

**REGULAR MEETING
MAYOR AND CITY COUNCIL
July 11, 2024**

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

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

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

Absent: McCarrie

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.

Council President Johnston moved Resolution Number 178 of 2024 to the top of the agenda.

Public Portion Resolutions (178 only):

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

Resolution No. 178 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member Dill thanked Officer McDevitt for his service.

Council Member McGuigan expressed his appreciation towards Officer McDevitt and his family.

Mayor Tapp stated how proud he was of Officer McDevitt.

Mayor Tapp and Council Member McGuigan presented Officer Keegan McDevitt with the signed resolution.

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Saluting United States Naval Aviation Electrician Second Class Petty Officer Keegan McDevitt

WHEREAS, Keegan McDevitt is a lifelong resident of the City of Somers Point, having lived his childhood and teenage years on Higbee Avenue in the Historic Bay Avenue District; and

WHEREAS, Keegan attended Somers Point Schools and graduated from Mainland Regional High School in June of 2015; and

WHEREAS, Keegan felt the need to serve his country and enlisted in the United States Navy in July of 2020 and currently serves as an Aviation Electrician Second Class Petty Officer (Air Warfare Specialist) maintaining MH-60 Romeo Scout 702 Anti-submarine Warfare helicopters; and

WHEREAS, during a recent deployment aboard the USS Abraham Lincoln Aircraft Carrier, Keegan was named “Sailor of the Quarter” for his squadron HSM71 for two consecutive quarters; and

WHEREAS, in recognition of this achievement, his name along with his hometown, Somers Point, was affixed on a MH-60 Romeo Scout (Anti-submarine Warfare) Helicopter; and

WHEREAS, later this month Second Class Petty Officer McDevitt will begin a seven-month deployment aboard the USS Stockdale (DDG-106), a guided missile destroyer, bound for the world’s trouble spots; and

WHEREAS, the City of Somers Point has a long history of supporting all members of the United States Armed Services, both active and retired, and their families.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and the City Council of the City of Somers Point, on behalf of themselves, and the residents of the City, hereby congratulate and thank Aviation Electrician Second Class Petty Officer Keegan McDevitt for his achievements and for his dedication to serving this great nation.

BE IT FURTHER RESOLVED that the Mayor and City Council extend their best wishes to both Keegan and his family during his next deployment and throughout his military career.

Communications:

None

Mayor’s Report:

Mayor Tapp announced that Somers Point has been listed on worldatlas.com as one of the top 7 Budget Friendly Towns on the Atlantic Coast for Retirees. Next, he mentioned that the City has received a Safe Routes to School Grant from the New Jersey Department of Transportation, which will be used for various improvements on the routes to Jordan Road and Dawes Avenue schools. Lastly, he thanked Public Works,

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the Police Department, and the Fire Department for their aid in the success of the Beach Concerts on 7/4/2024 and 7/5/2024.

Administrator's Report:

None

Solicitor's Report:

None

Committee Reports:

- Council Member Owen reported that the Historical Society will soon be painting the outside of their building and on July 18, 2024, Monmouth University Professor, Bill Elwell, will be giving a presentation on the history of railroads and tourism at the Jersey Shore.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 6/27/2024 and Executive Session Meeting minutes of 6/27/2024, approved as to content only.

Ordinances:

Ordinance No. 17 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Owen/Dill

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

Council President Johnston duly opened the meeting to the public.

Patricia Pierson, of Somers Point, asked for clarification on the location of the property.

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

No. 17 of 2024

**AN ORDINANCE AUTHORIZING THE CITY OF SOMERS POINT TO ACCEPT A
SUM OF MONEY IN CONNECTION WITH THE STATE OF NEW JERSEY
ACQUIRING CERTAIN PROPERTY ON ROUTE 9 OWNED BY AND LOCATED IN
THE CITY OF SOMERS POINT**

WHEREAS, by of correspondence dated May 13, 2024 (“the Correspondence”), the New Jersey Department of Transportation (NJDOT) notified the City of Somers Point (“City”) of its intent to acquire by Eminent Domain certain property owned by the City located on the westerly side of Route 9 between North Village Drive and Holly Hills Drive (the description and location of the “Property” is hereby set forth in Exhibits “A” and “B” attached hereto); and

WHEREAS, the aforesaid property Correspondence further advised that the Property was being acquired in connection with a planned construction on Route 9 by the NJDOT; and

WHEREAS, prior to the receipt of the Correspondence, it was not known by representatives of the City that it had any ownership interest in the “Property” which abuts Route 9; and

WHEREAS, NJDOT has offered the sum of \$4,100.00 for taking of the Property; and

WHEREAS, the offer of said sum of money was calculated by an Administrative Determination of Value which was attached to the Correspondence; and

WHEREAS, City Council has reviewed the aforesaid offer made by the NJDOT in connection with the taking of the Property, and believes that sum reflects a fair value for the Property; and

WHEREAS, City Council is desirous of accepting the offer made by the NJDOT.

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

SECTION 1. The aforesaid offer made in the Correspondence, which is attached hereto as Exhibit “C” is hereby accepted by the City.

SECTION 2. The Mayor of Somers Point, and the City’s CFO are hereby authorized to execute any and all documents submitted by the NJDOT which are necessary to effectuate the payment of \$4,100.00 (four thousand one hundred dollars) in connection with the NJDOT’s acquiring the Property.

SECTION 3. This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Ordinance No. 18 of 2024

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Haberkorn

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

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

No. 18 of 2024

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR
900 MAYS LANDING ROAD, DESIGNATED AS BLOCK 2020, LOT 3,
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 (“City Council”) 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 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, the Redevelopment Law authorizes, among other things, the rehabilitation of existing improvements and the construction of new improvements; and

Whereas, on May 25, 2023, the City Council adopted Resolution No. 122 of 2023, which designated AVIA NJ Mays Landing, LLC as the Interim Conditional Redeveloper (“Interim Conditional Redeveloper”) for a proposed redevelopment project on certain property located at 900 Mays Landing Road and designated as Block 2020, Lot 3, constituting approximately 4.42 acres (the “Subject Property”) and authorized the execution of a Memorandum of Understanding between the City of Somers Point and the Interim Conditional Redeveloper to explore the feasibility of the potential rehabilitation and/or redevelopment of the Subject Property; and

Whereas, the City of Somers Point and Interim Conditional Redeveloper executed said Memorandum of Understanding on June 1, 2023; and

Whereas, on August 24, 2023, the City Council adopted Resolution No. 197 of 2023 which authorized an extension of the Memorandum of Understanding until February 1, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated August 25, 2023 (“Amendment 1”); and

Whereas, on January 25, 2024, the City Council adopted Resolution No. 61 of 2024 which authorized an extension of the Memorandum of Understanding until July 1, 2024, which the City

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of Somers Point and Interim Conditional Redeveloper executed dated January 26, 2024 (“Amendment 2”); and

Whereas, on June 13, 2024, the City Council adopted Resolution No. 158 of 2024 which authorized an extension of the Memorandum of Understanding until September 30, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated June 13, 2024 (“Amendment 3”); and

Whereas, Interim Conditional Redeveloper met with the Redevelopment Committee at various times to present its proposed project, and requested that the City Council negotiate the terms and conditions of a redevelopment plan and a redevelopment agreement; and

Whereas, the Interim Conditional Redeveloper is the owner of the Subject Property and proposes to repurpose and convert the existing 120-unit Sonesta Suites Extended Stay hotel into a maximum of 116 long-term rental luxury apartments with a minimum of a fifteen percent (15%) affordable component, and to make other on-site improvements (the “Proposed Redevelopment Project”); and

Whereas, a draft Redevelopment Plan for 900 Mays Landing Road dated June 10, 2024 was prepared by Darlene A. Green, PP, AICP, of 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-7.e., 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 pursuant to N.J.S.A. 40A:12A-7.e., on June 13, 2024, by Resolution 132 of 2024, the City Council referred the Draft Redevelopment Plan to the Somers Point Planning Board (“Planning Board”) and requested that the Planning Board consider and review the Draft Redevelopment Plan and make a determination of consistency with the City’s Master Plan and make such other recommendations as it deems appropriate; and

Whereas in accordance with N.J.S.A. 40A:12A-7.e. and N.J.S.A. 40:55D-26, the Planning Board at a regular meeting held on June 19, 2024, reviewed the Draft Redevelopment Plan and determined it to be not inconsistent with the City’s Master Plan; and

Whereas Jayne Meischker, Planning Board Secretary, submitted to the City Council a Memorandum dated June 21, 2024, advising that after review, the Planning Board voted

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unanimously that the Draft Redevelopment Plan is not inconsistent with the City’s Master Plan, and made no other recommendations; and

Whereas having reviewed the Planning Board’s consistency determination, the City Council concurs with its findings and has determined that it is in the best interest of the City to adopt the Draft Redevelopment Plan to effectuate rehabilitation of the Subject Property.

Now, therefore, it is hereby **ORDAINED** by the Common 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 at length.

Section 2. The City Council hereby adopts the “Redevelopment Plan for 900 Mays Landing Road” for the City of Somers to facilitate the Proposed Redevelopment Project within that portion of the designated rehabilitation area.

Section 3. The Redevelopment Plan for 900 Mays Landing Road shall supersede the existing zoning for Block 2020, Lot 3 and the applicable provisions of the City of Somers Point Development Ordinance, codified at Chapter 114 of the City Code, except as otherwise provided in the Redevelopment Plan for 900 Mays Landing Road.

Section 4. In accordance with N.J.S.A. 40A:12A-7.c., the Zoning Map of the City of Somers Point, adopted by the City of Somers Point Development Ordinance at Section 114-6, be and hereby is amended to designate Block 2020, Lot 3 as subject to the Redevelopment Plan for 900 Mays Landing Road.

Section 5. An executed Redevelopment Agreement with the City of Somers Point shall be required (as a checklist item) as a part of an application submission for site plan approval to the Somers Point Planning Board or as part of any other application for land use approvals.

Section 6. The City Council shall serve as “redevelopment entity” for purposes of implementing the Redevelopment Plan for 900 Mays Landing Road and exercising the powers granted to a redevelopment entity under the LRHL.

Section 7. 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 8. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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Section 9. The City Clerk is directed to file a copy of the Redevelopment Plan for 900 Mays Landing Road in the Office of the City Clerk for inspection by the public during normal business hours.

Section 10. This Ordinance shall take effect after final adoption and publication according to law.

Resolutions:

Public Portion Resolutions:

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

Resolution No. 175 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

City Solicitor Smith gave clarification on a couple of typos included in the original resolution.

No. 175 of 2024

Subject: Resolution Authorizing Publication of Notice of Sale of a Limited Easement Over a Portion of Lot 11 in Block 1716 by Public Auction in Compliance with the New Jersey Local Lands and Buildings Law

Introduced By: Council President Johnston

Whereas, the New Jersey Local Lands and Buildings Law (N.J.S.A.40A:12-1 et seq.) authorizes a municipality to sell any interest in real property. Including sale of an easement; and

Whereas, the governing body of the City of Somers Point has considered a request for grant of a limited easement for the purpose of overflow parking, fencing, and construction, establishment and maintenance of stormwater facilities for the discharge, drainage, detention and retention of stormwater runoff from an abutting property designated as Lot 6.01 in Block 1715 as shown on the official Tax Map of the City of Somers Point; and

Whereas, as required by N.J.S.A. 40A:12-13(a) the sale of such easement shall be by public auction and further requires notice of the sale of such easement must be advertised once a week for two (2) consecutive weeks, with two insertions per week, with the last publication being not earlier than seven (7) days prior to the date of the auction; and

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Whereas, said easement shall not be sold for less than fair market value; and

Whereas, the Somers Point Tax Assessor has determined that the fair market value based upon the prior sale of a similar easement is Five Hundred Dollars (\$500.00);

Now, therefore, it is hereby resolved, by the City Council of the City of Somers Point that:

1. A limited easement in certain of the property owned by the City of Somers Point within Lot 11 in block 1716 as shown on the tax map of the City of Somers Point shall be advertised for sale at public auction subject to the following conditions.

a. The legal description of the area subject of the easement is BEGINNING in the Block Limit Line between Block 1715 and Block 1716 where same is intersected with division line between lots 6.01 & 7 in Block 1715. Said BEGINNING Point being measured along the following two (2) courses from the intersection of the Southwesterly line of New Jersey Avenue (60 feet wide) and the Northwesterly line of Centre Street (33 feet wide):

A. South 25 degrees 14 minutes 18 seconds West along the Northwesterly line of Centre Street 131.0 feet to the division line between lots 6.01 & 7 in block 1715; thence

B. North 64 degrees 45 minutes 42 seconds East along the last-mentioned division line, a distance of 140.50 feet to said BEGINNING Point and thence running;

1. South 27 degrees 43 minutes 11 seconds West along said Block Limit, a distance of 75.07 feet to the division line between lots 6.01 & 6.02 in block 1715; thence

2. North 64 degrees 45 minutes 42 seconds West into lot 11 block 1716 along the extended division line between lots 6.01 & 6.02, a distance of 50.93 feet to the division line between lots 4 & 11 in block 1716 (also being the former Northwesterly line of Shore Fast Line Railroad); thence

3. North 27 degrees 31 minutes 36 seconds East along the last-mentioned division line, a distance of 75.07 feet to the extended aforementioned division line between lots 6.01 & 7 in block 1715; thence

4. South 64 degrees 45 minutes 42 seconds East along the last-mentioned extended division line, a distance of 51.18 feet to the point and Place of BEGINNING. Containing an area of 3,829 square feet.

b. The easement shall be used only for the limited purposes of fencing, overflow parking from an immediately adjacent lot 6.01, construction and maintenance of stormwater facilities for the discharge, drainage, detention and retention of stormwater runoff to and from the adjacent lot.

c. The easement grantee shall

- insure, indemnify, defend, and hold harmless the City of Somers Point and provide annual certificates of insurance and insurance policy endorsements in a form satisfactory to the City.

- prepare a stormwater maintenance plan to be reviewed and approved by the City Engineer; and shall adhere to the maintenance obligations set forth therein.

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- enter into a cross-easement agreement in a form acceptable to the City which shall include both Lot 6.01 and Lot 6.02 within Block the 1715 as designated on the tax map of the City of Somers Point pertaining to the operation and maintenance of the stormwater management basin which spans both properties.
 - comply with and ensure the property is in compliance with any statute, ordinance, rule or regulation of any Federal, State, County and Municipal Body with appropriate jurisdiction.
 - in addition to the purchase price, reimburse the City for all fees, costs, and expenses incurred by the City, the City Clerk, and the City’s professionals.
- d. Failure of the grantee to perform all of the above obligations shall cause the easement to be extinguished and revert to the City of Somers Point.
- e. The easement shall not preclude the City of Somers point from using all or any portion of the easement area for its own use and purposes, provided same do not unreasonably interfere with the grantee’s parking or the proper function and maintenance of the stormwater facilities referenced herein.
- f. The City of Somers Point makes no warranties of any nature regarding the property which is subject to the easement.
- g. The bidder shall submit payment by check or money order with the bid. If any bid is unsuccessful or rejected, the check shall be returned to the bidder within ten (10) business days following a determination by the City Council.
2. The City Clerk is authorized to determine a return date for Receipt of sealed bids for the sale of the easement and shall publish notice of the sale of easement with each of the terms and conditions specified in paragraph 1. (a) through (g) above in compliance with N.J.S.A. 40A:12-13(a) with a minimum bid price of Five Hundred Dollars (\$500.00).
3. Following receipt of the bids the City Clerk shall notify the City Business Administrator of the results.
4. The grant of easement shall be subject to approval by the City Council by adopting a subsequent resolution.

Resolution No. 176 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present

No. 176 of 2024

Subject: Taxes Cancelled and Refunded Block 1941, Lot 5.02, Qualifier C0083

Introduced by: Council President Johnston and Council Members McGuigan and DePamphilis

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WHEREAS, the property owner at 83 Greate Bay Drive is a 100% permanently and totally disabled veteran; and

WHEREAS, the owner has filed all of the forms and provided all the necessary documentation for tax exemption; and

WHEREAS, the owner is now entitled to total real estate tax exemption beginning on July 3, 2024; and

WHEREAS, the taxes for 2024 should be canceled in the amount \$1854.74; and

WHEREAS, all future tax billing should be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the above taxes be canceled.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Qual.	Owner	Amount	Year
1941	5.02	C0083	Michael Leichliter	\$1,854.74	2024

Total \$1,896.88

Resolution No. 177 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council President Johnston and City Engineer Kates clarified that this project is still within budget.

No. 177 of 2024

Subject: Change Order 1 – Contract No. 121 – FY 2022 LAIF – Colwick Drive, Exton Road, Bala Drive and Devon Road

Introduced By: Council Member Dill

WHEREAS, in accordance with Resolution 225 of 2023, Command Co., Inc., of Egg Harbor City, New Jersey was awarded the contract for the FY 2022 LAIF – Colwick Drive, Exton Road, Bala Drive, and Devon Road for the sum of \$1,069,371.50; and

WHEREAS, during the course of construction changes were made due to account for a substandard subbase on Devon Road including changing the mix design for the base layer and milling 6” and installing 6” of HMA Base in exceptionally poor areas.

WHEREAS, during the course of construction changes were made to account for a windshield repair and to reflect as-built quantities; and

WHEREAS, the City Engineer has recommended approval of these changes; and

WHEREAS, those changes have resulted in a change of the contract amount as follows:

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Contract Amount	\$1,069,371.50	
Change order 1	\$70,872.55	
Revised Contract Amount	\$1,140,244.05	
Total Deduction: \$0	Total Additional: \$70,872.55	Net Change: 6.63%

WHEREAS, the NJDOT Local Aid Office must also concur with this change order; **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Somers Point that the above listed change to the contract for the FY 2022 LAIF – Colwick Drive, Exton Road, Bala Drive, and Devon Road is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 179 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 179 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING COAH UPDATES

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on July 11, 2024, during a public meeting to be held commencing at 7:00 P.M; and

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

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

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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 all COAH contracts, projects, and/or potential COAH contracts and projects pending or in anticipation of pending in 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 current and potential COAH contracts and projects

Resolution No. 180 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 180 of 2024

Subject: Resolution Designating NJ Mays Landing, LLC as Redeveloper and Authorizing Execution of a Redevelopment Agreement Regarding 900 Mays Landing Road, Designated as Block 2020, Lot 3, in an Area in Need of Rehabilitation within the City of Somers Point, County of Atlantic, State of New Jersey

Introduced By: Council President Johnston, and Council Members Dill and DePamphilis

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Whereas, on November 20, 2014, the City Council of the City of Somers Point (“City Council”) 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 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, the LRHL authorizes, among other things, the rehabilitation of existing improvements and the construction of new improvements; and

Whereas, on May 25, 2023, the City Council adopted Resolution No. 122 of 2023, which designated AVIA NJ Mays Landing, LLC as the Interim Conditional Redeveloper (“Interim Conditional Redeveloper”) for a proposed redevelopment project on certain property located at 900 Mays Landing Road and designated as Block 2020, Lot 3, constituting approximately 4.42 acres (the “Subject Property”) and authorized the execution of a Memorandum of Understanding between the City of Somers Point and the Interim Conditional Redeveloper to explore the feasibility of the potential rehabilitation and/or redevelopment of the Subject Property; and

Whereas, the City of Somers Point and Interim Conditional Redeveloper executed said Memorandum of Understanding on June 1, 2023 (the “MOU”); and

Whereas, on August 24, 2023, the City Council adopted Resolution No. 197 of 2023 which authorized an extension of the MOU until February 1, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated August 25, 2023 (“Amendment 1”); and

Whereas, on January 25, 2024, the City Council adopted Resolution No. 61 of 2024 which authorized an extension of the MOU until July 1, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated January 26, 2024 (“Amendment 2”); and

Whereas, on June 13, 2024, the City Council adopted Resolution No. 158 of 2024 which authorized an extension of the MOU until September 30, 2024, which the City of Somers Point and Interim Conditional Redeveloper executed dated June 13, 2024 (“Amendment 3”) (the MOU as amended by Amendment 1, Amendment 2 and Amendment 3, collectively referred to as the “Amended MOU”); and

Whereas, Interim Conditional Redeveloper met with the Redevelopment Committee at various times to present its proposed project, and requested that the City Council negotiate the terms and conditions of a redevelopment plan and a redevelopment agreement; and

Whereas, the Interim Conditional Redeveloper is the owner of the Subject Property and proposes to repurpose and convert the existing 120-unit Sonesta Suites Extended Stay hotel into a maximum of 116

long-term rental luxury apartments with a fifteen percent (15%) affordable component, and to make other on-site improvements (the “Project”); and

Whereas, a draft Redevelopment Plan for 900 Mays Landing Road dated June 10, 2024 was prepared by Darlene A. Green, PP, AICP, of Colliers Engineering & Design (the “Draft Redevelopment Plan”); and

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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-7.e., 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 pursuant to N.J.S.A. 40A:12A-7.e., on June 13, 2024, by Resolution 132 of 2024, the City Council referred the Draft Redevelopment Plan to the Somers Point Planning Board (“Planning Board”) and requested that the Planning Board consider and review the Draft Redevelopment Plan and make a determination of consistency with the City’s Master Plan and make such other recommendations as it deems appropriate; and

Whereas in accordance with N.J.S.A. 40A:12A-7.e. and N.J.S.A. 40:55D-26, the Planning Board at a regular meeting held on June 19, 2024, reviewed the Draft Redevelopment Plan and determined it to be not inconsistent with the City’s Master Plan; and

Whereas, Jayne Meischker, Planning Board Secretary, submitted to the City Council a Memorandum dated June 21, 2024, advising that after review, the Planning Board voted unanimously that the Draft Redevelopment Plan is not inconsistent with the City’s Master Plan, and made no other recommendations; and

Whereas, on July 11, 2024, the City Council adopted Ordinance 18-2024, by which it accepted the findings of the Planning Board and adopted, in accordance with the LRHL, the “Redevelopment Plan for 900 Mays Landing Road;” and

Whereas, pursuant to Section 4 of the LRHL and as established in Ordinance 18-2024, the City is the “redevelopment entity,” as such term is defined at N.J.S.A. 40A:12A-3, with full authority to exercise the powers contained in the LRHL to facilitate and implement the rehabilitation or redevelopment of 900 Mays Landing Road; and

Whereas, AVIA NJ Mays Landing, LLC (hereafter, the “Redeveloper”) is the owner of the Subject Property and has been designated previously by the Amended MOU as the Interim Conditional Redeveloper thereof, and has provided information consisting of documentation evidencing its capability with respect to the Project and an estimated time schedule for commencement and completion of construction; and

Whereas, the City Council has determined that the Redeveloper meets all necessary criteria, including experience, expertise and project concept descriptions, and, pursuant to the Amended MOU, engaged exclusively in negotiations with Redeveloper for the purpose of entering into a redevelopment agreement to designate Redeveloper as the redeveloper of the Project; and

Whereas, Redeveloper has agreed to implement the 900 Mays Landing Redevelopment Plan to effectuate the Project and in connection therewith, Redeveloper has agreed to devote substantial assets and funds to complete the Project; and

Whereas, the City and Redeveloper have negotiated the terms and conditions of a redevelopment agreement governing the Redeveloper’s redevelopment of the Project (the “Redevelopment Agreement”); and

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Whereas, the City has determined the Project to be in the best interests of the City, and that it promotes the health, safety, morals and welfare of the City's residents; and

Whereas, the City desires to designate the Redeveloper as the redeveloper of the Project and to authorize the execution of the Redevelopment Agreement.

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

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

Section 2. AVIA NJ Mays Landing, LLC, is hereby designated as the redeveloper of 900 Mays Landing Road, identified as Block 2020, Lot 3, subject to the execution of the Redevelopment Agreement.

Section 3. The City Council hereby authorizes the execution of the Redevelopment Agreement with the Redeveloper in substantially the form attached hereto as Exhibit A and by this reference incorporated herein, which execution and delivery is subject to the following conditions precedent:

- A. Final Publication of Ordinance 18 of 2024 shall be made by the City Clerk.
- B. The Redeveloper shall arrange for the mutual dismissals of the tax appeals before the Tax Court of New Jersey filed on behalf of Sonesta Es Suites for the tax years 2022 and 2023 (Docket Nos. 004442-2022 and 004209-2023, respectively).

Section 4. The Mayor is authorized to execute the Redevelopment Agreement with the Redeveloper in substantially the same form as the Redevelopment Agreement attached hereto, with such additions, deletions and modifications as the Mayor may determine necessary upon consultation with counsel and the Redeveloper.

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

Section 6. A copy of this Resolution, together with the executed Redevelopment Agreement, shall be filed in the Office of the City Clerk for inspection by the public during normal business hours.

Section 7. This Resolution shall take effect immediately upon the satisfaction of the conditions precedent in Section 3.

Resolution No. 181 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 181 of 2024

Subject: Authorizing the City of Somers Point's COAH & Redevelopment Counsel's Appearance Before the City of Somers Point's Planning Board on Behalf of the City

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**Introduced by: Council President Janice Johnston and Council Members
Dill and DePamphilis**

WHEREAS, R2F2, Inc., received preliminary and final site plan approval from the Somers Point Planning Board (“The Board”) on December 21, 2022, as the developer of a project identified as “Greate Bay East and West Residential Development,” which was located on property identified as 901 Mays Landing Road (“The Property”); and

WHEREAS, the current owner of the aforesaid property is 901 Mays Landing Road, Inc., successor of interest in said property from Plantation Bay, LLC; and

WHEREAS, the aforesaid approval allowed for the construction of 51 residential townhome units as Greate Bay East, and 117 residential townhome units and 42 low-and-moderate income housing units as Greate Bay West; and

WHEREAS, on June 5, 2024, R2F2, Inc., filed an application for amended preliminary and final site plan seeking to amend the prior site plan as granted to alter the orientation and number of low-and-moderate income units being provided as part of the inclusionary residential development of Greate Bay West; and

WHEREAS, issues have arisen between the City of Somers Point and the owner and developer of the Property concerning the application of June 5, 2024, including the developer’s attempt to include in the 42 low-and-moderate income units, certain “special needs” units, and whether same constitutes a breach of a binding, settlement agreement between the City and the Plantation Bay, LLC, and as a result thereof, the City’s agreement between it and Fair Share Housing Center regarding the amount of affordable units to be placed on the property; and

WHEREAS, the City has made certain requests of the developer relative to confirming that the inclusion of five (5) “special needs” units will not alter or change the City’s affordable housing obligations as determined by Fair Share Housing Center; and

WHEREAS, the City is now attempting to work out these issues with the developer; and

WHEREAS, City Council wishes to authorize Amanda Mazzoni, Esquire, its COAH and Redevelopment counsel to appear before the Planning Board at any hearing for the developer’s aforesaid application for an amended preliminary and final site plan for purposes of presenting evidence and argument, should same be necessary in connection with the current issues between the City and the developer.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of Somers Point that Amanda Mazzoni, Esquire, the City’s COAH and Redevelopment counsel, is hereby authorized to appear before the Planning Board at any hearing for the developer’s aforesaid application for an amended preliminary and final site plan for purposes of presenting evidence and argument, should same be necessary in connection with the current issues between the City and the developer.

Old Business:

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None

New Business:

- City Council approved a Social Affair Permit Application for American Legion Clark Eliason Post 352 for an event on 9/21/2024 from 1:00 to 5:00 PM.
- City Council approved a New Jersey State Firefighter’s Application for Membership for Andrew Garcia.
- Council President Johnston gave an update on the reexamination of the City’s Master Plan, stating that City Council, the Zoning Board and the Planning Board will be meeting soon to review.

Discussion of Bills:

Administrator Frost reported a Bill List dated 7/9/2024 in the amount of \$3,477,532.62, a Record of Payment dated 7/3/2024 in the amount of \$15,039.30, and an additional Record of Payment dated 7/1/2024 in the amount of \$295,023.14.

Public Portion:

Council President Johnston duly opened the meeting to the public.

Ed O’Donnel spoke about treating everyone with kindness and thanked City Council for all the help they have provided him in the past. He also suggested a new public relations campaign, claiming Somers Point to be a “hidden gem”.

Barbara Merrifield, of Somers Point, expressed her disagreement with her sewer bill.

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

Payment of Bills:

M/S: Owen/Dill

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

Recess:

The Governing Body recessed briefly before going into Executive Session at 7:49 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:26 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Owen moved, Council Member DePamphilis seconded and carried to adjourn the meeting at 8:27 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 8/8/2024