

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 14, 2025**

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

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

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

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided to two local newspapers. The agenda has been posted at City Hall and on the City's website, somerspointgov.org.

Solicitor Smith informed City Council of Council President Haberkorn's decision to resign as Council President, which was defeated by a roll call vote of those present, with Mayor Tapp casting the breaking vote. The vote is recorded as follows:

- DePamphilis – No
- Gerety- Yes
- Johnston- No
- Owen- Yes
- Dill- No
- McGuigan- Yes
- Haberkorn- Abstained
- Mayor Tapp- No

City Solicitor Smith and Council Member Haberkorn discussed him potentially returning as Council President at the next meeting.

Council President Haberkorn then stepped down with Council President Pro Tempore McGuigan resuming the meeting.

Communications:

None

Mayor's Report:

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Mayor Tapp thanked Kate MacKenzie, Amanda Forshaw, Somers Point Police Department, Somers Point Police Athletic-Activities League, Somers Point Office of Emergency Management, Somers Point Public Works, along with Somers Point Fire Companies One and Two on a successful National Night Out. Mayor Tapp with deep sympathy spoke about the tragic accident involving an electric bike and motor vehicle resulting in a fatality. Mayor Tapp sent his deepest condolences to the family and all involved. Mayor Tapp asked all Somers Point residents, motorists, and pedestrians to please be more vigil while driving, riding bikes, and walking through the town and to obey all traffic and safety rules.

Administrator’s Report:

None

Solicitor’s Report:

None

Engineer’s Report:

City Engineer Schneider reported that the Shore Road Pedestrian Project continues, and the work in front of Dawes Ave School will be completed before moving onto Bethel Road/Shore Road, which is a priority to be completed before St Joseph School opens. City Engineer Schneider also informed residents of the upcoming re bids being held Thursday August 22 for the 2025 Road Program and New Jersey Ave. Engineer Schneider explained the Route 9 Paving Project Contract was awarded by the State of New Jersey for Somers Point-Mays Landing Road. Engineer Schneider is hopeful the project will be complete by winter.

Committee Reports:

Council Member Johnston announced at the last Historical Commission’s meeting, two applications were approved. One for 731 Bay Ave and the second for 911 Bay Ave. The applications were approved with minor changes before heading to the Planning Board.

Council President Pro Tempore McGuigan thanked Mike and Wendy Franklin owners and operators of Franklin Signs on behalf of the Recreation Commission for the generous donation of a sign displayed at the Youth Center.

Council President Pro Tempore McGuigan recently met with the Environmental Commission and Green Team along with John Helbig to discuss the proposed nature trail located near DeFeo Lane. The next step will be discussing strategies for funding this project. Council President Pro Tempore McGuigan will be sure to keep the public informed.

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Public Portion for Resolution 190 only:

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

Resolution No. 190 of 2025

M/S- Johnston/Dill

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

Council Member Johnston acknowledged the great job Mike Kedziora has done for the City of Somers Point as Harbor Master and supported him being sworn in as Deputy Emergency Management Coordinator.

Council President Pro Tempore McGuigan showed appreciation to Mr. Kedziora for all the time he has dedicated to volunteering to the City of Somers Point.

City Clerk Heath then swore in Mike Kedziora as a Deputy Emergency Management Coordinator.

No. 190 of 2025

Subject: Amending Appointments/Harbor Master and Deputy Emergency Management Coordinators

WHEREAS, it is the duty of Mayor Dennis Tapp to make certain appointments to various offices in the City of Somers Point as their terms expire.

NOW, THEREFORE, BE IT RESOLVED that Mayor Tapp appoints Mike Kedziora to fill the vacancy of the unexpired term of Deputy Municipal Coordinator of Emergency Management.

HARBOR MASTER

1 Year Term (Expires 12/31/25)

Mike Kedziora

MUNICIPAL COORDINATOR, OFFICE OF EMERGENCY MANAGEMENT

3 Year Term (Expires 12/31/26)

Philip Gaffney

DEP. MUNICIPAL COORDINATORS, OFFICE OF EMERGENCY MANAGEMENT

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1 Year Terms (Expire 12/31/25)

Police Chief Robert C. Somers
Jack Shields
Mike Kedziora

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Haberkorn, and carried to approve the Regular Meeting Minutes of 7/10/2025 and Executive Session Meeting minutes of 7/10/2025, approved as to content only.

Council President Pro Tempore McGuigan announced Resolution No. 189 will be pulled from tonight's agenda and removed Resolution No. 192 from the consent agenda.

Ordinances:

Ordinance No. 15 of 2025

(Second Reading/Public Hearing/Adoption)

M/S- Haberkorn/Dill

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

City Solicitor Smith recommended that Council make a motion to amend Ordinance No.15. of 2025

On the motion of Council Member Johnston, seconded of Council Member Dill, and carried to approve the amendment of Ordinance No. 15 of 2025.

Council President Pro Tempore McGuigan duly opened the meeting to the public.

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

No. 15 of 2025

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

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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

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, as well as recommend to the Planning Board and City Council the designation of buildings, structures, sites, objects or improvement as local historic landmarks and to recommend the designation of local historic districts.

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:

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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
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:

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- 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.
- 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.

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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 §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

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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.
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.

Ordinance No. 16 of 2025

(Second Reading/Public Hearing/Adoption)

M/S-Dill/Owen

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

Council President Pro Tempore McGuigan duly opened the meeting to the public.

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

Council Member Owen, Dill, and Johnston mentioned they support continuing education incentive programs for the Somers Point Fire Departments Firefighters.

**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

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.

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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 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.

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B. By December 31 of each year, the Chief of each recognized Fire Company shall submit a voucher to the City Administrator which shall contain 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.

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.

Resolutions:

Public Portion Resolutions:

Council President Pro Tempore McGuigan duly opened the meeting to the public.

Patricia Peirson of Somers Point asked for clarification on Resolutions 182,184,185 and 186.

A man then comes to the podium to address City Council but refuses to state his name and address.

Levi Fox of Somers Point showed frustration toward City Councils procedures.

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

Resolution No. 181 of 2025

M/S- Haberkorn/Dill

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

Council Members Gerety and Haberkorn agree to renew the contract with the Atlantic County Municipal Joint Insurance Fund but suggest they explore more options prior to the next renewal cycle.

No. 181 of 2025

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Subject: Resolution Authorizing the Execution of a Contract Renewing Membership in the Atlantic County Municipal Joint Insurance Fund

Introduced By: Council President Haberkorn

WHEREAS, the City of Somers Point (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2026 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certification with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

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WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an “extraordinary, unspecifiable service” that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY’S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY’S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.

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4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

Resolution No. 182 of 2025

M/S- Owen/Haberkorn

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

No. 182 of 2025

Subject: Appointment of Public Private Partnership Redevelopment Counsel

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

WHEREAS, the City of Somers Point has identified a need for a Public Private Partnership Redevelopment Counsel for 2025; and

WHEREAS, this contract is being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

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

1. Brian M. Nelson, Esq. of Spiro Harrison & Nelson, be and hereby is appointed as Public Private Partnership Redevelopment Counsel for the City of Somers Point for the time period of August 15, 2025, through December 31, 2025, inclusive.
2. This Agreement is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an Agreement with Brian M. Nelson, Esq., in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.
4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S. 40A:11-5.(1)(a)(i) is not required

Resolution No. 183 of 2025

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M/S- Dill/Haberkorn

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

No. 183 of 2025

Subject: Resolution Authorizing The Chief Financial Officer of the City of Somers Point, in the County of Atlantic, State of New Jersey and Other City Officials to Undertake Certain Action in Connection with the Sale and Issuance of not to Exceed \$13,000,000 Bond Anticipation Notes, Series 2025 and Approving a Continuing Disclosure Undertaking with Respect to Said Notes of the City, and Authorizing and/or Ratifying Other Actions in Connection Therewith

Introduced By: Council President Haberkorn

WHEREAS, pursuant to, and in accordance with, (i) the Local Bond Law of the State of New Jersey, *N.J.S.A. 40A:2-1 et seq.*, as amended and supplemented (the “Local Bond Law”); and (ii) one or more bond ordinances duly adopted by the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey (the “City”), approved by the Mayor, and published as required by law (the “Ordinances”), the City is authorized to sell and issue its not to exceed \$13,000,000 aggregate principal amount of Bond Anticipation Notes, Series 2025 (the “Notes”); and

WHEREAS, the Notes are being issued to: (i) refund, on a current basis, outstanding bond anticipation notes of the City issued in the aggregate principal amount of \$8,500,000 on August 29, 2024, and maturing August 28, 2025; (ii) issue \$4,600,000 in new money to finance various capital improvements in and by the City; and (iii) pay the costs associated with the authorization, sale and issuance of the Notes.

WHEREAS, all matters pertaining to the sale of the Notes have been delegated by the Ordinances to the Chief Financial Officer of the City; and

WHEREAS, in connection with the offering and sale of the Notes, the City intends to distribute a Preliminary Official Statement and Final Official Statement setting forth certain information relating to the City and the Notes and enter into a continuing disclosure undertaking pursuant to Rule 15c2-12 of the Securities and Exchange Commission (“Rule 15c2-12”).

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

SECTION 1. The City Chief Financial Officer is hereby authorized to prepare and update from time to time as necessary a Preliminary Official Statement relating to the Notes with such insertions, deletions and changes therein and any supplements thereto as the City’s municipal advisor and/or bond counsel may advise and the City Chief Financial Officer may approve, such approval to be evidenced by such City Chief Financial Officer’s execution thereof. The City Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement “final” within the meaning of Rule 15c2-12 and to execute and deliver a certificate to that effect. The City Chief Financial Officer is hereby authorized to approve the contents and terms of the Final Official

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Statement in respect of the Notes in substantially the form of the Preliminary Official Statement. The City Chief Financial Officer is hereby authorized to sign such Official Statement on behalf of the City, in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as City's municipal advisor and/or bond counsel may advise and the City Chief Financial Officer may approve, such approval to be evidenced by such City Chief Financial Officer's execution thereof.

SECTION 2. All actions taken to date by the Mayor, City Administrator, City Attorney and Chief Financial Officer of the City (the "Authorized Officers"), employees, professional and agents of the City, in consultation with McManimon, Scotland & Baumann, LLC, Roseland, New Jersey ("Bond Counsel"), Phoenix Advisors, a division of First Security Municipal Advisors, Inc., Hamilton, New Jersey (the "Municipal Advisor") and Ford, Scott and Associates LLC, Ocean City, New Jersey (the "Auditor"), with respect to the authorization, sale, issuance, execution and delivery of the Notes, including, but not limited to, the preparation, distribution and dissemination of the Preliminary Official Statement, Final Official Statement and the Notice of Sale for the Notes, are hereby approved, ratified, adopted and confirmed, and each Authorized Officer, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, is hereby authorized and directed to execute and deliver the Notes and any such agreements, documents or submissions required for the authorization, sale, issuance, execution and delivery of the Notes, and the Clerk of the City is hereby authorized and directed to attest to the signatures of the Authorized Officers and to affix, imprint or reproduce the seal of the City on such Notes and, as applicable, on any such agreements, documents or submissions related to the authorizations, sale, issuance, execution and delivery of the Notes.

SECTION 3. The City Chief Financial Officer is hereby authorized to enter into and execute the appropriate continuing disclosure undertaking pursuant to Rule 15c2-12 for the benefit of holders and beneficial owners of the Notes and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of Rule 15c2-12 (the "Continuing Disclosure Undertaking"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered a default on the Notes; however, any holder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the City to comply with its obligations under this Section.

SECTION 4. Any matter relating to the award, sale or execution of the Notes which has been delegated to the City Chief Financial Officer may be performed by said officer. On behalf of the City, the appropriate representatives of the City are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of this Resolution with respect to the issuance, sale and delivery of the Notes, including, but not limited to the execution of all tax

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certificates and other closing documentation. All such actions heretofore taken are hereby ratified, approved and confirmed.

SECTION 5. This Resolution shall take effect upon adoption.

Resolution No. 184 of 2025

M/S- Johnston/DePamphilis

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

No. 184 of 2025

Subject: A Resolution Rescinding Resolution 169 of 2025 Which Authorized 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, by Resolution No. 16 of 2025, the City Council of the City of Somers Point authorized 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; and

WHEREAS, Exceler Building Solutions, LLC, is not to be the Redeveloper for the aforesaid Redevelopment Project, but instead, Somers Point Acquisition, LLC, is to be designated as such; and

WHEREAS, in order to authorize the Mayor to execute a Redevelopment Agreement with Somers Point Acquisition, LLC, City Council must first rescind Resolution No. 16 of 2025; and

WHEREAS, City Council has determined that good cause exists to rescind Resolution No. 16 of 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that Resolution No. 16 of 2025 is hereby rescinded, and the authorization of the Mayor to execute a Redevelopment Agreement with Exceler Building Solutions, LLC, is hereby withdrawn.

Resolution No. 185 of 2025

M/S- Dill/Owen

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

No. 185 of 2025

**REGULAR MEETING
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Subject: A Resolution Authorizing the Execution and Delivery of a Redevelopment Agreement 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, 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

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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 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, Somers Point Acquisition, LLC shall be the owner of the vacant properties comprising the Redevelopment Area; and

WHEREAS Somers Point Acquisition, 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

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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 10th day of July 2025, hereby **RESOLVED** by the City Council of the CITY OF SOMERS POINT as follows:

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 SOMERS POINT ACQUISITION, 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.

EXHIBIT A
REDEVELOPMENT AGREEMENT

Resolution No. 186 of 2025

M/S- Haberkorn/Dill

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

No. 186 of 2025

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 14, 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 August 14, 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 communication regarding the status of property assessment litigation in the Tax Court involving the City, entitled, “Powersports Holdings, LLC v. City of Somers Point and GMH Restaurant Holdings, LLC,” having a docket number of ATL-C-000078-24.

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

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June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest

being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to the status of litigation.

Resolution No. 187 of 2025

M/S- Dill/Haberkorn

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

No. 187 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 August 14, 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.

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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 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)

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

Resolution No. 188 of 2025

M/S- Dill/Owen

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

No. 188 of 2025

**REGULAR MEETING
MAYOR AND CITY COUNCIL
August 14, 2025**

Subject: Approving Proposals – Goods and Services 2025

Introduced By: Council President Haberkorn

WHEREAS, the City of Somers Point received proposals for various goods and services in accordance with the Fair and Open procedure of the New Jersey Pay-to-Play law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on August 13th 2025 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendor for goods and services during the period of January 1st, 2025 to December 30th, 2025:

a) Commercial Flooring Construction and Installation

Vendor: (SPACE LEFT BLANK)

Item:

Total Amount of Contract for City Hall Flooring,
Scope of Project from XXXXX

\$ XX,XXX.00

BE IT FURTHER RESOLVED that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount of \$XX,XXX.00 in accordance with the contract from (VENDOR) subject to adjustments or changes deemed necessary by the City Solicitor and/ or Business Administrator, contract for use by the City of Somers Point.

Resolution No. 189 of 2025

This Resolution was Pulled from the Agenda.

No. 189 of 2025

Subject: Awarding Bid and Authorizing Contract for Multi-Sport Surface for the Somers Point Street Hockey Courts

Introduced By: Council Members McGuigan and Owen

WHEREAS, at a meeting of the Governing Body held on July 10th 2025 the City Clerk was authorized to advertise a Request for Proposal for the Multi-Sport Surface for the Somers Point Street Hockey Courts (Resolution 117 of 2025); and

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WHEREAS, on August 13th, 2025 the City of Somers Point received bids for the Multi-Sport Surface for the Somers Point Street Hockey Courts located at the Somers Point Recreation Area; 595 Marks Rd. in the City of Somers Point; and

WHEREAS, there were XXX bidders with (VENDOR NAME) coming in at the lowest responsible bid of \$XXX.00 the City Administrator has recommended that the City award the contract to (VENDOR) of (LOCATION) for the **Multi-Sport Surface for the Somers Point Hockey Courts as the lowest responsible bidder.**

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

1. The Multi-Sport Surface for the Somers Point Hockey Courts is hereby awarded to (VENDOR) of (LOCATION).
2. The City Administrator is hereby authorized and directed to enter into a contract with (VENDOR) for the Multi-Sport Surface for the Somers Point Hockey Courts subject to a post award job meeting and final agreement between the City of Somers Point and (VENDOR) An agreement shall be drafted and executed in consultation with the City’s Solicitor between the City of Somers Point and (VENDOR) for the Multi-Sport Surface for the Somers Point Hockey Courts Project.

Resolution No. 192 of 2025

M/S- Owen/Johnston

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

No. 192 of 2025

**Subject: Memorandum of Agreement – Police Benevolent Association
Somers Point Sergeant’s Unit**

Proposed By: Mayor Dennis Tapp

Introduced By: Council President Haberkorn

WHEREAS, the City of Somers Point and the Mainland PBA, Local 77, Somers Point Sergeant’s Unit was parties to a Collective Bargaining Agreement (“Agreement”) which term was set from January 1, 2025 through December 31, 2027; and

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WHEREAS, the City of Somers Point and the Mainland PBA, Local 77, Somers Point Sergeant's Unit entered into negotiations for purposes of entering into a successor agreement; and

WHEREAS, those negotiations have concluded and the terms and conditions have been memorialized in a Memorandum of Agreement which is attached hereto and made a part hereof; and

WHEREAS, the term of the successor agreement shall be from January 1, 2025 through December 31, 2027; and

WHEREAS, that Memorandum of Agreement is hereby agreed to by this governing body.

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

1. Mayor Dennis Tapp, is hereby authorized to sign off on the attached Memorandum of Agreement on behalf of the City which will then be incorporated into the full, formal written agreement.
2. Once the formal written agreement is prepared in conformance with the Memorandum of Agreement, Dennis Tapp is hereby authorized to sign the agreement between the City of Somers Point and the Mainland PBA, Local 77, Somers Point Sergeant's Unit on behalf of the City and a copy thereof will be attached hereto.

Consent Agenda Resolutions:

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

No. 191 of 2025

Subject: **Authorizing Advertisement of RFP for the Install of a Replacement Roof at the Gateway Theater**

Introduced By: **Council President Haberkorn**

**REGULAR MEETING
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WHEREAS, the City of Somers Point is in possession of property known as 101 Higbee Ave. Somers Point NJ 08244; Block 1511 Lot 1 on the tax maps of the City of Somers Point and

WHEREAS, this property includes the location of the Gateway Theater; and

WHEREAS, there exists a need for the City to provide a install a new roof at the facility; and

WHEREAS, the governing body recognizing this need, seeks to solicit bids from qualified bidders for the supply and potential install of the new roof.

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 a new roof on one or both Street Hockey Courts located at 101 Higbee Ave. Somers Point NJ; at Block 1511, Lot 1 located within the City of Somers Point.

2. Said advertisement shall be published as soon as possible, but no later than August 20th 2025.

3. All proposals must be received by the City Clerk no later than 10:00 a.m. on September 25th, 2025 at which time they will be publicly opened, announced and recorded in the Office of Administration.

No. 193 of 2025

Subject: Taxes Cancelled and Refunded Block 1630, Lot 1.01

Introduced by: Council Members DePamphilis, McGuigan and Owen

WHEREAS, the property owner at 112 Bala 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 2, 2025; and

WHEREAS, the taxes for 2025 should be canceled in the amount \$1,702.22; 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
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1630 1.01 Andrew T. Bognar \$1,702.22 2025

Total \$1,702.22

No. 194 of 2025

Subject: Authorizing the Mayor of the City of Somers Point to Execute Contracts for a Beach Concert Series

Introduced by: Council Members DePamphilis Johnston

WHEREAS, the City of Somers Point entered into an Agreement, effective date March 1, 2025, with Tony Mart Cares, Inc., to provide a Beach Concert Series at the William Morrow Beach through September 5, 2025; and

WHEREAS, representatives of Tony Mart Cares, Inc., has requested that the City amend the Agreement so as to allow it to provide an additional concert on September 12, 2025; and

WHEREAS, the City Council recognizes the benefit to the City in having an additional concert provided by Tony Mart Cares, Inc., on said date:

WHEREAS, the Police Chief Robert Somers has been conferred with and has no objection to there being an additional concert on September 12, 2025; and

WHEREAS, City Council now wishes to authorize the Mayor to execute an amendment to the original Beach Concert series contract between the City of Somers Point and Tony Mart Cares, Inc..

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

1. Mayor Dennis Tapp is hereby authorized to execute the attached Amendment to Agreement between the City of Somers Point and Tony Mart Cares, In., to provide for a concert on the William Morrow Beach on September 12, 2025.

No. 195 of 2025

Subject: Resolution Opposing the Proposed “Protecting Against Climate Threat (Pact)/Resilient Environments and Landscape (Real)” Rules

Introduced By: Council President Haberkorn

WHEREAS, on July 14, 2025, the New Jersey Department of Environmental Protection announced intent to amend the NJ PACT REAL regulations; and

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WHEREAS, on July 21, 2025, the changes to the NJ PACT REAL regulations were published in the New Jersey Register and a 60-day comment period commenced; and

WHEREAS, the City of Somers Point opposes the amended coastal rules proposed by the State of New Jersey. These rules will impact the availability of affordable housing, result in environmental equity issues, deter economic development, impose an unnecessary layer of State regulation, potentially require New Jersey homeowners to obtain flood insurance; and have other harmful impacts on the residents and businesses in New Jersey; and

WHEREAS, the City of Somers Point acknowledges that climate change and sea level rise are a documented risk to the coastal zone of New Jersey and its barrier island communities, requiring thoughtful and well-reasoned response from all levels of government; and

WHEREAS, the City of Somers Point continues to respond to the threat of tidal flooding/major coastal storms by practicing the highest standards of coastal resiliency and floodplain management in all critical infrastructure and building projects, while also providing the necessary support to our local communities in the approach, duration, and wake of major coastal storms; and

WHEREAS, the City of Somers Point is extremely disappointed in the level of transparency during this rule making process. The coastal municipalities and counties were not included in the stakeholder meeting when these rules were being formulated. Finally, when we were afforded the opportunity to meet with NJDEP staff we were told that a detailed economic impact analysis that studies the impact of these rules on local communities would be provided, to date this analysis has not been distributed. Also, the responses to the 2,965 comments on the initial rules were to be made public; and

WHEREAS, historically, new rules issued by the NJDEP have always been promulgated pursuant to legislation through the typical legislative process; and

WHEREAS, in this case, like the NJDEP's recently proposed Shore Protection Rule, there is no legislation that authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

WHEREAS, NJDEP uses a year 2100-time horizon and the 17th percentile chance of occurrence as the basis for these regulations. Science has demonstrated that the brightest minds cannot predict with accuracy the impacts of sea level rise over twenty years let alone seven-five years which is the basis of the published regulations. This is supported by the fact that municipal master planning efforts project twenty years in the future due to uncertainties. These regulations should be applied incrementally based on twenty year projects; and

WHEREAS, by creating a new flood zone (inundation risk zone or IRZ) with strict development standards, expanding existing flood zones (climate adjusted flood elevation or CAFE), and creating new 3 percent impervious coverage limits (CAFRA Critical Environmental Areas), thousands of prime developable acres of land will be either undevelopable or much harder to develop. This will impact major projects and hurt rateables. Given that the most restrictive development limits are on lands closer to the water, the rule would impact some of the state's most valuable lands; and

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WHEREAS, these rules as currently written do not consider the economic impact these new standards may have on the rates, real-estate values, development, and redevelopment statewide, but especially in Atlantic County where we have more than \$8 billion in annual tourism spending according to the New Jersey Division of Tourism. Tourism is the largest industry in Atlantic County; and

WHEREAS, the proposed rules also do not account for the impact these higher regulatory building standards will impose on historic structures and historic districts in the City of Somers Point, throughout Atlantic County, and State of New Jersey; and

WHEREAS, the State of New Jersey must also consider the burden these new rules will have on coastal municipalities, especially within their local construction offices, due to the additional duties and responsibilities of enforcing these higher regulatory standards that will likely result in the need to hire additional staff or enter additional public/private contracts; and

WHEREAS, these rules will also increase construction costs and impact the feasibility for public infrastructure projects with the minimum construction height requirements for new roads in excess of Base Flood Elevation, will be infeasible and unachievable given the path and location of the project; and

WHEREAS, despite the burden these rules will inevitably play on our coastal towns, the State of New Jersey has not mentioned any plan for a State budget appropriation to assist coastal towns statewide with the additional duties and functions imposed through the proposed NJPACT REAL regulations; and

WHEREAS, the proposed expansion of flood hazard areas will also create additional financial burdens for lower and middle class property owners living in the City of Somers Point by imposing more restrictive building standards accompanied by engineering assessments and alternatives analyses within the newly expanded regulated areas and may also potentially result in higher insurance premiums given the expansion of the inundation risk zone and increase of the regulated flood hazard area limits by 4 feet vertically; and

WHEREAS, the proposed NJPACT REAL regulations are based Science and Technical Advisory Panel Report (2019 STAP Report) entitled, “New Jersey Rising Seas and Changing Coastal Storms,” projecting sea level rise for the year 2100 exceeding 5.1 feet, which has a probability of occurrence of approximately 17%; and

WHEREAS, since the 2019 STAP Report several key studies on sea level rise were issued as was the International Panel on Climate Change (IPCC) Assessment that addressed sea level rise. The more recent studies do not support the idea of a 5.1 foot sea level rise as being likely. The IPCC and all the newer scientific reports predict that worldwide sea level rise this century will be 0-2 feet; and

WHEREAS, municipalities are required to prepare Master Plans for a 20-year planning horizon, and the City of Somers Point strongly recommends a similar time horizon for rules based on sea level rise projections; and

WHEREAS, the City of Somers Point, like a lot of Counties and Municipalities nationwide, are experiencing a housing crisis due in part to the high cost of housing, and these requirement will significantly increase the cost of housing, making it difficult if not impossible to provide affordable housing for the region’s workforce; and

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WHEREAS, the NJDEP's proposed expansion of flood hazard areas limits the potential capacity of mixed income housing development and even prohibits development in most coastal areas where there is already statutory affordable housing obligations imposed through fair share housing laws, especially as inland development centers are being reduced in size via the State Planning process; and

WHEREAS, the proposed coastal regulations will create an Environmental Justice issue since local residents will be deterred from improving their homes because they will have to elevate 6 feet above BFE which they cannot afford when they improve their homes above 50 percent of its value, hence those in most need of shelter will witness the deterioration of their homes and be forced to relocate; and

WHEREAS, the Federal Emergency Management Agency is also in the process of preparing detailed updates to the flood insurance rate maps (FIRMS) that take into account many factors of risk including sea level rise; and

WHEREAS, the State of New Jersey has historically used these maps to guide public policy, and therefore, the City of Somers Point urges the State to differ to the superseding governing body, in this instance FEMA, and wait until the new FIRMS have been posted before expanding flood hazard areas through a streamlined State authorization; and

WHEREAS, with the expansion of state regulatory flood zones will come requirements by banks for homeowners to purchase costly flood insurance. Thousands of residents who are currently living outside the existing federal flood zone will now be thrust into a new state expanded flood zone with the potential that they will be forced to purchase flood insurance; and

WHEREAS, while recognizing the importance of addressing climate change, as stated previously, the City of Somers Point believes that a more gradual and balanced approach is necessary to target incremental adjustments over time in order to mitigate the potential negative impacts that these radically changing rules will have on the coastal towns of New Jersey; and

WHEREAS, it is imperative that the State of New Jersey consider the disproportionate burden resulting from the implementation of such stringent regulatory standards that will challenge the people of New Jersey living, working, and visiting in the coastal zones.

NOW, THEREFORE, BE IT RESOLVED, the City of Somers Point strongly recommends the following:

1. The City of Somers Point recommends that the State abandon the NJPACT REAL rule making process and start anew with a process that includes the Legislature and local officials and a focuses on a comprehensive approach to fund infrastructure improvements as well as regulatory changes based on a twenty year time horizon.
2. The City of Somers Point recommends a comprehensive and independent analysis of the potential economic and social impacts of the proposed regulations.

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3. The City of Somers Point recommends that these regulations be based on a 20- year timeframe that is adjusted over time to reflect sea level rise and resiliency measures, rather than based on a 75-year projection.

4. The City of Somers Point recommends that the State of New Jersey consider the inclusion of a budgetary appropriation to assist towns with the implementation of these rules and further, appropriate funding to implement a State grant program to support coastal resiliency projects that will inevitably incur greater costs due to the higher regulatory standards that include significantly higher elevation requirements for new roads.

5. The City of Somers Point recommends that the State of New Jersey follow the same practice as FEMA and prepare detailed flood maps, and further hold public engagement sessions across the State, so that communities and residents can clearly understand how these regulations will impact their areas and properties.

6. The City of Somers Point hereby orders copies of this Resolution, attached Analysis Study, and Maps be transmitted to Governor Phil Murphy; Lieutenant Governor Tahesha Way; Chief of Staff to Governor Murphy Diane Gutierrez-Scaccetti; Senate President Nicholas P. Scutari; Assembly Speaker Craig J. Coughlin; Senate Environment Committee Chair Bob Smith; Assembly Environment Committee Chair James J. Kennedy; the Office of Legislative District 2's Senator Vince Polistina, Assemblyman Don Guardian, and Assemblywomen Claire Swift; the New Jersey Association of Counties (NJAC); New Jersey Business and Industry Association (NJBIA); and the

New Jersey League of Municipalities (NJLM) to convey the City of Somers Point's concerns and recommendations.

7. The City of Somers Point hereby orders copies of this Resolution be submitted as public comment on the NJ Register to serve as the municipality's official comments to the NJDEP's proposed NJPACT REAL rules.

Old Business:
None

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New Business:

Council Member DePamphilis briefly explained why Harbour View Condo Association is asking for residential parking permits.

The City Council then discussed a parking committee consisting of Council Members Johnston, Dill, and Council President Haberkorn.

City Council approved the use of Richard Somers Park for the Liberty and Prosperity Organization for an event to honor Richard Somers on 9/4/2025 from 3 P.M to 5P.M by a unanimous vote of those present.

Discussion of Bills:

Administrator Frost reported a Bill List dated 8/12/2025 in the amount of \$1,910,961.31, an Emergency Check Run dated 8/5/2025 in the amount of \$2,069,865.58 , an additional Emergency Check Run dated 8/5/2025 in the amount of \$90.00, a Manual Bill List dated 08/14/2025 in the amount of \$1,858,087.08, and an additional Manual Bill List in the amount of \$181,054.21.

Public Portion:

Council President Pro Tempore McGuigan duly opened the meeting to the public.

Patricia Pierson of Somers Point asked City Council questions pertaining to Resolution 182. Patricia Pierson respectfully requests better use of the microphone so the public can hear clearly.

Gary Papouschek of Somers Point addressed City Council with a petition requesting two stop signs be installed on Maryland Avenue at the Bike Path. Gary also requests residential parking for Groveland Avenue residents from Shore Road to Atlantic Avenue.

Michael O'Brien of Somers Point asked City Council to resolve the parking issue on Broadway and Landing Lane.

Bill Collins of Somers Point shared his disappointment with the current boat ramp permitting.

Michael Kedziora suggested having a daily boat ramp pass for next season.

Vinny Caputo expressed his negative opinions towards City Council.

Maureen Helbig of Somers Point suggested ideas to enforce safety on the bike path. Maureen also requests better use of the microphone so the public can hear clearly.

Levi Fox of Somers Point stated his frustration with comments made by Council Members.

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

Payment of Bills:

M/S: Haberkorn/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.

Comments from Governing Body:

Council Member Gerety notes Vinny Caputo's YouTube channel has over 1 million views.

Recess:

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

Reconvene:

Council President Pro Tempore McGuigan reconvened the Governing Body to Open Session at 8:44 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member DePamphilis seconded and carried to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: