

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
July 10, 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:** Haberkorn, Owen, DePamphilis, McGuigan, Dill, Johnston

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

**Absent:** Gerety

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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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**Special Presentation:**

- Kamini Patel, representing the Atlantic County Municipal Joint Insurance Fund gave a brief overview of the Joint Insurance Fund ahead of the City’s potential contract renewal.

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**Communications:**

None

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**Mayor’s Report:**

Mayor Tapp thanked Guy Martin and Steve Hornig for hanging up the Hometown Hero banners on Shore Road. He also acknowledged Keith MacEwan, a former Police Officer and mentioned a fundraising event to raise money for his fight against cancer.

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**Administrator’s Report:**

None

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**Solicitor’s Report:**

None

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**Engineer's Report:**

Engineer Schneider reported that the Shore Road Pedestrian project will be continuing around school areas, and they are planning to paint no parking boxes and handicapped spots as requested by the Police Department.

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**Committee Reports:**

None

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**Approval of Minutes:**

On the motion of Council Member Dill, seconded of Council Member Johnston, and carried to approve the Regular Meeting Minutes of 6/26/2025 and Executive Session Meeting minutes of 6/26/2025, approved as to content only.

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**Ordinances:**

**Ordinance No. 11 of 2025**

*(Second Reading/Public Hearing/Adoption)*

**M/S-** Johnston/Dill

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

Council President Haberkorn duly opened the meeting to the public.

Levi Fox of Somers Point expressed his disapproval of the redevelopment plan.

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

**ORDINANCE No. 11 of 2025**

**AN ORDINANCE ADOPTING THE 90 BROADWAY REDEVELOPMENT PLAN  
WITHIN BLOCK 2018, LOTS 1.01, 1.02, 1.03, 1.04, 1.05, 1.08, 2.02, 1.06, AND 1.07 IN  
AN AREA IN NEED OF REHABILITATION WITHIN THE CITY OF SOMERS POINT,  
COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

Whereas, on November 20, 2014, the City Council of the City of Somers Point adopted Resolution No. 186 of 2014 declaring the entire area of the City of Somers Point to be an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14, accepting a recommendation from the

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Somers Point Planning Board based upon a City-Wide Rehabilitation Study and Report concluding the that the entire area of the City of Somers Point be determined to be an Area in Need of Rehabilitation; and

Whereas, pursuant to N.J.S.A. 40A:12A-7 of the “Local Redevelopment and Housing Law (“LRHL”), a municipality has the authority to adopt, by ordinance, a Redevelopment Plan for a property located in an area in need of rehabilitation; and

Whereas a draft Redevelopment Plan dated May 8, 2025 captioned “90 Broadway Redevelopment Plan” was prepared by Colliers Engineering & Design (the “Draft Redevelopment Plan”); and

Whereas the Draft Redevelopment Plan was reviewed by the City Council members, the City Planner, and the City Engineer; and

Whereas, pursuant to N.J.S.A. 40A:12A-7e, prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan, which report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate; and

Whereas, on May 8, 2025, the City Council adopted Resolution No 108 of 2025 directing the Somers Point Planning Board (“Planning Board”) to review the draft redevelopment plan for the Subject Property, or “Rehabilitation Area”, a copy of which was attached to the Resolution; and

Whereas the Draft Redevelopment Plan was reviewed and considered by the Planning Board at an open public meeting held on May 21,2025; and

Whereas the Planning Board recommended adoption of the Draft Redevelopment Plan by the City Council, and further determined that the Draft Redevelopment Plan is consistent with the overall intent of the City’s Master Plan; and

Whereas, having reviewed the Planning Board’s Report and recommendation the City Council concurs with its findings and has determined that it is in the best interest of the City to adopt the Redevelopment Plan to effectuate rehabilitation of the subject Rehabilitation Area; and

Now, therefore, it is hereby ORDAINED by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

Section 1. The preceding recitals are incorporated herein as though fully set forth herein at length.

Section 2. The Council hereby adopts the “90 Broadway Redevelopment Plan” to facilitate the rehabilitation of that portion of the 2014 Rehabilitation Area.

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Section 3. The area standards set forth in the 90 Broadway Redevelopment Plan shall be applicable only to an applicant, property owner, developer or redeveloper that has an executed Redevelopment Agreement with the City. An executed Redevelopment Agreement with the City shall be required (as a checklist item) as a part of any application or submission to the Somers Point Planning Board for site plan approval or as part of any other application for land use approvals utilizing area standards under the Redevelopment Plan

Section 4. All City ordinances or parts of any City ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of the Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 6. The City Clerk is directed to file a copy of the 90 Broadway Redevelopment Plan in the Office of the City Clerk for inspection by the public during normal business hours.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

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**Ordinance No. 15 of 2025**  
*(First Reading/Introduction)*  
M/S- Owen/Dill

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

**No. 15 of 2025**

**An Ordinance Amending and Supplementing Chapter 114 – Development  
Regulations, Article XXVIII – Somers Point Historic Preservation  
Commission**

**Whereas**, the residents of the City of Somers Point, are proud of its lengthy history, which history is reflected in certain the style and construction many of its homes and buildings in the town; and

**Whereas**, City Council of the City of Somers Point has recognized the importance of the historical nature of such homes and buildings by creating the Somers Point Historic Preservation Commission; and

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**Whereas**, the City lays claim to one property, Somers Mansion, that is on the State/National Registers of Historic Places; and

**Whereas**, the City has three (3) Historic Village Zones, one of which has been placed on the National Registry of Historic Places; and

**Whereas**, the City has one (1) Historic District and two (2) Historic District Extensions that have received Certificates of Eligibility or State Historic Preservation Office Opinions of Eligibility; and

**Whereas**, an additional site with State Historic Preservation Officer Opinions has been demolished; and

**Whereas**, City Council, by and through its Steering Committee, has reviewed its ordinances for the Somers Point Historic Commission to ensure that, as written, the City can continue to preserve homes and buildings of historical significance, as well as take advantage of any potential grants which can enhance its Historic District and/or these homes and buildings; and

**Whereas**, in review of its ordinances, it was determined that the City's ordinances do not include a process which would allow the City to designate a structure as a Historic Landmark; and

**Whereas**, City Council now wishes to amend Article XXVIII – Somers Point Historic Preservation Commission, of Chapter 114 – Development to grant the Somers Point Historic Preservation Commission authorization to make recommendations concerning the designation of a property as a Historic Landmark, as well setting for a process and criteria for such a designation to be implemented.

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the City Council of the City of Somers Point as follows:

**SECTION 1:** §114-204 Responsibilities is hereby amended to include a subparagraph “G” which will read as follows:

G. The Commission shall conduct, maintain, and expand, when appropriate, a comprehensive survey of the City to identify historic landmarks and historic districts that are worthy of protection and preservation.

**SECTION 2:** §114-206 Designation and regulation of historic sites or districts; issuance of permits is hereby amended to include a subparagraph “C” which will read as follows:

C. The criteria for evaluating and designating historic landmarks and historic districts shall be guided by the National Register Criteria as currently published and amended from time to time. The Commission, or any person, may recommend designation of historic landmarks or historic districts that are in accordance with the National Register Criteria or that possess one or more of the following attributes:

1. Character, interest, or value as part of the development, heritage or cultural characteristics of the City, State or Nation; or

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2. Association with events that have made a significant contribution to the broad patterns of our history; or
3. Association with the lives of persons significant in our past; or
4. Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or
5. Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the City, State or Nation; or
6. Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or
7. Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or
8. Ability or potential ability to yield information important in prehistory or history.

**SECTION 3:** A §221-210 Designation Procedure is hereby added which will read as follows:

A. Proposals to designate a property as historic pursuant to this article may be made by the City Council, the Commission, a City resident, or the Planning Board, in accordance with the following procedures:

1. Nomination report for a historic landmark. A nomination to propose a historic landmark shall include the following information, which addresses the criteria for designation as set forth herein:
  - a. A photograph of the proposed landmark; and
  - b. A copy of the municipal tax map showing the property on which the proposed landmark is located; and
  - c. A physical description of the proposed landmark; and
  - d. A statement of significance.
2. Nomination report for a historic district. A nomination to propose a historic district shall include the following information which addresses the criteria for designation as set forth herein:
  - a. A building-by-building inventory of all properties within the district identifying key, contributing, harmonizing, non-contributing, or intrusions; and
  - b. A photograph of each property and building within the district; and
  - c. A copy of the municipal tax map of the district showing boundaries; and
  - d. A physical description of the proposed district; and
  - e. A statement of significance.

B. Hearing. Following receipt of a nomination to propose a historic landmark or historic district, the Commission shall schedule a public hearing on the proposed designation.

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C. Notification requirements. At least 20 days prior to the public hearing, the Commission shall, by personal service or certified mail, perform the following:

1. Notify the owner(s) of record of a property that has been proposed for historic landmark designation, or the owner(s) of record of all properties located within a district that has been proposed for historic district designation, that the property or district, as applicable, is being considered for such designation and the reasons therefor;
2. Advise the owner(s) of record of the significance and consequences of such designation, and of the rights of the owner(s) of record to contest such designation under the provisions of this article;
3. Notify the owner(s) of record of the date, time, and location of the hearing concerning the proposed designation of the property or district; and
4. Serve any further notices as may be required under the provisions of the Municipal Land Use Law.

D. Public notice of hearing. At least 20 days prior to the public hearing, the Commission shall also cause public notice of the hearing to be published in the official newspaper of the City.

E. Public report. At least 20 days prior to the public hearing, a copy of the nomination report shall also be made available for public inspection in City Hall.

F. Public hearing. At the public hearing scheduled in accordance with this article, the Commission shall review the nomination report and accompanying documents. Interested persons shall be given the opportunity to be heard and to comment on the proposed nomination for designation.

G. Commission report. If the proposed nomination is approved by the Commission, then the Commission shall forward a report to the City Council, which shall contain a statement of the Commission's recommendations and the reasons therefor with regard to proposed designations considered at the hearing, including a list and map of properties approved for designated.

H. Referral to Planning Board.

1. The City Council shall refer the report to the Planning Board, which in turn shall report back to Council within 60 days.
2. Failure of the Planning Board to transmit its report within the sixty-day period provided herein shall relieve the City Council of its obligations relating to the referral of such a report to the Planning Board.
3. The City Council action on historic landmark or historic district designations shall be otherwise subject to those procedures and statutes which apply to a change of a zoning designation and adoption, revision, or amendment of any development regulation.

I. Final designation.

1. As soon as possible after its receipt of the report from the Planning Board or at expiration of the period allowed for Planning Board comment on designations pursuant to

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§114-210H above of this section, the City Council shall act upon the proposed designation list and/or map.

- a. It may approve, reject, or modify by ordinance the designation recommendations made by the Planning Board.
  - b. In the event that the City Council votes to reject or modify any Planning Board recommendations for a proposed designation, the City Council shall record in its minutes the reasons for not following such recommendation.
2. All action taken by the City Council on proposed designations shall become effective upon a favorable vote except, in cases in which an official protest has been filed with the City Clerk, a proposed designation shall then require a favorable majority vote of a majority of the full authorized membership of the City Council.
3. Public notice of designation.
- a. A notice of designation shall be made public by publication in the official newspaper of the City and by distribution to all municipal agencies reviewing development applications and permits.
  - b. A certificate or letter of designation shall be sent to the owner(s) of record.
- J. Incorporation of designated landmarks into City records
1. Upon adoption of an article by City Council designating a historic landmark or a historic district, the said designation shall supplement, rather than supersede, the existing zoning district in which the affected historic landmark or historic district is located.
  2. Immediately after designation, the designation, list, and/or map shall be incorporated into the master plan as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
  3. Designated properties shall also be noted as such on the records for those properties as maintained by the engineering and zoning offices, as well as the offices of the construction official, the tax assessor, and the City Clerk.
  4. In addition to the requirement for notation in the foregoing §114-210 J(1)-(3) above, there shall be within 90 days, entered upon the property records a notation which identifies each historic landmark and property located within a historic district and constituted on the date of the adoption hereof in the offices of the:
    - a. Planning and Development;
    - b. Tax Assessor;
    - c. The Construction Division of Licenses and Inspection;
    - d. The City Engineer;
    - e. The Zoning Officer; and
    - f. The City Clerk.

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5. Each tax/assessment search requested for a property located within a historic district shall note thereon the subject property is located in the specific Historic District.

6. Similarly, all forms maintained and issued by the Construction Code Official, City Engineer, Zoning Officer, and City Clerk that are responsive to requests for information, permits, and like documents, shall contain a notation which identifies, as applicable, the presence of a property within a historic district as constituted on the date of the adoption hereof and as new landmarks as historic district designations occur hereafter.

K. Amendments. Amendments to historic landmark or historic district designations may be made in the same manner as they were adopted in accordance with the provisions of this article.

**SECTION 4:** A §221-211 Regulating Underlying Zoning Districts is hereby added which will read as follows:

All properties within the Historic District Overlay Zones shall remain subject to all underlying zoning district regulations.

**SECTION 5:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 6:** 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 7:** This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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**Ordinance No. 16 of 2025**  
*(First Reading/Introduction)*

**M/S-** Dill/Johnston

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

**No. 16 of 2025**

**An Ordinance Enacting a Continuing Education Incentive Program for  
the City of Somers Point's Fire Department's Firefighters**

**WHEREAS,** City Council of Somers Point recognizes and appreciates the dedication of the City's firefighters from its two Fire Companies; and

**WHEREAS,** City Council further understands the amount of time and training required to become and continue to be a volunteer firefighter in the State of New Jersey; and

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**WHEREAS**, in an effort to maintain an adequate volunteer fire fighting force in the City, Council previously amended Chapter 29 Fire Department, Article V Pay-To-Run, in an effort to compensate and reimburse firefighters who respond to calls; and

**WHEREAS**, City Council, in consultation with the Chiefs of the City’s two recognized Fire Companies, has determined that, in addition to the Pay-To-Run compensation and reimbursement, the City’s firefighters should be reimbursed for the amount time expended in required training and continuing education programs; and

**WHEREAS**, **City Council** has been determined that a program for reimbursing the City’s volunteer firefighters for completing and continuing to maintain their training and education requirements should be enacted.

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

**SECTION 1.** Chapter 29, Article VIII of the City of Somers Point Code is hereby enacted as follows:

ARTICLE VIII

**Training and Continuing Education Reimbursement**

**§29-30 General Enactment.**

Commencing as of January 1, 2025, the City of Somers Point shall make reimbursement payments to qualified firefighters from the recognized Fire Companies who maintain the requisite training and education in order to respond to fire calls. The payments made herein are subject to the obligations of the City of Somers Point and the City’s Fire Department as set forth in Article VIII, and shall be referred to as “Training and Continuing Education Reimbursements.”

**§29-31 City’s Obligations Relative to Reimbursement.**

The City’s Obligations under this Article, are as follows:

- A. Subject to sufficient funds being budgeted by City Council, the Administrator shall annually budget certain monies be used to recompense qualified firefighters for time expended and costs incurred in connection with their undertaking the requisite training and education to maintain their status as a firefighter from one of the two recognized Fire Companies of the City of Somers Point.
- B. The budgeted monetary amount for a calendar year shall be maximum dollar amount which the City shall be required to pay out to qualified firefighters for their training and education

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in that given year. Upon the depletion of said funds, the City shall have no further obligation of payment to any qualified firefighter under this Article.

- C. By January 30 of each calendar year, the City shall provide each of the recognized Fire Companies the amount which will be paid to each qualified firefighter. The amount to be paid each year shall be determined by City Council by way of resolution.
- D. The allotted monies for each qualified firefighter based on the training courses and education classes taken shall be paid to that firefighter on an annual basis.
- E. Nothing contained in Article VIII shall be construed to create an employment relationship with any firefighter who receives reimbursement funding under this Article.

**§29-32 Fire Department and Recognized Companies' Obligations for Reimbursement Monies to be Issued.**

The obligations of the City's Fire Department and its recognized Fire Companies relative to its firefighters' receipt of reimbursement monies in connection with the City's Training and Continuing Education Reimbursement program, are as follows:

- A. Within fourteen (14) days of enactment of this ordinance, and by January 10 each year thereafter, each of the City's recognized the Chief of the City's Fire Department shall provide to the Administrator the Department's:
  - (1) Agreed upon guidelines, requirements, rules and regulations which it will be using in that calendar year to determine when a fire fighter qualifies to be reimbursed by the City of Somers Point in engaging in training courses and taking continuing education courses ("qualified firefighter"); and
  - (2) Methodology that it will use in order to keep track of the training and continuing education courses taken by each of its qualified firefighters.
- B. By December 31 of each year, the Chief of each recognized Fire Company shall submit a voucher to the City Administrator which shall contains its record keeping for reimbursement earned by its qualified firefighters. Should there be insufficient monies in the City's budget to meet the annual amount due, same shall be provided to all of the City's qualified firefighters on a pro rata basis as determined by their status within the Fire Companies.

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**SECTION 2.** Any article, section, paragraph, subsection, clause, or other provision of the City of Somers Point Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 4.** This ordinance shall take effect upon its 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.

John Helbig of Somers Point asked for confirmation that the agreement for Resolution 169 of 2025 does not contain any provisions for tax abatements, reductions, or any tax breaks for the redeveloper or potential purchasers of the residential units. He also requested clarification on what provisions the City would be objecting to under Resolution 175 of 2025.

Patricia Pierson of Somers Point requested clarification on various requests for proposals.

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

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**Resolution No. 169 of 2025**

**M/S- Dill/Johnston**

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

**No. 169 of 2025**

**Subject:**                    **A Resolution Authorizing the Execution and Delivery of a Redevelopment Agreement between the City of Somers Point and Exceler Building Solutions, LLC for the Proposed Development of Block 2018, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.08, 2.02, 1.06 and 1.07**

**Introduced By:**           **Council President Haberkorn**

**WHEREAS** on July 11, 2024 a presentation was made to the Somers Point Finance sub-committee by John Wolfington and Dan Metzler on behalf of Exceler Building Solutions, LLC (the “Contract Purchaser”) regarding the potential for redeveloping Block 2018, Lots 1.01, 1.02,

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1.03, 1.04, 1.05, 1.08, 2.02, 1.06 and 1.07 located generally at 90 Broadway in the City of Somers Point, comprised of approximately 2.03 acres (the "Subject Property"); and

**WHEREAS** on March 13, 2025, a presentation on behalf of the Contract Purchaser was made to the Somers Point City Council during a regularly scheduled City Council meeting; and

**WHEREAS** a draft Redevelopment Plan dated May 8, 2025, and captioned "90 Broadway Redevelopment Plan" was prepared by Colliers Engineering & Design; and

**WHEREAS** the draft Redevelopment Plan was reviewed by the City Council members, the City Planner, and the City Engineer; and

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and/or supplemented (the "LRHL"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment or rehabilitation; and

**WHEREAS**, on November 20, 2014, the City Council of the City of Somers Point adopted Resolution No. 186 of 2014 declaring the entire area of the City of Somers Point to be an "Area in Need of Rehabilitation" pursuant to N.J.S.A. 40A:12A-14, accepting a recommendation from the Somers Point Planning Board based upon a City-Wide Rehabilitation Study and Report concluding the that the entire area of the City of Somers Point be determined to be an Area in Need of Rehabilitation; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7 of the LRHL, a municipality has the authority to adopt, by ordinance, a Redevelopment Plan for a property located in an area in need of rehabilitation; and

**WHEREAS** a draft Redevelopment Plan dated May 8, 2025, captioned "*90 Broadway Redevelopment Plan*" was prepared by Colliers Engineering & Design (the "Draft Redevelopment Plan"); and

**WHEREAS**, the Draft Redevelopment Plan was reviewed by the City Council members, the City Planner, and the City Engineer; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7e, prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan, which report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate; and

**WHEREAS**, on May 8, 2025, the City Council adopted Resolution No. 108-2025 directing the Somers Point Planning Board ("Planning Board") to review the Draft 90 Broadway Redevelopment plan for a portion of the rehabilitation area Block 2018, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.08, 2.02, 1.06, and 1.07 located at 90 Broadway in the City of Somers Point comprised of approximately **2.37** acres (the "Subject Property"); as shown on the Draft 90 Broadway Redevelopment Plan to be transmitted to the

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Planning Board Secretary together with a certified copy of Resolution 108-2025 (the “Redevelopment Area”); and

**WHEREAS**, in compliance with N.J.S.A. 40:55D-26 the Draft Redevelopment Plan and a Report from the Planning Board engineer (“Planning Board Report”) were reviewed and considered by the Planning Board at an open public meeting held on May 21, 2025; and **WHEREAS** the Planning Board recommended adoption of the Draft Redevelopment Plan by the City Council, and further determined that the Draft Redevelopment Plan is consistent with the overall intent of the City’s Master Plan as set forth in a Memorandum from the Planning Board Secretary dated May 22 2025; and

**WHEREAS**, having reviewed the Planning Board’s Report and recommendation, the City Council concurs with its findings and determined that it is in the best interest of the City to adopt the Draft Redevelopment Plan to effectuate rehabilitation of the subject Redevelopment Area.

**WHEREAS** Ordinance No.11 of 2025 was introduced at a regularly scheduled meeting of City Council on May 8, 2025, adopting a redevelopment plan for the Redevelopment Area entitled the “90 Broadway Redevelopment Plan,” prepared by Colliers Engineering & Design and dated May8 , 2025 (the “Redevelopment Plan”), a copy of which was placed on file in the office of the Clerk for review by the public during normal business hours, with a second reading and public comment received at a regularly scheduled meeting of City Council on June 12, 2025 which second reading was deferred to July 10, 2025 and became effective upon publication as required by law; and

**Whereas**, Exceler Building Solutions, LLC shall be the owner of the vacant properties comprising the Redevelopment Area; and

**WHEREAS** Exceler Building Solutions, LLC is hereby designated as the Designated Redeveloper (“Redeveloper”) for the Redevelopment Project; and

**WHEREAS** Redeveloper proposes to complete the Project within the timeframe specified in the Redevelopment Agreement in accordance with the Overall Concept plans, elevations and renderings prepared by Fenwick Architects dated April 1, 2024, as revised through March 6, 2025, subject to minor deviations resulting from full engineering of the Project; and

**WHEREAS** the Governing Body has determined that the Redeveloper possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, the Redevelopment Agreement attached hereto as Exhibit A (the “Redevelopment Agreement”), and all other Applicable Laws (as such term is defined in the Redevelopment Agreement), ordinances and regulations; and

**WHEREAS**, in order to effectuate the Redevelopment Plan, the Project, and the redevelopment of the Project Area, the City has determined to enter into the Redevelopment Agreement with the Redeveloper and specifies the respective rights and responsibilities of the City and the Redeveloper with respect to the Project.

**NOW, THEREFORE**, it is on this 10<sup>th</sup> day of July 2025, hereby **RESOLVED** by the City Council of the CITY OF SOMERS POINT as follows:

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1. The recitals are hereby incorporated as if fully set forth herein.
2. Subject to satisfaction of the condition precedent set forth herein, the City hereby designates EXCELER BUILDING SOLUTIONS, LLC as the redeveloper (as that term is defined in the Redevelopment Law) for the Project.
3. The City hereby approves and consents to the execution of the Redevelopment Agreement, substantially in the form annexed to this Resolution as Exhibit A, subject to minor revisions as deemed necessary or desirable by the City's Solicitor and / or Special COAH Counsel.
4. The City Clerk and other City staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution and the terms of the Redevelopment Agreement, and the Mayor shall be authorized and directed to execute the Redevelopment Agreement.
  
5. The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Redevelopment Agreement, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the City Clerk and any other City official, officer or professional, including but not limited to, City Solicitor, and Special COAH Counsel, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, City Solicitor, Special COAH Counsel, City Engineer, City Administrator, and City Planner, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.
6. This Resolution shall be effective immediately.

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**Resolution No. 173 of 2025**

**M/S- Dill/Johnston**

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

**No. 173 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-

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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 10<sup>th</sup> day of July, 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 contract negotiations between the City and the Atlantic County Improvement Authority relative to its Housing Rehabilitation Program.**

**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>
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See Exception 7	Unknown at this time	Discussion by City Council relative to handling of potential contractual negotiations with Atlantic County Improvement Authority.
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**Resolution No. 174 of 2025**

M/S- Owen/Johnston

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

**No. 174 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 July 10, 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.”

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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-37-25.**

**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 litigation.

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**Resolution No. 175 of 2025**

M/S- Dill/Johnston

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

**No. 175 of 2025**

**Subject:                   Opposing New Jersey Senate Bill S4451, Modifying Requirements for Land Use Plan Element and Housing Plan Element of Municipal Master Plans**

**Introduced By:       Council Member McGuigan**

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**WHEREAS**, New Jersey Senate Bill S-4451 was recently passed by the New Jersey Senate by a vote of 23-14, with 3 members not voting, and has raised significant concerns among municipalities across the State of New Jersey; and

**WHEREAS**, S-4451 modifies the requirements for the land use and housing plan elements of a municipality's Master Plan, including making the housing element a mandatory component and imposing new planning obligations on municipalities; and

**WHEREAS**, the legislation would take effect immediately upon enactment, thereby placing hundreds of municipalities at risk of being deemed non-compliant with the new requirements, and forcing the urgent and potentially costly revision of local Master Plans; and

**WHEREAS**, the proposed legislation fails to provide municipalities with sufficient time or resources to undertake the extensive reviews, assessments, and revisions that would be necessary to comply with the new statutory mandates; and

**WHEREAS**, such immediate and unfunded mandates would impose a significant financial and administrative burden on municipalities like the City of Somers Point, which would be required to retain planning professionals to analyze and revise housing and land use elements, while also assessing related infrastructure needs such as transportation and accessibility; and

**WHEREAS**, the Assembly companion bill, A-5667, has been referred to the Assembly Housing Committee but has not yet been scheduled for consideration, offering an opportunity for further review and input from local governments and planning professionals;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, that the City formally opposes New Jersey Senate Bill S-4451 and urges members of the New Jersey General Assembly to carefully consider the impacts of this legislation on municipal planning operations and local budgets; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Somers Point calls upon the Legislature to delay the effective date of any such legislation and to work collaboratively with municipalities, the League of Municipalities, and other stakeholders to ensure that any changes to the Master Plan requirements are feasible, fully funded, and implemented in a manner that allows for local planning flexibility and compliance; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to Governor Phil Murphy, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Vincent Polistina, Assemblyman Don Guardian, Assemblywoman Claire Swift, and the New Jersey State League of Municipalities.

\*\*\*\*\*

**Resolution No. 176 of 2025**

**M/S-** Dill/Owen

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

Council President Haberkorn and Council Member Johnston congratulated the City staff for their hard work which resulted in a favorable audit.

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**No. 176 of 2025**

**Subject:                   Governing Body Certification of the Annual Audit**

**Introduced By:         Council President Haberkorn**

**WHEREAS, N.J.S.A. 40A: 5-4** requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS,** the Annual Report of Audit for the year 2024 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS, R.S. 52:27BB-34** authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS,** the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS,** the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS,** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS,** all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS,** failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED,** That the City Council of the City of Somers Point, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

\*\*\*\*\*

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Council Member Johnston requested that Resolution 178 of 2025 be taken off the Consent Agenda to allow further discussion.

\*\*\*\*\*

**Resolution No. 178 of 2025**

**M/S- Dill/Owen**

This resolution was adopted by a majority vote of those present with Council Member Johnston opposed.

Council Member Johnston stated she feels the current City Hall building is outdated and other options should be investigated to build a new building.

Council President Haberkorn expressed that the concept of a new building might not be possible in the near future, so he feels it is necessary to maintain the current City Hall.

Council Members McGuigan and Dill offered their agreement to Council Member Johnston's statement, but expressed they feel it would be beneficial to put the request for proposal out and get quotes for flooring.

**No. 178 of 2025**

**Subject: Authorizing RFP's for City Hall Floor Replacement**

**Introduced By: Council President Haberkorn and Council Members McGuigan and Dill**

**WHEREAS**, the City of Somers Point is in possession of property known as 1 W New Jersey Ave. Somers Point NJ 08244; Block 1614 Lot 1 on the tax maps of the City of Somers Point and

**WHEREAS**, this property includes the location of the City Hall Building; and

**WHEREAS**, there exists a need for the City to explore the replacement of flooring in the lobby of City Hall as well as peripheral and miscellaneous spaces in the building; and

**WHEREAS**, the governing body recognizing this need, seeks to solicit bids from qualified bidders for the replacement of flooring in the lobby of City Hall and may include peripheral and miscellaneous spaces in the building.

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

1. The City Clerk is hereby directed to advertise the Requests for Proposals for the replacement of flooring in the lobby of City Hall and may include peripheral and miscellaneous spaces in the building at Block 1614, Lot 1 within the City of Somers Point.

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2. Said advertisement shall be published as soon as possible, but no later than July 23<sup>rd</sup> 2025.

3. All proposals must be received by the City Clerk no later than 10:00 a.m. on August 13<sup>th</sup>, 2025 at which time they will be publicly opened, announced and recorded in the Office of Administration.

\*\*\*\*\*

**Consent Agenda Resolutions:**

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

\*\*\*\*\*

**No. 165 of 2025  
AMENDED**

**Subject:        Rejecting Bids for the 2025 Road Program**

**Introduced By: Council Member Dill**

**WHEREAS**, on June 20, 2025, the City of Somers Point received bids for the 2025 Road Program; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-23, the date fixed for receiving the bids shall not fall on a Monday, or any day directly following a State or federal holiday; and

**WHEREAS**, June 20, 2025, was a state holiday and was directly following a federal holiday; and

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

- 1.) All bids received for the 2025 Road Program are formally rejected.
- 2.) The City Engineer is authorized to rebid the project and change the project scope to add Cedar Avenue from Bethel Road to the dead end to the project.

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

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**No. 170 of 2025**

**REGULAR MEETING  
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**Subject:**                    **Authorizing the Acceptance, Execution, and Delivery of an Indemnity Agreement Between the City of Somers Point and 901 Mays Landing Road, LLC**

**Introduced By:**        **Council President Haberkorn**

**WHEREAS**, 901 Mays Landing Road, LLC is the owner of property as shown on the City’s Tax Map as Lots 1.01 (formerly Lot 3 in Block 1944, Lot 2.02 in Block 1945 and a portion of Lot 1 in Block 1946) and 1.02 in Block 1946 (formerly Lot 1 in Block 1943 and a portion of Lot 1 in Block 1946) (“Greate Bay West” or the “Project”) and Lot 2 in Block 1941.01 (formerly Lot 2 and a portion of Lot 5.01 in Block 1941.01) (“Greate Bay East”) (collectively referred to as the “Property”); and

**WHEREAS**, on December 21, 2022, the Planning Board of the City of Somers Point (the “Planning Board”) granted preliminary and final site plan approval (the “Approval”) in connection with the development of residential project, which includes the construction of 117 residential townhomes and 42 low- to moderate-income housing units with an additional superintendent/manager unit with related improvements on the Property; and

**WHEREAS**, a condition of the Approval is that the City vacate a portion of Oak Lane (formerly known as Gillmore Avenue), an existing “paper street” adjacent to Greate Bay West which was an unimproved public right of way on the Tax Map, and to allow for the improvement of a portion of the remaining right-of-way; and

**WHEREAS**, a request had been made to the Somers Point City Council on behalf of 901 Mays Landing Road, LLC, the owner of the Property (sometimes herein referred to as “901MLR” or the “Developer”), and R2F2, Inc., a related entity to 901MLR (sometimes herein referred to as “R2F2”), to vacate a portion of Oak Lane to facilitate the development of the Project and to provide access to Greate Bay West over the portion of Oak Lane not vacated; and

**WHEREAS**, on June 27, 2024, the City’s governing body adopted Somers Point Ordinance 4 of 2024 by which a portion of Oak Lane was vacated subject to certain conditions imposed upon R2F2 and 901MLR; and

**WHEREAS**, Section 5 of Ordinance 4 of 2024 obligates 901 MLR and R2F2, Inc to execute and deliver an indemnification and hold harmless agreement in favor of the City; and

**WHEREAS**, 901 MLR is the sole owner of the portion of the property which was vacated; and

**WHEREAS**, a form of Indemnity Agreement between the City and 901 Mays Landing Road, LLC. has been prepared and reviewed.

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

1. The City hereby approves and consents to the execution and delivery of the Oak Lane Indemnity Agreement between the City and 901 Mays Landing Road, LLC. in the form attached hereto;

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2. The Mayor is authorized and directed to execute and deliver the Oak Lane Indemnity Agreement.
3. The City Clerk and other City staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution, and the Agreement.
4. This Resolution shall be effective immediately.

\*\*\*\*\*

**No. 171 of 2025**

**Subject:                    Authorizing the Acceptance, Execution, and Delivery of an Access, Maintenance, and Hold Harmless Agreement Between the City of Somers Point and 901 Mays Landing Road, LLC**

**Introduced By:            Council President Haberkorn**

**WHEREAS**, 901 Mays Landing Road, LLC is the owner of property as shown on the City’s Tax Map as Lots 1.01 (formerly Lot 3 in Block 1944, Lot 2.02 in Block 1945 and a portion of Lot 1 in Block 1946) and 1.02 in Block 1946 (formerly Lot 1 in Block 1943 and a portion of Lot 1 in Block 1946) (“Greate Bay West” or the “Project”) and Lot 2 in Block 1941.01 (formerly Lot 2 and a portion of Lot 5.01 in Block 1941.01) (“Greate Bay East”) (collectively referred to as the “Property”); and

**WHEREAS**, on December 21, 2022, the Planning Board of the City of Somers Point (the “Planning Board”) granted preliminary and final site plan approval (the “Approval”) in connection with the development of residential project, which includes the construction of 117 residential townhomes and 42 low- to moderate-income housing units with an additional superintendent/manager unit with related improvements on the Property; and

**WHEREAS**, a condition of the Approval is that the City vacate a portion of Oak Lane (formerly known as Gillmore Avenue), an existing “paper street” adjacent to Greate Bay West which was an unimproved public right of way on the Tax Map, and to allow for the improvement of a portion of the remaining right-of-way; and

**WHEREAS**, a request had been made to the Somers Point City Council on behalf of 901 Mays Landing Road, LLC, the owner of the Property (sometimes herein referred to as “901MLR” or the “Developer”), and R2F2, Inc., a related entity to 901MLR (sometimes herein referred to as “R2F2”), to vacate a portion of Oak Lane to facilitate the development of the Project and to provide access to Greate Bay West over the portion of Oak Lane not vacated; and

**WHEREAS**, on June 27, 2024, the City’s governing body adopted Somers Point Ordinance 4 of 2024 by which a portion of Oak Lane was vacated subject to certain conditions imposed upon R2F2 and 901MLR; and

**WHEREAS**, Section 6 of Ordinance 4 of 2024 obligates both 901 MLR and R2F2, Inc. to execute and deliver an Access, Maintenance, and Indemnification, Agreement in favor of the City for that portion of Oak Lane which was not vacated by Ordinance 4 of 2025 and which

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includes in Section 7 an obligation to maintain a policy or policies of insurance naming the City as an additional insured; and

**WHEREAS**, on portions of the Property designated as Greate Bay East and Greate Bay West (the “Subject Property”) there will be a total of one-hundred sixty-seven (167) residential townhouse units which will become part of the Links at Greate Bay Condominium Association (the “HOA”); and

**WHEREAS**, 901 MLR is the sole record owner of the Subject Property on which the townhouse units are to be constructed and intends to convey individual pad sites to NVR, Inc (a division of Ryan Homes) as the Builder; and

**WHEREAS**, when the first residential townhouse unit has been conveyed from the Builder to a third-party purchaser, the HOA will become effective and be responsible for the obligations to the City set forth on Sections 6 and 7 of Ordinance 4 of 2024; and

**WHEREAS**, until such time as the obligation is assumed by the HOA, 901 MLR as the owner of the Subject Property is obligated to assume the obligations to the City set forth in Sections 6 and 7 of Ordinance 4 of 2024; and

**WHEREAS**, a form of Access, Maintenance, and Hold Harmless Agreement has been prepared and reviewed.

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

5. The City hereby approves and consents to the execution and delivery of the Oak Lane Access, Maintenance, and Hold Harmless Agreement between the City and 902 MLR in the form attached hereto;
6. The Mayor is authorized and directed to execute and deliver the Oak Lane Access, Maintenance, and Hold Harmless Agreement.
7. The City Clerk and other City staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution, and the Agreement.
8. This Resolution shall be effective immediately.

\*\*\*\*\*

**No. 172 of 2025**

**Subject: Authorizing the Acceptance, Execution, and Delivery of an Access, Maintenance, and Hold Harmless Agreement between the City of Somers Point and the Links at Greate Bay Condominium Association, Inc. 901 Mays Landing Road, LLC**

**Introduced By: Council President Haberkorn**

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**Whereas**, 901 Mays Landing Road, LLC is the owner of property as shown on the City’s Tax Map as Lots 1.01 (formerly Lot 3 in Block 1944, Lot 2.02 in Block 1945 and a portion of Lot 1 in Block 1946) and 1.02 in Block 1946 (formerly Lot 1 in Block 1943 and a portion of Lot 1 in Block 1946) (“Greate Bay West” or the “Project”) and Lot 2 in Block 1941.01 (formerly Lot 2 and a portion of Lot 5.01 in Block 1941.01) (“Greate Bay East”) (collectively referred to as the “Property”); and

**Whereas**, on December 21, 2022, the Planning Board of the City of Somers Point (the “Planning Board”) granted preliminary and final site plan approval (the “Approval”) in connection with the development of residential project, which includes the construction of 117 residential townhomes and 42 low- to moderate-income housing units with an additional superintendent/manager unit with related improvements on the Property; and

**Whereas**, a condition of the Approval is that the City vacate a portion of Oak Lane (formerly known as Gillmore Avenue), an existing “paper street” adjacent to Greate Bay West which was an unimproved public right of way on the Tax Map, and to allow for the improvement of a portion of the remaining right-of-way; and

**Whereas**, a request had been made to the Somers Point City Council on behalf of 901 Mays Landing Road, LLC, the owner of the Property (sometimes herein referred to as “901MLR” or the “Developer”), and R2F2, Inc., a related entity to 901MLR (sometimes herein referred to as “R2F2”), to vacate a portion of Oak Lane to facilitate the development of the Project and to provide access to Greate Bay West over the portion of Oak Lane not vacated; and

**Whereas**, on June 27, 2024, the City’s governing body adopted Somers Point Ordinance 4 of 2024 by which a portion of Oak Lane was vacated subject to certain conditions imposed upon R2F2 and 901MLR; and

**Whereas**, Section 6 of Ordinance 4 of 2024 obligates both 901 MLR and R2F2, Inc. to execute and deliver an Access, Maintenance, and Indemnification, Agreement in favor of the City for that portion of Oak Lane which was not vacated by Ordinance 4 of 2025 and which includes in Section 7 an obligation to maintain a policy or policies of insurance naming the City as an additional insured; and

**Whereas**, on portions of the Property designated as Greate Bay East and Greate Bay West (the “Subject Property”) there will be a total of one-hundred sixty-seven (167) residential townhouse units which will become part of the Links at Greate Bay Condominium Association, Inc. (the “HOA”); and

**Whereas**, 901 MLR is the sole record owner of the Subject Property on which the townhouse units are to be constructed and intends to convey individual pad sites to NVR, Inc (a division of Ryan Homes) as the Builder; and

**Whereas**, when the first residential townhouse unit has been conveyed from the Builder to a third-party purchaser, the HOA will become effective and be responsible for the obligations to the City set forth on Sections 6 and 7 of Ordinance 4 of 2024; and

**Whereas**, until such time as the obligation is assumed by the HOA, 901 MLR as the owner of the Subject Property is obligated to assume the obligations to the City set forth in Sections 6 and 7 of Ordinance 4 of 2024; and

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**Whereas**, a form of Oak Lane Access, Maintenance, and Hold Harmless Agreement between the City and the Links at Greate Bay Condominium Association, Inc. has been prepared and reviewed.

Now, therefore, it is hereby Resolved by the City Council of the City of Somers Point as follows:

9. The City hereby approves and consents to the execution and delivery of the Oak Lane Access, Maintenance, and Hold Harmless Agreement between the City and the Links at Greate Bay Condominium Association, Inc. in the form attached hereto;
10. The Mayor is authorized and directed to execute and deliver the Oak Lane Access, Maintenance, and Hold Harmless Agreement.
11. The City Clerk and other City staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution, and the Agreement.
12. This Resolution shall be effective immediately.

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**No. 177 of 2025**

**Subject:                    Authorizing Advertisement of RFP for Multi-Sport Surface for the Somers Point Hockey Courts**

**Introduced By:        Council Members McGuigan and Owen**

**WHEREAS**, the City of Somers Point is in possession of property known as 595 Marks Rd. Somers Point NJ 08244; Block 1016 Lot 12 on the tax maps of the City of Somers Point and

**WHEREAS**, this property includes the location of the Somers Point Hocket Courts and Recreational Facilities; and

**WHEREAS**, there exists a need for the City to explore the application of a Multi-Sport Surface for use on (2) Two Street Hockey Courts; and

**WHEREAS**, the governing body recognizing this need, seeks to solicit bids from qualified bidders for the supply and potential install of the Multi-Sport Surface on one or both Street Hockey Court Surfaces.

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

1. The City Clerk is hereby directed to advertise the Requests for Proposals for the supply and potential install of the Multi-Sport Surface on one or both Street Hockey Courts located at 595 Marks Rd. Somers Point NJ; at Block 1016, Lot 12 located within the City of Somers Point.

2. Said advertisement shall be published as soon as possible, but no later than July 23<sup>rd</sup> 2025.

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3. All proposals must be received by the City Clerk no later than 10:00 a.m. on August 13<sup>th</sup>, 2025 at which time they will be publicly opened, announced and recorded in the Office of Administration.

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**No. 179 of 2025**

**Subject:           Rejecting Bids for the FY 2024 Municipal Aid – Reconstruction of New Jersey Avenue**

**Introduced By: Council Member Dill**

**WHEREAS**, on June 20, 2025, the City of Somers Point received bids for the FY 2024 Municipal Aid – Reconstruction of New Jersey Avenue; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-23, the date fixed for receiving the bids shall not fall on a Monday, or any day directly following a State or federal holiday; and

**WHEREAS**, June 20, 2025, was a state holiday and was directly following a federal holiday; and

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

- 3.) All bids received for the FY 2024 Municipal Aid – Reconstruction of New Jersey Avenue are formally rejected.
  
- 4.) The City Engineer is authorized to rebid the project.

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

\*\*\*\*\*

**No. 180 of 2025**

**Subject:           Adopting Adjustments to Public Bidding Thresholds and Adjustments Made by the Office of State Comptroller Reporting Thresholds Effective July 1, 2025**

**Introduced By:     Council President Haberkorn**

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

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**WHEREAS**, N.J.S.A. 40A:11-3(c) and 18A:18A-3(b), the State Treasurer has exercised her authority to adjust bid thresholds for contracting units subject to the Local Public Contracts Law and the Public School Contracts Law. These adjustments became effective on July 1, 2025; and

**WHEREAS**, the City of Somers Point wishes to formally codify the adoption of these changes and adjustments; and

**WHEREAS**, pursuant to N.J.S.A 40A:11-3 and 18A:18A-3, the maximum bid threshold has been increased from \$44,000 to \$53,000; and

**WHEREAS**, pursuant to the same, the threshold for soliciting quotations, which is 15% of the bid threshold in accordance with 40A:11-6.1(a) and 18A:18A-37(a), is correspondingly increased to \$7,950; and

**WHEREAS**, pursuant to statutory Reference 34:11-56.25, Prevailing Wage for Municipalities (5-year cycle 2024-2029) has been increased from \$16,263 to \$19,375; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Somers Point, in the County of Atlantic, in the State of New Jersey hereby adopts the State Treasurer’s adjustments pursuant to N.J.S.A. 40A:11-3(c) and 18A:18A-3(b), all those noted and any omitted; and

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

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**Old Business:**

None

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**New Business:**

- City Council approved a Social Affair Permit Application for 609 Cornhole New Jersey Inc. for an event on July 18, 2025, from 5 P.M. to 11 P.M.
- City Council approved a Social Affair Permit Application for Somers Point Historical Society for an event on September 6, 2025, from 11 A.M. to 6 P.M. with Council Member McGuigan recusing himself.
- City Council approved a Social Affair Permit Application for National Multiple Sclerosis Society of New York for an event on October 16, 2025, from 6 P.M. to 10 P.M.
- City Council approved a Social Affair Permit Application for Grace Lutheran Church for an event on October 17, 2025, from 5:30 P.M. to 8:30 P.M.
- City Council approved a Social Affair Permit Application for Roberts Johnson Post 2189 VFW for an event on November 11, 2025, from 12 P.M. to 5 P.M.
- City Council approved a Social Affair Permit Application for Roberts Johnson Post 2189 VFW for an event on August 28, 2025, from 12 P.M. to 6 P.M.

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
July 10, 2025**

- City Council approved of a Social Affair Permit Application for Roberts Johnson Post 2189 VFW for an event on September 13, 2025, from 3 P.M. to 11 P.M.

\*\*\*\*\*

**Discussion of Bills:**

Administrator Frost reported a Bill List dated 6/10/2025 in the amount of \$1,090,918.82, a Record of Payment dated 6/5/2025 in the amount of \$1,427.50, and an additional Manual Bill List dated 6/4/2025 in the amount of \$199,432.24.

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**Public Portion:**

Council President Haberkorn duly opened the meeting to the public.

Patricia Pierson of Somers Point shared her concerns with City Hall improvements and praised the Hometown Hero banners as well as the improvements on Shore Road.

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

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**Payment of Bills:**

**M/S:** McGuigan/DePamphilis

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:**

None

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**Recess:**

The Governing Body recessed briefly at 7:50 p.m. before going into Executive Session at 7:55 p.m.

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**Reconvene:**

Council President Haberkorn reconvened the Governing Body to Open Session at 8:14 p.m.

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**Adjournment:**

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
July 10, 2025**

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 8:15 p.m.

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Respectfully submitted,

Shelby Heath, RMC  
Municipal Clerk  
Approved: 8/14/2025