

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
March 13, 2025**

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

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

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

**Absent:** DePamphilis

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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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Pursuant to City Code A266-8P, and to afford everyone an opportunity to address the Governing Body, the Public may speak only one time, not to exceed three minutes.

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**Special Presentation:**

Keith Davis Esq. and John Wolfington gave a detailed presentation on the plans for a townhouse development at 90 Broadway.

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**Communications:**

None

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**Mayor’s Report:**

Mayor Tapp mentioned a meeting held regarding a grant for safety improvements of Shore Road such as replacing sidewalks, handicap ramps, crosswalks, safety lighting, etc. He said they are also looking to place low fencing around some of the businesses along that road to prevent pedestrian accidents.

Mayor Tapp reported that the paving of MacArthur Blvd will begin soon.

He also thanked the City’s Tax Office for their achieved collection rate.

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**Administrator's Report:**

None

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**Solicitor's Report:**

Solicitor Smith explained that Ordinance No. 6 of 2025 will need to be amended and reintroduced.

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**Engineer's Report:**

Engineer Schneider gave a brief update on the Bala Drive project.

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**Committee Reports:**

Council Member Dill summarized a meeting with NJ State Forestry Service where they discussed controlled burn and mechanical clearing around Kern Field, DeFeo Lane and the Kennedy Park bank area.

Council Member Owen gave an update on the Arts Commission's upcoming events.

Council Member Johnston reported that the Historic Preservation Commission approved two applications for Higbee Avenue. She also mentioned her attendance at a Zoom meeting as a representative of the League of Municipalities for an update on the DEP NJ Pact new regulations.

Council Member McGuigan spoke on the Recreation Commission developing a sub committee and working on a master plan for the City's recreation facilities.

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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 2/27/2025 and Executive Session Meeting minutes of 2/27/2025, approved as to content only.

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**Ordinances:**

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**Ordinance No. 5 of 2025**

*(Second Reading/Public Hearing/Adoption)*

**M/S-** Johnston/Dill

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

Council President Haberkorn duly opened the meeting to the public.

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

**No. 5 of 2025**

**CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

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

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

**WHEREAS**, the City Council of the City of Somers Point in the County of Atlantic finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$373,155.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Somers Point, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the City of Somers Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by

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3.5%, amounting to \$522,417.70, and that the CY 2025 municipal budget for the City of Somers Point be approved and adopted in accordance with this ordinance; and,

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

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

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

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**Ordinance No. 6 of 2025**

*(Second Reading)*

**M/S-** Johnston/Dill

*(Amendment)*

**M/S-** Johnston/Dill

*(First Reading/Introduction)*

**M/S-** Johnston/Owen

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

**No. 6 of 2025**

**AN ORDINANCE AUTHORIZING AND APPROVING THE  
EXECUTION AND DELIVERY OF THE SECOND AMENDMENT TO A LONG-  
TERM TAX EXEMPTION & CAPITAL CONTRIBUTION AGREEMENT  
BETWEEN BAYVIEW COURT URBAN RENEWAL, LLC AND THE CITY OF  
SOMERS POINT, DATED MAY 3<sup>RD</sup>, 2016, AND THE FIFTH AMENDMENT TO  
THE REDEVELOPMENT AGREEMENT BETWEEN BAYVIEW COURT  
URBAN RENEWAL, LLC AND THE CITY OF SOMERS POINT, DATED MAY  
3<sup>RD</sup>, 2016**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A1 *et seq.* by Resolution 183 of 2014, adopted on October 23, 2014, the Somers Point City Council accepted the recommendation of the Somers Point Planning Board and designated the area consisting of Block 1114, Lots 3, 4.01, 4.02, 4.03, and 4.04 as a non-condemnation area in need of redevelopment (the “Bayview Court Redevelopment Area”); and

**WHEREAS**, by Ordinance No. 5 of 2015, adopted on February 26, 2015, a Redevelopment Plan for Bayview Court (the “Bayview Court Redevelopment Project”) was approved and adopted; and

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**WHEREAS**, by Resolution 61 of 2016, adopted on February 25, 2016, Bayview Court Urban Renewal Entity, LLC was designated as the Redeveloper for the Redevelopment Area and the execution and delivery of the redevelopment agreement (the “Bayview Court Redevelopment Agreement”) between the City of Somers Point (the “City”) and Bayview Court Urban Renewal Entity, LLC (the “Redeveloper”) was approved and authorized; and

**WHEREAS**, the Bayview Court Redevelopment Agreement was entered into on May 3, 2016; and

**WHEREAS**, on March 24, 2016, by Ordinance No. 2 of 2016, a long-term exemption and capital contribution agreement (the “Financial Agreement”) was authorized and entered into on May 3, 2016, between the City and the Redeveloper; and

**WHEREAS**, on December 20, 2017, by Ordinance No. 22 of 2017, a first amendment to the Financial Agreement and the Bayview Court Redevelopment Agreement was authorized and entered into between the City and the Redeveloper; and

**WHEREAS**, on March 28, 2019, the City adopted Resolution No. 86 of 2019, authorizing the execution of a second amendment to the Bayview Court Redevelopment Agreement to permit the Redeveloper to accomplish refinancing of its existing debt in the principal amount of \$18,500,000.00 dated as of March 21, 2019, and amending Section 5.2.2(i) and Section 9.3 of the Bayview Court Redevelopment Agreement, which second amendment was entered into on April 17, 2019; and

**WHEREAS**, on May 13, 2021, the City adopted Resolution No. 89 of 2021, authorizing the execution of a third amendment to the Bayview Court Redevelopment Agreement between the City and the Redeveloper to permit the Redeveloper to obtain a supplemental loan and mortgage through Berkadia Commercial Mortgage LLC and the Federal Home Loan Mortgage Corporation in the approximate amount of Four Million Dollars (\$4,000,000.00) for the purpose of retiring and refinancing an existing Construction Loan together with accrued interest thereon; and

**WHEREAS**, on August 24, 2023, the City adopted Resolution No. 199 of 2023, authorizing the execution of a fourth amendment to allow the Redeveloper additional time to reach certain milestones as contemplated by the Bayview Court Redevelopment Agreement, as amended;

**WHEREAS**, Redeveloper’s affiliated entity, Sunset Ave Development, LLC, as a condition of approval under a redevelopment agreement between Sunset Ave Development LLC and the City, dated May 6, 2022 (the “Sunset Redevelopment Agreement”), constructed a parking lot on Block 1214, Lot 9.01 (the “Parking Lot”), for the exclusive benefit of Bayview Court Apartments located in the Bayview Court Redevelopment Area;

**WHEREAS**, the Parking Lot provides additional off-street parking for the tenants of the Bayview Court Apartments, in order to alleviate, and/or eliminate to the greatest extent possible, on-street parking by Bayview Court Apartments’ tenants, and/or the tenant’s guest and/or invitees;

**WHEREAS**, on May 11, 2023, a Deed Imposing Restrictive Covenant, dated May 2, 2023, was recorded with the Atlantic County Clerk’s Office as Instrument

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Number 2023023068, which restricts the Parking Lot's use to accessory parking for the tenants of the Bayview Court Apartments;

**WHEREAS**, the Redeveloper, through its related entities and/or principals, has expended approximately One Million Eight Hundred Twenty-Two Thousand Eight Hundred Ninety-Six Dollars (\$1,822,896.00) for the purchase of the land on which the Parking Lot is located, construction costs, and management fees (the "Parking Lot Debt");

**WHEREAS**, Redeveloper is applying for financing with the Federal Home Loan Mortgage Corporation ("FREDDIE MAC") in the approximate amount of One Million Eight Hundred Twenty-Two Thousand Eight Hundred Ninety-Six Dollars (\$1,822,896.00) in order to pay off the Parking Lot Debt and cover any associated loan fees;

**WHEREAS**, Redeveloper has requested that the City confirm by Ordinance that the closing on this FREDDIE MAC loan will not result in a breach of the Bayview Court Redevelopment Agreement and the Financial Agreement;

**WHEREAS**, Redeveloper has further requested that the City amend the Bayview Court Redevelopment Agreement and the Financial Agreement to allow Redeveloper to secure financing from FREDDIE MAC in the approximate amount of One Million Eight Hundred Twenty-Two Thousand Eight Hundred Ninety-Six Dollars (\$1,822,896.00) in order to pay off the Parking Lot Debt and cover any associated loan fees, and to provide that the Annual Service Charges shall be subordinate to the FREDDIE MAC financing;

**WHEREAS**, the governing body has determined that it is in the best interest of the City, the Redeveloper and the community to grant the Redeveloper's requests;

**NOW, THEREFORE**, it is hereby ordained by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey that the City does hereby consent to and approve of the Redeveloper securing a loan with FREDDIE MAC in the approximate amount of One Million Eight Hundred Twenty-Two Thousand Eight Hundred Ninety-Six Dollars (\$1,822,896.00) in order to pay off the Parking Lot Debt and cover any associated loan fees, and such financing will not result in a breach of the Bayview Court Redevelopment Agreement and the Financial Agreement; and

**IT IS FURTHER ORDAINED**, that the Mayor is authorized to execute and the City Clerk is authorized to witness and deliver a second amendment to the Long Term Tax Exemption and Capital Contribution Agreement between the City of Somers Point and Bayview Court Urban Renewal Entity, LLC, dated May 3, 2016 substantially similar to the form of the second amendment attached hereto and made a part hereof, subject to such modifications as may be deemed necessary or desirable by the City Solicitor and City Administrator; and

**IT IS FURTHER ORDAINED**, that the Mayor is authorized to execute and the City Clerk is authorized to witness and deliver a Fifth Amendment to the Bayview Court Redevelopment Agreement between the City of Somers Point and Bayview Court Urban Renewal Entity, LLC, dated May 3, 2016 substantially similar to the form of the Fifth Amendment to the Redevelopment Agreement attached hereto and made a part hereof,

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subject to such modifications as may be deemed necessary or desirable by the City Solicitor and City Administrator; and

**IT IS FURTHER ORDAINED**, that all other terms and conditions of the Ordinances, Resolutions and Agreements heretofore enacted, adopted, and executed shall remain in full force and effect; and

**IT IS FURTHER ORDAINED**, that if any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the provisions directly involved in the controversy in which said judgment shall have been rendered; and

**IT IS FURTHER ORDAINED**, that this Ordinance shall become effective following final passage and publication as required by law.

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**Resolutions:**

**Public Portion Resolutions:**

Council President Haberkorn duly opened the meeting to the public.

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

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**Resolution No. 87 of 2025**

**M/S-** Dill/Owen

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

**No. 87 of 2025**

**Subject:** Temporary Budget Emergency

**Introduced by:** Council President Haberkorn, Council Members Dill and McGuigan

**WHEREAS** an emergent condition has arisen with respect to an anticipated delay in adopting the local budget and no adequate provision has been made in the 2025 temporary appropriations for the aforesaid purpose; and

**WHEREAS**, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2025 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20), including this resolution total \$12,165,390.00 for the Current Fund and \$2,651,750.00 for the Sewer Utility.

**NOW**, therefore, be it resolved by the City Council of the City of Somers Point, not less than two-thirds of all of the members thereof affirmatively concurring that, in accordance with the provisions of N.J.S. 40A:4-20:

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1. An emergency temporary appropriation be and the same is hereby made for individual items outlined below in the total amount of \$12,165,390.00 for the Current Fund and \$2,651,750.00 for the Sewer Utility
2. That said emergency temporary appropriation will be provided for in the 2025 budget under the titles as outlined below.

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**Resolution No. 88 of 2025**

**M/S-** Dill/Johnston

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

**No. 88 of 2025**

**AUTHORIZING EXECUTIVE SESSION**

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

**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 February 27, 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:

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**Advice of Counsel and attorney-client privileged communication regarding the status of contractual negotiations between the City of Somers Point and the City of Ocean City regarding a Shared Facilities Service Agreement for Municipal Court matters.**

**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>
See Exception 7	Unknown at this time	Discussion by City Council relative to handling of contractual negotiations between the City and the City of Ocean City relative to a Shared Facilities Service Agreement.

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**Resolution No. 89 of 2025**

**M/S- Johnston/Owen**

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

**No. 89 of 2025**

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**AUTHORIZING EXECUTIVE SESSION**

**Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF POTENTIAL CONTRACTUAL NEGOTIATIONS**

**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 23<sup>rd</sup> day of January, 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 potential development 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 20 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

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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 potential development negotiations involving contract purchasers of 90 Broadway and the City.

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**Resolution No. 94 of 2025**

M/S- Dill/Owen

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

**No. 94 of 2025  
AUTHORIZING EXECUTIVE SESSION**

**Subject: Advice of Counsel and Attorney-Client Privileged Communication Regarding the Status of Issues Arising from the Settlement Agreement of Litigation Between Plantation Bay LLC and the City of Somers Point**

**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 13, 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

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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 issues arising from the settlement between the Plantation Bay, LLC, and the City of Somers Point in the Mt. Laurel Litigation commenced in the Superior Court of New Jersey by Plantation Bay, LLC (Docket No. ATL-L-7302-06).**

**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 issues arising from the settlement agreement in the matter of “Plantation Bay, LLC. v. City of Somers Point” (Docket No. Atl-L-7302-06).</b>

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**Consent Agenda Resolutions:**

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On the motion of Council Member Johnston, seconded of Council Member Dill and carried to approve the Consent Agenda Resolutions.

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**No. 90 of 2025**

**Subject: A Resolution Approving and Accepting a 901 Mays Landing Road, LLC Conservation Restriction / Easement**

**Introduced By: Council President Haberkorn**

**Whereas** paragraph 3.1.3 of the Court approved July 28, 2008 Settlement Agreement between Plantation Bay, LLC and the City of Somers Point that the (New Jersey Superior Court, Atlantic County Docket No. ATL-L-7302-06) requires Plantation Bay, LLC (as the Plaintiff and owner of approximately one hundred fifty acres of land in the City of Somers Point known as the Greate Bay Country Club) to deed restrict approximately one hundred twenty acres in the area designated as the “Deed Restricted Golf Course and Practice Facility” and to provide a conservation restriction pursuant to N.J.S.A. 13:8B-1; and

**Whereas** the terms and conditions of the 2008 Court approved Settlement Agreement were incorporated into the February 28, 2018 Court approved Settlement Agreement between the City of Somers Point and Fair Share Housing Center (New Jersey Superior Court, Atlantic County, Docket No. ATL-L- 1538-15); and

**Whereas**, that same obligation to dedicate and deed restrict not less than one hundred acres is set forth in Somers Point Municipal Code Section 114-86.1 B. (5) of Article XIII A “Recreational Planned Unit Development”; and

**Whereas** a form of Grant of Conservation Restriction / Easement was attached as Exhibit D to the 2008 Settlement Agreement; and

**Whereas** 901 Mays Landing Road, LLC is the successor in interest to Plantation Bay, LLC and is the record owner in fee simple of a certain tract of real property situated in the City of Somers Point, County of Atlantic, State of New Jersey which is designated on the City of Somers Point Tax Map as Lot 1.02 in Block 1946, having acquired the property by deed dated July 30, 2021 from Plantation Bay, LLC, which was recorded in the Atlantic County Clerk’s Office on September 22, 2021 in Deed Book 15093, Page 1698, Instrument No. 2021056750 and has assumed the obligations imposed upon Plantation Bay, LLC; and

**Whereas**, to comply with the above referenced Ordinance and Court Orders, 901 Mays Landing Road, LLC has submitted a form of Grant of Conservation Restriction / Easement with attached Schedules “A” and “B” describing the designated deed restricted area’ and

**Whereas** the Grant of Conservation Restriction / Easement with the attached Schedules has been reviewed and approved by the Somers Point City Engineer and the Somers Point City Solicitor.

**Now, therefore, it is hereby Resolved**, by the City Council of the City of Somers Point that the form of the attached Grant of Conservation Restriction / Easement is approved and accepted; and

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**It is further, Resolved**, that the Mayor is authorized to execute and deliver the attached Grant of Conservation Restriction / Easement on behalf of the City of Somers Point; and

**It is further Resolved** that the execution of the Grant of Conservation Restriction / Easement when recorded with the Atlantic County Clerk shall satisfy the obligations set forth in the Court approved Settlement Agreements and the Somers Point Municipal Code.

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**No. 91 of 2025**

**Subject: Authorization to Apply for and Accept a Neighborhood Preservation Program Grant from the New Jersey Department of Community Affairs**

**Introduced by: Council President Haberkorn**

**WHEREAS**, the New Jersey Department of Community Affairs is accepting applications for the Neighborhood Preservation Program (NPP) for 2025; and

**WHEREAS**, this program focuses on threatened but viable neighborhoods – those neighborhoods that will be able to use the program’s assistance to arrest decline and leverage their existing assets to spur economic development. The program also concentrates on neighborhoods with the potential for mixed use development, to encourage small business job creation and invite greater business and community investment in economic development; and

**WHEREAS**, successful applicants will receive an award of \$125,000 to be expended over a 12-month grant period from January 1, 2025 through December 31, 2025; and

**WHEREAS**, this program is available to select municipalities in the State of New Jersey; and

**WHEREAS**, the City of Somers Point carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community.

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Somers Point formally authorizes this application.

**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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**No. 92 of 2025**

**Subject: Authorizing an Advertisement for an RFP for Marketing Services CY 2025**

**Introduced By: Council Member Gerety**

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**WHEREAS**, the Somers Point Economic Development Advisory Commission and Governing Body of the City of Somers Point is interested in soliciting proposals from independent contractors to provide Services for the Calendar Year 2024; 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 Marketing Services for the Calendar Year 2025.

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 May 8<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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**No. 93 of 2025**

**Subject:**                    **A Resolution accepting a Declaration of Covenants and Restrictions for Drainage Structures and the Stormwater Management Maintenance Plan from Sunset Ave Development LLC**

**Introduced by:**        **Council President Haberkorn**

**Whereas** Sunset Ave Development LLC, a New Jersey limited liability company (“Sunset Ave”) is the owner of real property located in City of Somers Point, Atlantic County, New Jersey and being shown as Block 1214, Lot 9.01 on the Official Tax Map of the City of Somers Point (the “Property”); and

**Whereas** the Property was the subject of an application filed by Sunset Ave for preliminary and final major site plan approval to the City of Somers Point Planning Board (hereinafter referred to as the “Board”); and

**Whereas** the Board granted preliminary and final major site plan approval at a hearing held before it on June 15, 2022, with a Resolution granting these approvals having been adopted by the Board, on July 20, 2022, memorialized in Resolution No. 7-2022; and

**Whereas** Sunset Ave proposes to provide drainage on the Property in accordance with the plans submitted to the Board; and

**Whereas** Sunset Ave is obligated to record with the Atlantic County Clerk a Declaration Of Covenants and Restrictions for Drainage Structures including the Stormwater Management Maintenance Plan, dated January 2023, attached thereto as Exhibit “A”; and

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**Whereas** the Declaration Of Covenants and Restrictions for Drainage Structures and the Stormwater Management Maintenance Plan have been reviewed and approved by the City Engineer and City Solicitor.

**Now, therefore, it is hereby Resolved** by the City Council of the City of Somers Point that the form of the attached Declaration Of Covenants and Restrictions for Drainage Structures and the Stormwater Management Maintenance Plan are approved and accepted; and

**It is further Resolved** that Declaration Of Covenants and Restrictions for Drainage Structures and the Stormwater Management Maintenance Plan when recorded with the Atlantic County Clerk shall satisfy the obligations set forth in the Board Resolutions; and

**It is further Resolved** that Sunset Ave Development LLC, or its professionals shall send a recorded copy of the Sanitary Sewer Easement to the Somers Point City Clerk and the Somers Point City Solicitor.

\*\*\*\*\*

**Old Business:**

Council President Haberkorn discussed the boat ramp gates and requested upcoming Resolutions regarding the matter.

Council Member Johnston gave her thoughts on what could be improved about the boat ramp gates.

Administrator Frost gave a brief update on upcoming repairs to the pedestals at the boat ramp gates.

Council Member Dill asked for clarification on boat ramp ownership.

Council Member Gerety expressed his disapproval of the boat ramp gates.

Council Member Owen gave his thoughts on changes he would like to see to the boat ramp gates.

Council Member McGuigan asked for clarification on the predicted collections from the boat ramp gates and expressed his disapproval of the gates.

City Council agreed on the idea of making the gates year-round instead of seasonal.

\*\*\*\*\*

**New Business:**

None

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**Discussion of Bills:**

Administrator Frost reported a Bill List dated 03/11/2025 in the amount of \$1,828,961.24.

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**Public Portion:**

Council President Haberkorn duly opened the meeting to the public.

Charlie Falkenstein of Somers Point gave his opinion on possible ways to help the gate benefit the City more efficiently.

Bill Collins of Somers Point gave his thoughts on the boat ramp gate.

Patricia Pierson of Somers Point expressed her frustration with the boat ramp gates not working the way they were intended.

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.

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**Comments from Governing Body:**

Council Member Gerety asked for Council Member DePamphilis' view on the boat ramp gate.

Council President Haberkorn denied to respond without Council Member DePamphilis present.

\*\*\*\*\*

**Recess:**

The Governing Body recessed briefly at 8:24 p.m. before going into Executive Session at 8:34 p.m.

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**Reconvene:**

Council President Haberkorn reconvened the Governing Body to Open Session at 9:08 p.m.

\*\*\*\*\*

**Adjournment:**

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There being no further business to come before City Council, Council Member Dill moved, Council Member Johnston seconded and carried to adjourn the meeting at 9:09 p.m.

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Respectfully submitted,

Shelby Heath, RMC  
Municipal Clerk  
Approved: 3/27/2025