

REGULAR MEETING MAYOR AND CITY COUNCIL April 24, 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: DePamphilis, Dill, Gerety, Johnston, McGuigan, Owen, Haberkorn

Also Present: Mayor Tapp, Chief Financial Officer Kestrel, Deputy City Clerk Giampapa, 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.

Communications:

None

Mayor's Report:

Mayor Tapp gave update on the Shore Road Paving Project, noting that paving work is expected to start the week before Memorial Day and is estimated to be completed within a day. Mayor Tapp shared that Bayfest is being held this coming Saturday April 26, 2025, from 10 A.M. to 6 P.M. Finally, Mayor Tapp commended the Volunteer Fire Department for the bravery they displayed and the great work they presented assisting Ocean County with a horrific forest fire.

Administrator's Report:

None

Solicitor's Report:

City Solicitor Smith gave a status update on the Beach Concert Series.

City Solicitor Smith, and Council Members Gerety, and Johnston discussed the requirements needed for a vendor license.

REGULAR MEETING MAYOR AND CITY COUNCIL April 24, 2025

Engineer's Report:

Engineer Schneider notified City Council that the Bala Drive concrete work is complete and the paving process is expected to start in the next few weeks.

Council Member McGuigan asked Engineer Schneider when the paving work will be complete on Route 9.

Committee Reports:

Council Member Owen encouraged all to visit the Arts Commission table at Bayfest this coming weekend, and he announced upcoming workshops open for registration.

Council Member Gerety met with the Economic Development Advisory Commission, where they discussed their primary project, the service station on Route 9 and Somers Point -Mays Landing Road. Also, in regards to EDAC's Tourism Committee, Council Member Gerety shared future plans and activities discussed for next year. Lastly, he indicated that EDAC's quarterly review will be given in May.

Council Member McGuigan briefly commented that he met with the owner of the previously mentioned service station and would like to set up a meeting with EDAC to discuss this further.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member DePamphilis, and carried to approve the Regular Meeting Minutes of 4/10/2025 and Executive Session Minutes of 4/10/2025 as to Content Only.

Resolutions:

Public Portion Resolutions:

Council President Haberkorn duly opened the meeting to the public.
Hearing nothing further from the public, the public portion was duly closed.

Resolution No. 119 of 2025

M/S- Dill/Owen

This resolution was adopted by a unanimous vote of those present

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 24, 2025**

No. 119 of 2025

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 24th day of April, 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 the property located at 939 Bay Avenue.

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 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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 24, 2025**

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 939 Bay Avenue.

Resolution No. 120 of 2025

M/S- Gerety/Johnston

This resolution was adopted by a unanimous vote of those present with Council Member McGuigan recusing.

No. 120 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 April 24, 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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 24, 2025**

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 contractual negotiations between the PBA (Patrol and Dispatch) 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 contractual negotiations between the City and the PBA (Patrol and Dispatch).

Council President Haberkorn announced that Resolution No. 121 of 2025 will be held until after Executive Session.

Consent Agenda Resolutions:

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

No. 122 of 2025

Subject: Closing Bay Avenue for Bayfest 2025

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 24, 2025**

Introduced By: Council President Haberkorn

WHEREAS, the Bayfest 2024 celebration is scheduled for April 26th, 2025; and
WHEREAS, the Bayfest Committee has requested that a portion of Bay Avenue be closed for the Bayfest Celebration; and

WHEREAS, to ensure the safety of all attendees and to streamline event operations, it is also requested that no vehicular traffic be permitted to enter or exit the following streets east of Bay Avenue during Bayfest from 8 A.M. through 6 P.M.: Higbee Avenue, Gibbs Avenue, Decatur Avenue and Paul Clark Drive.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Bay Avenue be closed from Annie Avenue to Pleasant Avenue, from 6:00 a.m. until 7:00 p.m., and that that no vehicular traffic be permitted to enter or exit the following streets east of Bay Avenue during Bayfest from 8 A.M. through 6 P.M.: Higbee Avenue, Gibbs Avenue, Decatur Avenue and Paul Clark Drive in order to accommodate the Bayfest Celebration on April 26th, 2025.

No. 123 of 2025

Subject: Authorizing Execution of 2025 Municipal Aerial Mosquito Control Agreement

Sponsored by: Council President Haberkorn

WHEREAS, from time to time it may become necessary to perform aerial application of pesticides for mosquito control over certain areas of Somers Point; and

WHEREAS, such application should be performed by the Atlantic County Department of Public Works, office of Mosquito Control; and

WHEREAS, all pesticides and aircraft utilized are approved for aerial application by State and Federal governments; and

WHEREAS, the Atlantic County Department of Public Works, Office of Mosquito Control shall notify the Somers Point Police Department, the City and local news media prior to any application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that Mayor Dennis Tapp is hereby authorized to execute the 2025 Municipal Aerial Mosquito Control Agreement, a copy of which is attached hereto and made a part hereof.

REGULAR MEETING MAYOR AND CITY COUNCIL April 24, 2025

Old Business:

None

New Business:

City Council Approved an Extension of Premises Application for the Anchorage Tavern on 4/26/2025 from 11 A.M. to 6 P.M.

Discussion of Bills:

Chief Financial Officer Kestrel reported that purchase order number 25610712 in the amount of \$479.00 was pulled from the Bill List dated 4/22/2025 bringing the adjusted amount to \$197,418.91. She also reported a Record of Payment dated 04/22/2025 in the amount of \$29,758.78.

Council Member Mcguigan recused himself from an item on the bill list.

Council Member Gerety asked for clarification on the item removed from the bill list.

Council President Haberkorn clarified that he will follow up on the removed item and report back to City Council.

Public Portion:

Council President Haberkorn duly opened the meeting to the public.

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

Payment of Bills:

M/S: Dill/Johnston

The Bill List was approved by a unanimous vote of those present with Council Member McGuigan recusing. A complete list of bills is on file in the Office of the Municipal Clerk.

Comments from Governing Body:

Council Member McGuigan hopes for a great turnout at Bayfest this coming weekend.

Recess:

The Governing Body recessed briefly at 7:24 p.m. before going into Executive Session at 7:29 p.m.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 24, 2025**

Reconvene:

Council President Haberkorn reconvened the Governing Body to Open Session at 8:07p.m.

Resolution No. 121 of 2025

M/S- Johnston/Owen

This resolution was adopted by a unanimous roll call vote of those present with Council Member McGuigan recusing.

No. 121 of 2025

Subject: A Resolution Approving a Memorandum of Understanding with the City's PBA Collective Bargaining Unit

Introduced by: Council President Haberkorn and Councilmembers Johnston and DePamphilis

WHEREAS, a Collective Bargaining Agreement between the City of Somers Point and the New Jersey State Policemen's Benevolent Association (PBA), Mainland Local No. 77 (Patrol and Dispatch), was in place from January 1, 2022 through December 31, 2024; and

WHEREAS, commencing in July of 2024, the City and the PBA engaged in good faith negotiations for a successor contract; and

WHEREAS, as a result of an impasse which occurred in the negotiation process, the PBA, on February 28, 2025, the PBA filed a Petition to initiate Compulsory Interest Arbitration with the Public Employee Relations Commission (PERC); and

WHEREAS, a meditation conference was set up by the PERC arbitrator for April 15, 2025; and

WHEREAS, the parties continued to negotiate prior to said conference and, in fact, reached certain tentative agreements; and

WHEREAS, parties were able to finalize all issues in dispute at the time of the mediation, which were put down into a Memorandum of Understanding between the parties; and

WHEREAS, City Council wishes to approve the aforesaid Memorandum of Understanding between the parties.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the content of the attached Memorandum of Understanding between the City of Somers Point and the New Jersey State Policemen's Benevolent Association (PBA), Mainland Local No. 77 (Patrol and Dispatch), is hereby approved for purposes of allowing the parties to enter into a new Collective Bargaining Agreement.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
April 24, 2025**

Adjournment:

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 8:09 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 5/8/2025