorn**

**WHEREAS**, Joseph McCarrie, Councilman At Large, resigned from Council effective August 12, 2024; and

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**WHEREAS**, at the time of his resignation, Joseph McCarrie had been overpaid as Councilperson the amount of \$1,135.28; and

**WHEREAS**, the City's Business Administrator has been in contact with Joseph McCarrie relative to the aforesaid overpayment; and

**WHEREAS**, Joseph McCarrie wishes to enter into an agreement with the City relative to his repaying the City for the monies he now owes the City; and

**WHEREAS**, the City of Somers Point wishes to enter into an agreement with Joseph McCarrie relative to his repayment of the monies he was overpaid, said terms to be negotiated by the City's Business Administrator.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Somers Point that the City's Mayor, Dennis Tapp, is hereby authorized to execute an agreement negotiated by Jason Frost, Business Administrator, with former Councilman Joseph McCarrie for monies he was overpaid by the City, said term to not exceed six (6) months.

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**Resolution No. 44 of 2025**

**M/S- Owen/Johnston**

This resolution was adopted by unanimous vote of those present.

**No. 44 of 2025**

**Subject: Resolution Authorizing the Invoice for Community Service Contributions to Shore Memorial Hospital D/B/A Shore Medical Center and its Affiliates**

**Introduced by: Council President Haberkorn**

**WHEREAS**, the New Jersey Legislature passed Bill A-1135 which was signed into law February 22<sup>nd</sup>, 2021 which requires some NJ hospitals to make community service contributions; and

**WHEREAS**, Shore Memorial Hospital (now doing business as Shore Medical Center) ("SMC") signed a commitment dated March 10<sup>th</sup> 2021 to honor their obligation annually to make said payments; and

**WHEREAS**, the NJ Department of Health has certified that SMC has 199 licensed beds that are eligible for the community service contribution at a rate of Three Dollars (\$3.24) per day in 2025 for 365 days; and

**WHEREAS**, SMC is now required contribute the sum of Two-Hundred and Thirty Five Thousand Three Hundred and Thirty Seven (\$235,337.00) Dollars to be paid into the general fund to be used for general expenses without any specific designation to be billed by the City

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quarterly in equal installments which shall be payable on February 1, May 1, August 1, and November 1; and

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

The Tax Collector shall be and is hereby authorized to Invoice Shore Medical Center ("SMC") for the 2025 Calendar Year to receive the aforementioned community service contributions, subject to such modifications as required and authorized by the City Administrator and/or Solicitor.

It is further **RESOLVED** that the City agrees to accept the community service contributions made by Shore Medical Center to the City for the purposes and uses intended.

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**Resolution No. 45 of 2025**

**M/S- Dill/Owen**

This resolution was adopted by unanimous vote of those present.

Council Member Mcguigan expressed his support on the hiring of new Police Officers.

**No. 45 of 2025**

**Subject: A Resolution Confirming the Hiring by the Chief of Police of the City of Somers Point of One Provisional Police Officer, Authorizing his enrollment in the Atlantic County Police Academy, and Appointing the Same to the Position of Provisional Patrolman Officer in the Somers Point Police Department Effective January 17<sup>th</sup>, 2025**

**Proposed by: Mayor Tapp**

**Introduced By: Council President Haberkorn**

**WHEREAS**, the City of Somers Point is desirous of hiring one police officer to replace an existing vacancy; and

**WHEREAS**, the Civil Service Act, N.J.S.A. 11A:1-1 et seq., was amended to include a provision stating that "[t]he Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position ... a person who successfully completes a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer," N.J.S.A. 11A:4-1.3(a); and,

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**WHEREAS**, that amendment further provided that "[a] municipal ... police department may hire a person, exempt from the requirement to take an examination ... upon adoption of ...[a] resolution by the governing body authorizing such hiring ... and the adoption of a conflict of interest and nepotism policy," N.J.S.A. 11A:4-1.3(a); and,

**WHEREAS**, the City Council previously adopted ordinance (No. 2 of 2022) codified as Chapter 44, Article II, § 44-4 Subsection C which would allow the hiring of such applicants; and,

**WHEREAS**, the City Council previously adopted ordinance (No 6 of 2022) codified as Chapter 44, Article II, § 44-4 Subsection C setting forth a conflict of interest and nepotism policy; and,

**WHEREAS**, Anthony Capasso V is eligible to be hired provisionally per N.J.S.A. 11A:4-1.3(a); and

**WHEREAS**, Anthony Capasso V has passed a rigorous background investigation and met all Police Training Commission Requirements; and

**WHEREAS**, the Chief of Police has recommended that Anthony Capasso V be appointed provisionally to serve as a Patrolman in the Somers Point Police Department; and

**WHEREAS**, the salary and benefits to be paid to the provisional officer shall be in compliance with the Somers Point Salary Ordinance and the terms and conditions of a Collective Bargaining Agreement between the City of Somers Point and Mainland PBA, Local 77; and

**WHEREAS**, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Mayor and City Council acknowledge, authorize and confirm the appointment of Provisional Patrolman Anthony Capasso V effective January 17<sup>th</sup> 2025; and

**It is FURTHER RESOLVED**, that Provisional Patrolman Anthony Capasso V is approved for and is authorized to attend the Atlantic County Police Academy; and

**It is FURTHER RESOLVED**, that Provisional Patrolman Anthony Capasso V will be sworn in by the Mayor on January 17<sup>th</sup> 2024; and

**It is FURTHER RESOLVED**, that the Mayor and Council hereby extend their congratulations to Anthony Capasso V upon his appointment as a Provisional Patrol Officer in our excellent Police Force.

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## **Resolution No. 46 of 2025**

**M/S- Dill/Owen**

This resolution was adopted by unanimous vote of those present.

Mayor Tapp along with Council Members Owen, Johnston, and Haberkorn conveyed their pleasure with the hiring of two new Police Officers.

### **No. 46 of 2025**

**Subject: A Resolution Confirming the Hiring by the Chief of Police of the City of Somers Point of One Provisional Police Officer, Authorizing his enrollment in the Atlantic County Police Academy, and Appointing the Same to the Position of Provisional Patrolman Officer in the Somers Point Police Department Effective January 17<sup>th</sup>, 2025**

**Proposed by: Mayor Tapp**

**Introduced By: Council President Haberkorn**

**WHEREAS**, the City of Somers Point is desirous of hiring one police officer to replace an existing vacancy; and

**WHEREAS**, the Civil Service Act, N.J.S.A. 11A:1-1 et seq., was amended to include a provision stating that "[t]he Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position ... a person who successfully completes a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer," N.J.S.A. 11A:4-1.3(a); and,

**WHEREAS**, that amendment further provided that "[a] municipal ... police department may hire a person, exempt from the requirement to take an examination ... upon adoption of ...[a] resolution by the governing body authorizing such hiring ... and the adoption of a conflict of interest and nepotism policy," N.J.S.A. 11A:4-1.3(a); and,

**WHEREAS**, the City Council previously adopted ordinance (No. 2 of 2022) codified as Chapter 44, Article II, § 44-4 Subsection C, which would allow the hiring of such applicants; and,

**WHEREAS**, the City Council previously adopted ordinance (No 6 of 2022) codified as Chapter 44, Article II, § 44-4 Subsection C, setting forth a conflict of interest and nepotism policy; and,

**WHEREAS**, Michael A Desrosiers, Jr. is eligible to be hired provisionally per N.J.S.A. 11A:4-1.3(a); and

**WHEREAS**, Michael A Desrosiers, Jr. has passed a rigorous background investigation and met all Police Training Commission Requirements; and



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**WHEREAS**, the Chief of Police has recommended that Michael A Desrosiers, Jr. be appointed provisionally to serve as a Patrolman in the Somers Point Police Department; and

**WHEREAS**, the salary and benefits to be paid to the provisional officer shall be in compliance with the Somers Point Salary Ordinance and the terms and conditions of a Collective Bargaining Agreement between the City of Somers Point and Mainland PBA, Local 77; and

**WHEREAS**, sufficient funds are available within the Budget of the City of Somers Point to satisfy this financial obligation.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Mayor and City Council acknowledge, authorize and confirm the appointment of Provisional Patrolman Michael A Desrosiers, Jr. effective January 17<sup>th</sup> 2025; and

**It is FURTHER RESOLVED**, that Provisional Patrolman Michael A Desrosiers, Jr. is approved for and is authorized to attend the Atlantic County Police Academy; and

**It is FURTHER RESOLVED**, that Provisional Patrolman Michael A Desrosiers, Jr. will be sworn in by the Mayor on January 17<sup>th</sup> 2024; and

**It is FURTHER RESOLVED**, that the Mayor and Council hereby extend their congratulations to Michael A Desrosiers, Jr. upon his appointment as a Provisional Patrol Officer in our excellent Police Force.

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## **Resolution No. 47 of 2025**

**M/S- Dill/McGuigan**

This resolution was adopted by unanimous vote of those present.

Mayor Tapp along with all Council Members compliment Shana Kestrel on her hard work and dedication to the City of Somers Point.

Shana Kestrel was sworn in by City Clerk Heath with her husband Jeffrey by her side.

## **No. 47 of 2025**

**Subject: Resolution of the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, Re- Appointing Shana Kestrel, CMFO, Chief Financial Officer of the City of Somers Point**

**Introduced by: Council President Haberkorn**

**WHEREAS**, Shana Kestrel, was promoted by the City of Somers Point on January 1<sup>st</sup>, 2021 to the role of the City's chief financial officer; and

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**WHEREAS**, Ms. Kestrel will have served a four year term from January 1<sup>st</sup>, 2021 as of December 31<sup>st</sup>, 2024 (Certified Municipal Finance Officer Certificate Number N-1688 Received December 6<sup>th</sup>, 2017); and

**WHEREAS**, in anticipation of Ms. Kestrel, CMFO, completing her fourth-year in the capacity as Certified Municipal Finance Officer, the City Administrator working in conjunction with City Council's Personnel Committee entered into discussions and negotiations with Ms. Kestrel as it related to her appointment and potential tenure status; and

**WHEREAS**, those discussions and negotiations have resulted in the Committee and City Business Administrator's recommendation in reappointing Ms. Kestrel to the position of Certified Municipal Finance Officer as of January 1<sup>st</sup> 2025 ; and

**WHEREAS**, pursuant to N.J.S.A. 40A: 9-140.8, the acquisition of tenure status is the result of the Chief Municipal Financial Officer being recognized as having tenure of office once holding the office of Chief Municipal Financial Officer for four consecutive years and receives reappointment.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Shana Kestrel be reappointed Chief Financial Officer of the City of Somers Point for Year 2025; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, and pursuant to N.J.S.A. 40A: 9-140.8 that upon passage of this Resolution and commencing January 1<sup>st</sup>, 2025, Shana Kestrel will have achieved tenure status; and

**AND, THEREFORE, BE IT FURTHER RESOLVED** by the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, by the City Council of Somers Point that the attached Condition of Employment for Shana Kestrel as Chief Financial Officer for the City of Somers Point is hereby authorized and approved.

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## **Resolution No. 48 of 2025**

**M/S- Dill/Owen**

This resolution was adopted by unanimous vote of those present.

Mayor Tapp and Council Members Dill and McGuigan recognized Donald J Dunleavy's outstanding work performance.

## **No. 48 of 2025**

**Subject: Appointment of Donald J. Dunleavy to the Position of Part-Time Code Enforcement Officer**

**Introduced By: Council President Haberkorn**

**WHEREAS**, Donald J. Dunleavy has successfully served as a Code Enforcement Officer Trainee for the City of Somers Point since April 8<sup>th</sup> 2021; and

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**WHEREAS**, in that time period Donald J. Dunleavy has received his Lead-Based Paint Inspection Certification, his Housing Inspector Trainee License, his Sub-Code Official License, his Fire Inspection ICS License, and his Fire Inspection HHS License; and

**WHEREAS**, the Construction Official and Business Administrator have recommended that Donald J. Dunleavy be promoted from Part-Time Code Enforcement Trainee and be appointed to Part-Time Code Enforcement Officer; and

**WHEREAS**, adequate funds are available within the Uniform Construction Codes Department operations in the 2025 budget for this appointment.

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

- 1.) The appointment of Donald J. Dunleavy, to the position of Part-Time Code Enforcement Officer, New Jersey Civil Service Local Government Job Specification 07594 new 01285, is hereby approved effective retroactively to January 1<sup>st</sup>, 2025.

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**Resolution No. 49 of 2025**

**M/S- Dill/McGuigan**

This resolution was adopted by unanimous vote of those present.

**No. 49 of 2025**

**Subject: Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant To N.J.S.A. 40A:11-12a**

**Introduced by: Council President Haberkorn**

**WHEREAS**, the City of Somers Point pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the City of Somers Point has the need on a timely basis to purchase goods or services utilizing State contracts; and

**WHEREAS**, the City of Somers Point intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

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**NOW, THEREFORE, BE IT RESOLVED**, that the City of Somers Point authorizes the Purchasing Agent, Jason Frost – QPA, to purchase certain goods or services from those approved New Jersey State Contract Vendors listed below and any other Vendors not listed but who are under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, pursuant to all conditions of the individual State contracts; and

**BE IT FURTHER RESOLVED**, that the governing body of the City of Somers Point pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**BE IT FURTHER RESOLVED**, that the duration of the contracts between the City of Somers Point and the Referenced State Contract Vendors shall be for Calendar Year 2025 or until the contract expiration date.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Somers Point, New Jersey, the referenced Various Parts and Supplies purchased from Municipal Emergency Services – Lawmen Supply, 7150 Airport Highway, Pennsauken NJ 08109 in accordance with the New Jersey State Contract Numbers 17-FLEET-00754 & 22-FLEET-01813 Expiration May 13<sup>th</sup>, 2025 for use by the Somers Point Police Department as follows:

**Referenced State Contract Vendors:**

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
Body Armor, Shields, Firearms Equipment & Supplies	Municipal Emergency Services-Lawmen Supply Co	17-FLEET-00754 & 22-FLEET- 01813

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Body Armor (Per Attached) – (11) Police Fitted Panel Vests:

TOTAL PRICE.....  
\$13,237.62

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**Resolution No. 50 of 2025**

**M/S- Dill/Johnston**

This resolution was adopted by unanimous vote of those present.

Mayor Tapp spoke highly of Ashley Mathers' work performance.

Council Member Dill shared all employees receiving advancements in resolution No. 50, 51, and 52 of 2025 are deserving.

**No. 50 of 2025**

**Subject:                      Employee Advancement of Ashley Mathers**

**Introduced By:            Council President Haberkorn**

**WHEREAS**, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

**WHEREAS**, the City Administrator and City Council Personnel Committee have recommended that Ashley Mathers be given an increase in compensation as of January 1<sup>st</sup> 2025; and

**WHEREAS**, adequate funds are available within the Municipal Finance and Administration operations in the 2025 Budget for this increase in compensation.

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

- 2.) Effective January 1<sup>st</sup> 2025 the annual salary of Ashley Mathers shall be \$40,000.00.

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**Resolution No. 51 of 2025**

**M/S- Dill/Gerety**

This resolution was adopted by unanimous vote of those present.

**No. 51 of 2025**

**Subject:                   Employee Advancement of Tiffany Haungs**

**Introduced By:       Council President Haberkorn**

**WHEREAS**, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

**WHEREAS**, the City Administrator and City Council Personnel Committee have recommended that Tiffany Haungs be given an increase in compensation as of January 1<sup>st</sup> 2025; and

**WHEREAS**, adequate funds are available within the City Clerk operations in the 2025 Temporary Budget for this increase in compensation.

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

- 3.) Effective January 1<sup>st</sup> 2025 the annual salary of Tiffany Haungs shall be \$43,500.00.

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**Resolution No. 52 of 2025**

**M/S- Dill/Gerety**

This resolution was adopted by unanimous vote of those present.

**No. 52 of 2025**

**Subject:                   Employee Advancement of Rosemary Howell**

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**Introduced By: Council President Haberkorn**

**WHEREAS**, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

**WHEREAS**, the City Administrator and City Council Personnel Committee have recommended that Rosemary Howell be given an increase in compensation as of January 1<sup>st</sup>, 2025; and

**WHEREAS**, adequate funds are available within the Municipal Construction Office operations in the 2025 Temporary Budget for this increase in compensation.

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

- 4.) Effective January 1<sup>st</sup>, 2025, the annual salary of Rosemary Howell shall be \$40,000.00.

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**Resolution No. 53 of 2025**

**M/S- Gerety/Johnston**

This resolution was adopted by unanimous vote of those present.

**No. 53 of 2025**

**AUTHORIZING EXECUTIVE SESSION**

**Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION**

**Introduced By: Council President Haberkorn**

**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

**WHEREAS**, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on March 28, 2024, during a public meeting to be held commencing at 7:00 PM, and

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**WHEREAS** there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**1** “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

**Advice of Counsel and attorney-client communication regarding the status of litigation involving the City and its Zoning Board entitled, “Garden State Outdoor, LLC v. City of Somers Point, City of Somers Point Zoning Board,” having a docket number of ATL-L-143-23.**

**WHEREAS** the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

**BE IT FURTHER RESOLVED** that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

**BE IT FURTHER RESOLVED** that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest

being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
<b>See Exception 7</b>	<b>Unknown at this time</b>	<b>Discussion by City Council relative to handling of litigation.</b>



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**Old Business:**

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**New Business:**

Council Member Haberkorn discussed Council assignments prior to handing them to council members.

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**Discussion of Bills:**

Administrator Frost reported a Bill List and record of payments dated 12/30/2024, 12/31/2024, and 1/07/2025 in the amount of \$768,716.81

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**Public Portion:**

Patrica Peirson of Somers Point asked about litigation details. Patricia also mentioned her attendance at Barry McIntyre's funeral while sharing a few fond memories of Barry.

Council Member Owen recognized the passing of Barry Macentire and Former County Commissioner John Carman.

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

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**Payment of Bills:**

**M/S: Dill / Owen**

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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**Comments from Governing Body:**

Mayor Tapp and Council Member Dill discussed the ongoing shopping cart issue within Somers Point.

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**Recess:**

The Governing Body recessed briefly before going into Executive Session at 8:15 p.m.

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**Reconvene:**

Council Member Haberkorn reconvened the Governing Body to Open Session at 8:43 p.m.

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**Adjournment:**

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 8:44 pm.

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Respectfully submitted,

Shelby Heath, RMC  
Municipal Clerk  
Approved: 1/23/2025