

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

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

Present: Gerety, Haberkorn, Owen, DePamphilis, McGuigan, Dill, Johnston

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

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.

A moment of silence was held for canine police dog Erco.

Communications:

None

Mayor's Report:

Mayor Tapp thanked the Police Department for their work in apprehending the assailants in a recent targeted attack at the ACME and emphasized that the community is safe. Next, he informed residents that New Jersey American Water will be around town checking people's water pipes and that Shoprite will begin implementing their gate keeper system for their shopping carts on 10/15/2024. He announced that Trunk or Treat will be on 10/26/2024 from 4:30 to 6:30 p.m. on the corner of Harbor Lane and Bay Avenue and that Trick or Treat will be on 10/31/2024 from 6:00 to 8:00 p.m. Lastly, he reminded residents that Shore Medical Center will be having a flu shot clinic on 10/12/2024 from 8:00 a.m. to 12:00 p.m.

Administrator's Report:

City Administrator Frost updated City Council on the below Stormwater Report.

Stormwater Report - City of Somers Pt 2024

As a result of rules published by the U. S. Environmental Protection Agency, the New Jersey Department of Environmental Protection developed the Municipal Stormwater Regulation Program beginning in 2004.

There are four different types of permits, and because of Somers Point's proximity to the coast, we

REGULAR MEETING MAYOR AND CITY COUNCIL October 10, 2024

are considered a Tier A community.

The permits address stormwater quality issues as it relates to new development and existing development by implementing Statewide Basic Requirements that include, among other items, that municipalities adopt and enforce a stormwater management plan.

In April of 2004 Somers Point implemented a Stormwater Pollution Prevention Plan and adopted a Stormwater Management Plan. In March of 2006 we adopted a Stormwater Control Ordinance.

The City also has a Stormwater Pollution Prevention Plan that has been periodically updated since 2004, the last time being December 29, 2018.

In conjunction with stormwater pollution management we have also adopted ordinances that regulate

Pet waste disposal

Littering

Improper Waste Disposal

Wildlife feeding

Yard Waste

Illicit connections to the stormwater systems
and Dumpsters

New ordinances were passed in 2018 concerning Wildlife Feeding and Improper Waste Disposal to

further bolster the City's effort to manage stormwater pollution prevention.

In 2018 the City also reached out by letter to all private operators of stormwater facilities to ensure that they are acquainted with the regulations and their continuing maintenance obligations.

Also, beginning in 2018 on line training for stormwater management was made available for members of the governing body, planning board and zoning board.

The City has 43 outfall pipes. Each year they are inspected for evidence illicit connections. In 2019 all 43 were inspected with no evidence of scouring or illicit connections.

In 2023 the City swept 85 miles of streets and collected about 29 tons of debris during our street sweeping. That's a total of about 682 pounds per mile of City Streets. These are materials that could have washed into the storm drains.

The City operates 649 catch basins, and in 2023 we removed 6 additional tons of debris while cleaning the City's catch basins.

As part of the road work performed in 2023 we replaced 12 storm drain grates with grates that are now better designed to prevent pollutants from entering the storm drains. A total of 227 or roughly 35% of the City's storm drain grates have been converted since 2004.

The City has adopted standard operating procedures that deal with fueling operations, vehicle maintenance and cleaning, road salt storage and annual employee training.

Since approximately 60% of our water pollution problems are attributable to stormwater pollution, and stormwater pollution can often be linked to our daily activities and lifestyles.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

Many people who allow motor oil, trash, and pet waste to enter the storm sewer in their street don't realize that that it will probably end up in the bay, just a few blocks away. It is important that we all make an effort to keep pollutants out of the stormwater system.

Solicitor's Report:

None

Engineer's Report:

Engineer Schneider reported that bids were received for the Bala Drive Re-pavement Project with Resolution No. 236 of 2024 awarding the contract to Arawak Paving Co. and coming in slightly under budget.

Committee Reports:

- Recreation Commission: Council Member Owen thanked the Public Works Department for their upkeep of the recreational fields and mentioned that the Police Athletic-Activities League are looking to put together a basketball program.
- Arts Commission: Council Member Owen announced that the talent show has been pushed back to January of 2025.
- Economic Development Advisory Commission: Council President Johnston revealed that EDAC will be giving their quarterly report at the 10/24/2024 meeting. Also, she informed everyone that through their membership with the Atlantic County Economic Alliance, professionals from Triad have been helping with the City's Masterplan.
- Steering Committee: Council President Johnston stated that the committee plans to present a preliminary proposal of the City's Masterplan to the Planning Board in November.
- Garden Club: Council Member Haberkorn made known that, with the support of the Garden Club and the Patriots of the Mansion, Jeffrey Lovett will be working on becoming an Eagle Scout by completing a project, which will be to work on the raised flower beds at the Somers Mansion.

Approval of Minutes:

On the motion of Council Member Gerety, seconded of Council Member Dill, and carried to approve the Regular Meeting Minutes of 9/26/2024 and Executive Session Meeting minutes of 9/26/2024, approved as to content only.

Proclamations:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

The following proclamation was read by Mayor Tapp.

Mayor Tapp announced that Shore Medical Center will be offering free mammograms on 10/19/2024 from 8:00 a.m. to 12:00 p.m.

**No. 11 of 2024
Breast Cancer Awareness Month
October 2024**

WHEREAS, breast cancer is the most commonly diagnosed cancer among women in the United States, with one in eight women expected to develop the disease in her lifetime; and

WHEREAS, early detection and prompt treatment can significantly increase the survival rate of those diagnosed with breast cancer; and

WHEREAS, the City of Somers Point recognizes the importance of raising awareness about breast cancer, supporting those affected by the disease, and promoting research into its cause, prevention, and treatment; and

WHEREAS, during Breast Cancer Awareness Month, we honor the memories of those we have lost to this devastating disease, support the survivors, and stand with the families and caregivers who provide unwavering support; and

WHEREAS, the City of Somers Point encourages all citizens to participate in activities and initiatives that promote breast cancer awareness, education, and support for those affected by the disease;

NOW, THEREFORE, I, Dennis Tapp, Mayor of the City of Somers Point, do hereby proclaim October 2024 as **Breast Cancer Awareness Month** in Somers Point and urge all citizens to join in this observance by wearing pink, participating in local events, and supporting efforts to find a cure for breast cancer.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

John Helbig, of Somers Point, thanked Mayor Tapp for Proclamation No. 11 of 2024. Next, in reference to Resolution Numbers 233 and 239 of 2024, he questioned whether the properties referenced in those resolutions constitute a redevelopment project and verbalized the need for public hearings on those projects.

Levi Fox, of Somers Point, announced that a petition had been started to “Save Old Somers Point and the Highbank Apartments” and whether the property at 90 Broadway qualifies for redevelopment.

Mary Fondi, of Somers Point, expressed her disagreement with redevelopment at 90 Broadway and reiterated the need for public hearings on the matter.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

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

Resolution No. 231 of 2024

M/S- Owen/Gerety

This resolution was adopted by unanimous vote of those present.

No. 231 of 2024

Subject: A Resolution Approving Participation with the State of New Jersey Safe and Secure Communities Program Administered by the NJ Dept. of Law & Public Safety, Office of the Attorney General

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point desires to make application and receive funding for a project under the 2025 Safe and Secure Communities Program (Grant #25-0121); and

WHEREAS, the Safe and Secure Communities Program is a program of the State of New Jersey Department of Law and Public Safety, Office of the Attorney General.

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

The project is a joint effort between the NJ Department of Law and Public Safety, Office of the Attorney General and the City of Somers Point for the purpose described in the application.

The Safe and Secure Communities Program Grant #25-0121 is for the period beginning on August 1, 2024 through July 31, 2025.

The amount of the grant is \$17,588 and the cash match by the City of Somers Point is \$214,633 for a total project cost of \$232,221.

The City of Somers Point is authorized to accept and does accept this grant award.

The grant funds of \$17,588 are accepted for the purpose described in the grant application.

The Mayor and City Administrator are hereby authorized and directed to sign, complete and file all necessary documents in connection with this award on behalf of the City.

Resolution No. 232 of 2024

M/S- Owen/Dill

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

**No. 232 of 2024
AUTHORIZING EXECUTIVE SESSION**

Subject: Advice of Counsel Regarding the Status of Potential Contractual Negotiations

REGULAR MEETING MAYOR AND CITY COUNCIL October 10, 2024

Introduced By: Council President Johnston

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 September 26, 2024 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 potential redevelopment negotiations involving contract purchasers of 90 Broadway and the City of Somers Point.

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)

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

		potential redevelopment negotiations involving contract purchasers of 90 Broadway and the City.
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Resolution No. 233 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 233 of 2024
AUTHORIZING EXECUTIVE SESSION**

Subject: Advice of Counsel Regarding a Potential Redevelopment Agreement for Bay and Maryland Avenues

Introduced By: Council President Johnston

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 October 10, 2024 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 a potential redevelopment agreement for Block 1007, Lots 1, 2 and 3; and Block 1008, Lot 3, in the AH-1 Zone (Bay and Maryland Avenues).

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

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)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to the potential of entering into a redevelopment agreement for properties in the AH-1 Zone.

Resolution No. 234 of 2024

M/S- Gerety/Owen

This resolution was adopted by unanimous vote of those present.

No. 234 of 2024

Subject: A Resolution Authorizing the Mayor to Execute an Agreement with Colliers Engineering & Design to Provide the City of Somers Point with a Vacant Land Adjustment for Affordable Housing Round 4

Introduced by: Council President Johnston and Councilmen Dill & DePamphilis

WHEREAS, as a result of the recent passage and signing into law the A4 Bill, the Vacant Land Adjustment process for affordable housing requirements has now been modified requiring the City of Somers Point to update its inventory of vacant land for Affordable Housing Round 4; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

WHEREAS, in Resolution 52 of 2024, the City of Somers Point appointed Colliers Engineering & Design as its Fair Housing Act Municipal Planner (COAH Municipal Planer); and

WHEREAS, on June 28, 2024, Colliers Engineering & Design submitted a proposal to the City to it engage in the work necessary to update the City’s inventory of vacant land; and

WHEREAS, as a professional service, an agreement may be entered into between the City and Colliers Engineering & Design without competitive bidding under the Local Public Contracts Law; and

WHEREAS, the City of Somers Point wishes to enter into an agreement with Colliers Engineering and Design for purposes of preparing its Vacant Land Adjustment.

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 the attached agreement with Colliers Engineering & Design for purposes of preparing the City’s Vacant Land Adjustment for Round 4 of the Affordable Housing requirements.

Resolution No. 235 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council President Johnston clarified that this resolution is for the playground equipment at the beach, which is being replaced.

No. 235 of 2024

Subject: Authorizing Disposal of Derelict Playground Equipment and Accessories

Introduced By: Council President Johnston

WHEREAS, the City’s Supervisor of Public Works has advised City Council that there is unsafe and obsolete playground equipment and accessory equipment that is no longer needed for public use which has surpassed its useful life expectancy located at Somers Point Beach; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes the disposition of property not needed for public use without public sale when the fair value of the property is less than \$6,600.00 (15 percent of the bid threshold); and

WHEREAS, it is in the best interest of the City to dispose of said equipment.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Somers Point, in the County of Atlantic, New Jersey that the obsolete equipment referenced by the Supervisor of Public Works which is no longer needed for public use by the City shall be disposed of according to the manner as prescribed by law.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

Resolution No. 236 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 236 of 2024

Subject: Awarding Bid for the 2024 Road Program Phase I – Bala Drive

Introduced By: Council Member Dill

WHEREAS, on October 4, 2024, the City of Somers Point received bids for the 2024 Road Program Phase I – Bala Drive; and

WHEREAS, Arawak Paving Co., Inc., of Hammonton, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer’s office has recommended that the City award the contract to Arawak Paving Co, Inc., of Hammonton, New Jersey in the amount of \$862,700.00

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

- 1.) The Contract for the 2024 Road Program Phase I – Bala Drive is hereby awarded to Arawak Paving Co., Inc., of Hammonton, New Jersey in the amount of \$862,700.00
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with Arawak Paving Co., Inc., of Hammonton, New Jersey, signing on behalf of the City.

Resolution No. 237 of 2024

M/S- Dill/Gerety

This resolution was adopted by unanimous vote of those present.

Council Member Dill explained that Resolution Numbers 236, 237 and 238 are for capital improvements that have already been approved in the budget.

No. 237 of 2024

Subject: Authorizing Purchase on State Contract: F-250 Utility Body Pick Up Truck

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point 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 Treasury pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29 et. Seq.; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

WHEREAS, the City of Somers Point has identified a need to purchase a 2025 Ford F-250 Utility Body for use by the City of Somers Point, Public Works Department; and

WHEREAS, pursuant to State Contract Number #T210:A88726, Winner Ford of Cherry Hill, New Jersey was awarded the State Contract for 2025 Ford F250 Pickup Trucks; and

WHEREAS, the Director of Public Works in conjunction with the Business Administrator has researched the equipment available and recommends the utilization of one 2025 Ford F-250 Utility Body Pickup Truck provided by Winner Ford of Cherry Hill, New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Winner Ford of Cherry Hill, New Jersey to be ordered before October 10th 2024:

<u>Description</u>	<u>Amount</u>
2025 Ford F-250 Utility Body Pickup Truck & Equipment State Contract Number #T210:A88726	\$82,429.00
Total	\$82,429.00

Resolution No. 238 of 2024

M/S- Dill/Gerety

This resolution was adopted by unanimous vote of those present.

No. 238 of 2024

Subject: Authorizing Purchase on State Contract: F-450 Cab and Chassis Crew Cab 4X4

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point 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 Treasury pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29 et. Seq.; and

WHEREAS, the City of Somers Point has identified a need to purchase a 2024 Ford F-450 Cab and Chassis Crew Cab 4X4 for use by the City of Somers Point, Public Works Department; and

WHEREAS, pursuant to State Contract Number #T2102:A88215, Winner Ford of Cherry Hill, New Jersey was awarded the State Contract for 2024 Ford F-450 Trucks; and

WHEREAS, the Director of Public Works in conjunction with the Business Administrator has researched the equipment available and recommends the utilization of one 2024 Ford F-450 Cab and Chassis Crew Cab 4X4 provided by Winner Ford of Cherry Hill, New Jersey.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Winner Ford of Cherry Hill, New Jersey to be ordered on or before October 10th, 2024:

<u>Description</u>	<u>Amount</u>
2024 Ford F-450 Cab and Chassis Crew Cab 4X4 & Accessory Equipment State Contract Number #T2102:A88215	\$80,922.00
Total	\$80,922.00

Council President Johnston announced that Resolution No. 239 of 2024 will be held until after Executive Session.

Old Business:

- Council Member Haberkorn revealed that on 10/21/2024, Shore Medical Center will be hosting an informative presentation on flu shots and vaccines at City Hall at 9:30 a.m.
- Council Member Dill asked City Engineer Schneider for clarification on New Jersey American Water’s responsibility for fixing any paving disruptions on the streets.

New Business:

- City Council approved a Social Affair Permit Application for Cape Shore Chorale: A NJ Non-Profit Corporation, for an Event on 11/2/2024 from 6:00-9:00 PM at Grace Lutheran Church.
- City Council approved a Social Affair Permit Application for Roberts Johnson Post 2189 VFW for an event on 11/11/24 from 12:00-5:00 PM
- City Council approved a Social Affair Permit Application for American Legion Clark Eliason Post 352 for an event on 11/10/24 from 1:00-5:00 PM
- City Council approved a Social Affair Permit Application for All Saints Council 6277 Knights of Columbus for an event on 11/7/2024 at Greate Bay Country Club from 6:00-11:00 PM
- Council Member Haberkorn publicized that starting on 11/11/2024, a presentation will be held at City Hall from 9:30 to 10:45 a.m. on the Wellness Initiative for Senior Education and is open to veterans and their family members.

Discussion of Bills:

Administrator Frost reported a Bill List dated 10/8/2024 in the amount of \$2,450,960.71, and a Record of Payment dated 10/1/2024 in the amount of \$420.00.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

Public Portion:

Council President Johnston duly opened the meeting to the public.

Patricia Pierson, of Somers Point, commended Council Member Haberkorn on his involvement with the community and recommended putting out a notice stating that Somers Point is safe, despite recent events around the City.

Allen, a Somers Point resident, queried whether the City could establish rent control. Council Member Dill expressed the need for a rent control ordinance and offered to be part of a committee, alongside Council Members Gerety and Owen to look into it.

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

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.

Comments from Governing Body:

- Council Member Owen announced the Horsepower by the Bay Car and Boat Show will be held 10/19/2024 from 10:00 a.m. to 2:00 p.m.

Recess:

The Governing Body recessed briefly before going into Executive Session at 7:58 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:57 p.m.

Resolution No. 239 of 2024

M/S- Dill/DePamphilis

This resolution was adopted by unanimous vote of those present.

No. 239 of 2024

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

Subject: Authorizing Execution of an Escrow Agreement Between the City of Somers Point and the Owners of Block 1211/Lot 2, Block 1107/Lots 1,2, and 3, and Block 1008/Lot 3

Introduced by: Council President Johnston and Councilmen Dill and DePamphilis

Whereas on November 18, 2021, the Somers Point City Council enacted Ordinance No.13 of 2021 adopting a Redevelopment Agreement for the Somers Point Paddle Club related to a proposed development to be constructed on Block 1211/Lot 2 consisting of a commercial private membership Paddle Club and amenities and the construction of three (3) affordable housing units to be subject to an affordable housing deed restriction; and

Whereas the Redevelopment Agreement provided for an amendment to the 2018 Court approved Settlement Agreement between the City of Somers Point and the Fair Share Housing Center which had amended a provision of the 2008 Court approved Settlement Agreement between the City of Somers Point and Bay Avenue Redevelopers, LLC related to the AH-2 Zone which amendment was approved by a Consent Order filed on October 18, 2021 in the New Jersey Superior Court, Docket No: ATL-L-001438-15; and

Whereas the aforementioned 2008 Court Approved Settlement provided for a certain affordable housing development to be constructed within the AH-1 Affordable Housing Zone; and

Whereas on May 26, 2022, representatives of the owner of Block 1007/Lots 1 and 3 (Route 152 Partners, LLC) and the owner of Block 1007/Lot 2 (Three Bozos LLC) within the AH-1 and AH-2 Affordable Housing Zones (collectively the “Owners”) appeared before the Somers Point City Council with a request to approve a Redevelopment Agreement for the construction of a combination of affordable housing and commercial development within the AH-1 Zone including a portion of a parcel within the AH-2 Zone; and

Whereas the representatives expressed to the City Council the urgency to proceed with preparation and approval of the requested Redevelopment Plan in order to secure funding for the proposed development through the New Jersey Housing Finance Mortgage Agency; and

Whereas the City Council agreed to proceed on a fast-track with preparation of an Escrow Agreement, a Memorandum of Understanding and a two-part Redevelopment plan with all fees, costs, and expenses to be reimbursed to the City; and

Whereas at the request of the representatives of the owners a Resolution of Need was prepared together with Drafts of an Escrow Agreement, a Memorandum of Understanding, and a Redevelopment Plan which were reviewed by all parties but never executed; and

Whereas due to the inability to obtain the financing, the proposed development presented to the City Council on May 26, 2022, was never pursued by the property owners and their representatives; and

Whereas on August 8, 2024, a representative of the owners of Block 1211/Lot 2, Block 1107/Lots 1 and 3, Block 1107/Lot 2, and Block 1008/Lot 3 appeared before the Redevelopment Committee and on September 26, 2024, appeared before the City Council proposing a potential project which would require a revision to the previously approved Paddle Club Redevelopment Plan and Agreement and related documents within the AH-2 Affordable Housing Zone and the preparation of a revised Redevelopment Plan for the Bay and Maryland Avenue properties with the AH-1

**REGULAR MEETING
MAYOR AND CITY COUNCIL
October 10, 2024**

Affordable Housing Zone and further requested the governing body to enter into an Escrow Agreement to allow for the necessary documents and agreements to be negotiated and approved; and

Whereas this most recent proposal will also require, at a minimum, amendments to the 2008 and 2018 Court Approved Settlement Agreements and the City’s Housing Element and Fair Share Plan; and

Whereas the City Council of the City of Somers Point is willing to consider the request to modify the Settlement Agreements and adopt new Redevelopment Plans and Redevelopment Agreements to accomplish the development proposed by the Owners.

Now, therefore, the City Council of the city of Somers Point approves the execution and delivery of an Escrow Agreement between the City of Somers Point and the Owners substantially in the form attached hereto, and further subject to the following conditions:

1. The escrow shall be applied to reimburse the City for any outstanding fees and expenses incurred by the City pertaining to the 2022 request to prepare an Escrow Agreement, Memorandum of Understanding, and Redevelopment Agreement.
2. The escrow shall also be applied to reimburse the City for any and all fees and expenses the City may incur arising out of any proposed amendments to the 2008 and 2018 Settlement Agreements or amendment of the 2021 Court approved Paddle Club Consent Order.
3. The escrow deposit shall be in the initial amount of Fifteen Thousand Dollars (\$15,000.00) and shall be replenished in Five Thousand Dollar (\$5,000.00) increments when the balance is less than Five Thousand Dollars (\$5,000.00).

This resolution and agreement of the governing body of the City of Somers Point is not to be construed as a commitment to enter into a Memorandum of Understanding, to adopt a Redevelopment Plan, or to agree to any amendment to the 2007 or 2018 Settlement Agreements.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member DePamphilis seconded and carried to adjourn the meeting at 8:58 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 10/24/2024