

**REGULAR MEETING
MAYOR AND CITY COUNCIL
September 12, 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, Gerety, Johnston

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.

Council President Johnston asked for a 48-hour waiver to add Resolution No. 220 of 2024 to the agenda. On the motion of Council Member Dill, seconded of Council Member Gerety, and carried to approve the 48-hour waiver for Resolution No. 220 of 2024.

Council President Johnston moved Resolution Numbers 206 and 218 of 2024 to the top of the agenda.

Public Portion Resolutions (206 and 218 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. 206 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 206 of 2024

Subject: A Resolution Accepting the Resignation of Council Member Joseph McCarrie

Introduced by: Council President Johnston

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WHEREAS, Joseph McCarrie was sworn into the office of Council Member-at-Large for the City of Somers Point on January 1, 2021, for a four-year term; and

WHEREAS, Council Member McCarrie has, by the attached email of August 11, 2024, sent to City Clerk Shelby Heath, tendered his resignation from the position as Council Member-at-Large; and

WHEREAS, City Council wishes to accept said resignation so as to allow it to proceed to appoint a replacement so as to ensure that there will be a full seven-member Council to fulfill its obligations to the City of Somers Point.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the resignation of Council Member McCarrie is hereby accepted effective immediately.

Resolution No. 218 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Members McGuigan and Dill, Council President Johnston, and Mayor Tapp welcomed Council Member Gerety back to City Council.

No. 218 of 2024

Subject: A Resolution Recognizing the Replacement to the Position of Council Member-at-Large for the City of Somers Point

Introduced By: Council President Johnston

WHEREAS, on August 11, 2024, Joseph McCarrie tendered his resignation of his position as Council Member-at-Large for the City of Somers Point to the Council President, effective as of August 12, 2024; and

WHEREAS, by Resolution on September 12, 2024, City Council for the City of Somers Point accepted Joseph McCarrie's resignation; and

WHEREAS, the City Clerk duly advised the Somers Point Republican Club, as the nominating organization for Joseph McCarrie's candidacy, of the vacancy of the aforesaid Council position; and

WHEREAS, pursuant to N.J.S.A. 40A:16-11, the Somers Point Republican Club and its committee submitted to the City Clerk a slate of three (3) names to be voted upon by City Council to fill the vacancy for a Council Member-at-Large, said individuals identified as follows: Kirk Gerety, Rob Hopkins, and Pat Pierson; and

WHEREAS. N.J.S.A. 40A:16-3(f) states that the office of a member of the governing body of a municipality shall be deemed vacant upon the filing of a written resignation with the municipal clerk by a member of the governing body; and

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WHEREAS, N.J.S.A. 40A:16-11 requires that the governing body shall, within 30 days after the occurrence of the vacancy, appoint one of the nominees as the successor to fill the vacancy; and

WHEREAS, City Council, with its first meeting more than 30 days after the effective date of vacancy of the Council Member-at-Large, was unable to meet the aforesaid 30-day requirement of N.J.S.A. 40A:16-11; and

WHEREAS, as a result of City Council failing to make such appointment within 30 days of the aforesaid vacancy, pursuant to N.J.S.A. 40A:16-11, the Somers Point Republican Club’s county committee has appointed Kirk Gerety, who was one of the nominees as the successor to fill the vacancy, and has been sworn to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point recognizes the legal authority of the Somers Point County committee to appoint Kirk Gerety to fill the vacancy for the position of City Council Member-at-Large, effective immediately.

Special Presentation

Life Scout, Matthew Barnabei updated City Council on his project of painting Maltese crosses near the fire hydrants and thanked City Council and the Somers Point Volunteer Fire Departments. Mayor Tapp and City Council shared their appreciation.

Keith Davis Esq., with the prospective purchasers of 90 Broadway, gave a detailed presentation on their proposed redevelopment agreement.

Communications:

None

Mayor’s Report:

Mayor Tapp thanked all those involved with organizing the Good Old Days Festival and the 9/11 Ceremony, both of which had great turnouts. Next, he announced that Shore Medical Center will be hosting a free flu shot clinic on 9/14/2024 and 10/12/2024 from 8am to 12pm at 649 Shore Road. Lastly, he invited all to attend the upcoming POW MIA Ceremony at Patriot’s Park on 9/20/2024 at 7pm and Art in the Park at Kennedy Park on 9/14/2024 from 10am to 4pm.

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Proclamations:

The following proclamation was read by Mayor Tapp.

No. 10 of 2024

Congratulating Ryan Bender for Receiving the Eagle Scout Award

WHEREAS, Ryan Bender was born and raised in Somers Point and attended Somers Point Schools; and

WHEREAS, the Boy Scouts of America is a vital force in the development of our youth through its many programs, which encourage the ability of its members to do things for themselves and especially for others; and

WHEREAS, some of the major objectives in the Scouting program are to develop citizenship merit badges, and participate in community service projects; and

WHEREAS, Ryan Bender is a member of Troop 55 and has not only proven himself to be an outstanding member of the Boys Scouts of America, but has attained the highest honor bestowed on a Scout, the Eagle Scout Award; and

WHEREAS, the Eagle Scout Award is a distinction that will follow him throughout his life and the commitment that he has shown will be a beacon to others of leadership, quality, and commitment.

NOW, THEREFORE, I, Dennis Tapp, Mayor of the City of Somers Point, wish to congratulate Ryan Bender on his dedication and hard work to achieve the level of Eagle Scout and to thank him for being a positive role model and an inspiration to the youth of our community.

Administrator's Report:

None

Solicitor's Report:

None

Engineer's Report:

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Engineer Schneider conveyed that several projects will soon be going out to bid and coming before City Council for contract approval.

Committee Reports:

- Steering Committee: Council President Johnston reported on on-going projects, including: the Master Plan, the Neighborhood Revitalization Tax Credit Plan (NRTC), the Safe Roads to School Grant, the MPP Grant, Safe Streets to Transit Grant, and the Department of Transportation Municipal Aide Grant. Next, she indicated that the City will be applying for Jake’s Law Grant, which would provide for an all-inclusive playground at Kennedy Park.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Haberkorn, and carried to approve the Regular Meeting Minutes of 8/8/2024 and Executive Session Meeting minutes of 8/8/2024, approved as to content only.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

John Helbig, of Somers Point, asked for clarification on Resolution Numbers 216 and 219 of 2024. He also expressed his concern with tax abatements.

Patricia Pierson. of Somers Point, asked for clarification on Resolution Number 218.

John Exadaktilos, of the Somers Point Diner, asked for Clarification on Resolution Number 209 of 2024.

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

Resolution No. 205 of 2024

M/S- Owen/Gerety

This resolution was adopted by unanimous vote of those present.

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Council Member Haberkorn recommended creating a subcommittee to look at assessing City owned property.

Council Member Dill and Council President Johnston agreed.

No. 205 of 2024

Subject: Authorizing Lease with Atlantic County Library

Introduced By: Council President Johnston and Council Member Haberkorn

WHEREAS, the Somers Point Branch of the Atlantic County Library has been situated at 801 Shore Road; and

WHEREAS, Atlantic County has proposed a form of lease between the City of Somers Point and the County of Atlantic for the property situated at 801 Shore Road for use as the Somers Point Branch of the Atlantic County Library system; and

WHEREAS, the City of Somers Point desires to lease the property to the County of Atlantic for the period commencing January 1, 2024 through December 31, 2024.

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

1. The Mayor is hereby authorized and directed to execute the lease between the County of Atlantic and the City of Somers Point in a form acceptable to the City Solicitor for the period commencing January 1, 2024, through December 31, 2024
2. Upon its execution, a copy of the lease will be attached hereto and made a part hereof.

Resolution No. 207 of 2024

M/S- Dill/Gerety

This resolution was adopted by unanimous vote of those present.

No. 207 of 2024

Subject: Authorizing Purchase on State Contract for (2) Two New Radios for the Somers Point Police Department

Introduced By: Council President Johnston

WHEREAS, N.J.S.A. 40A:11-12(a) permits the City of Somers Point by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

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WHEREAS, the City of Somers Point recently had a need to replace (2) Two new XG75 Mobile Harris Radios distributed by Tactical Public Safety for the Somers Point Police Department; and

WHEREAS, pursuant to State Contract Number NJ State Contract No. A83932 from Tactical Public Safety, an authorized vendor under the NJ State Contract from Tactical Public Safety, as was awarded the State Contract for Radio Communication Equipment and Accessories expiring 4/30/2025; and

WHEREAS, the Chief of Police in conjunction with the Business Administrator have made the determination that this order for the Police Department’s Radio System was necessary to be provided by Tactical Public Safety, 199 Edgewood Ave., Suite A, West Berlin, A83932

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point authorizes the following purchase from Tactical Public Safety, 199 Edgewood Ave., Suite A, West Berlin, A83932 to be ordered retroactive to on or before September 9th 2024:

| <u>Description</u> | <u>Amount</u> |
|-------------------------------------------------------------------------------------------------------------|-------------------|
| (2) XG75 Mobile Radio 700/800MHz, Trunking, Mounting Kit Control Unit System, Microphone, AES Encryption | \$8,002.82 |
| (2) Program & Installation Services | \$1,125.00 |
| Total: | <u>\$9,127.82</u> |

Resolution No. 208 of 2024

M/S- Owen/Gerety

This resolution was adopted by unanimous vote of those present.

No. 208 of 2024

**Subject: A Resolution Appointing Adam Barker, Esquire, as the Municipal
Prosecutor for the City of Somers Point Pursuant to N.J.S.A. 2B:12-27**

Introduced by: Council President Johnston

WHEREAS, N.J.S.A. 2B:12-27 provides that the Governing Body of a Municipality may appoint a Municipal Prosecutor for the purposes of representing the Municipality, County and State in the Municipal Court regarding matters within the jurisdiction of said Court; and

WHEREAS, the Somers Point City Council has determined that it is in the best interests of the City of Somers Point that a Municipal Prosecutor be appointed; and

WHEREAS, City Council has previously appointed Kelley Blanchet, Esquire, of Brigantine, New Jersey, as Municipal Prosecutor for the City of Somers Point; and

WHEREAS, Mrs. Blanchet has tendered her resignation from the position as Municipal Prosecutor effective August 13th 2024; and

WHEREAS, City Council is desirous of appointing Adam Barker, Esquire, as Municipal Prosecutor; and

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WHEREAS, Adam Barker, Esquire, fulfills all of the requirements of N.J.S.A. 2B:12-27 to serve as Municipal Prosecutor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that Adam Barker, Esquire, shall be and is hereby appointed as Municipal Prosecutor to serve as the Municipal Prosecutor for the City of Somers Point, pursuant to N.J.S.A. 2B:12-27, commencing August 14th, 2024, and continuing through December 31st, 2024, or until such time as a successor is appointed.

Resolution No. 209 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 209 of 2024
AUTHORIZING EXECUTIVE SESSION**

**Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF
LITIGATION**

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 September 12, 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.**”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

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Advice of Counsel and attorney-client privileged communication regarding the status of litigation involving the City entitled, “Bay Point Motel, Inc. vs. City of Somers Point,” having a docket number of ATL-C-000085-24.

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 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. 210 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

**No. 210 of 2024
AUTHORIZING EXECUTIVE SESSION**

Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF LITIGATION

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.

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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 September 12, 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.”

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’s Planning Board entitled, “GMH Restaurant Holdings, LLC, GMH Restaurant Enterprises, Gary M. Holloway v. the City of Somers Point,” having a docket number of ATL-C-66-24.

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 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. 213 of 2024

M/S- Dill/Gerety

This resolution was adopted by unanimous vote of those present.

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No. 213 of 2024

Subject: Authorizing Advertising Bids for 2024 Road Program Phase I – Bala Drive

Introduced By: Council Member Dill

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to reconstruct Bala Drive from Colwick Drive to Ambler Road; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the 2024 Road Program Phase I – Bala Drive; and

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

Resolution No. 214 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 214 of 2024

Subject: Hiring School Crossing Guards

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

WHEREAS, for the 2024-2025 school year there exists a need for the part-time position of School Crossing Guard; and

WHEREAS, in accordance with N.J.S.A. 40A:9-154.1 the Governing Body may appoint adult School Crossing Guards for a term not to exceed one year; and

WHEREAS, the hourly rate of pay for these crossing guards shall be set at \$28.50 per hour for the 2024-25 school year effective on this date; and

WHEREAS, the Police Chief of the City of Somers Point has recommended certain individuals for appointment to that position.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following individuals are hereby appointed for a term of one year to the part-time position of School Crossing Guard:

| Name | Effective Date of Hire |
|-------------|-------------------------------|
|-------------|-------------------------------|

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| | |
|-------------------|------------|
| Vanita Allen | 8/25/2021 |
| Marty Brennan | 9/22/2020 |
| Karen Broomall | 08/26/2014 |
| Cheri Broschard | 08/23/2019 |
| Sandy Disciascio | 8/24/2014 |
| Mary Matricardi | 03/01/1989 |
| Denise McLaughlin | 10/08/2007 |
| Paul McLaughlin | 11/20/2017 |
| Maryann Parker | 08/31/2004 |
| Linda Petti | 03/21/2021 |
| Hank Wilhelm | 11/16/2015 |
| John Shields | 09/02/2022 |
| William Falls | 08/31/2023 |

Resolution No. 215 of 2024

M/S- Owen/Gerety

This resolution was adopted by unanimous vote of those present.

No. 215 of 2024

AUTHORIZING EXECUTIVE SESSION

**Subject: ADVICE OF COUNSEL REGARDING THE STATUS OF
LITIGATION**

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 September 12, 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

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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 litigation involving the City and its Zoning Board entitled, “Garden State Outdoor, LLC v. City of Somers Point, City of Somers Point Zoning Boar,” having a docket number of ATL-L-143-23.

WHEREAS the length of the Executive Session is estimated to be approximately 20 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the 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. 216 of 2024

M/S- Dill/Gerety

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan clarified that this Resolution is for a tax abatement, not an exemption.

No. 216 of 2024

Subject: Approval of Short-Term Tax Exemption Application – 800 Second Street

Introduced By: Council Member McGuigan

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WHEREAS Somers Point City Council enacted Ordinance 15 of 2015, which was entitled “An Ordinance Providing for the Implementation in the City of Somers Point of the “Five Year Tax Exemption or Abatement Law” Pursuant to NJSA 40A:21-1, et seq.; and

WHEREAS the intended purpose of Ordinance 15 of 2015 was as follows:

- (1) Promote the improvement, rehabilitation and/or construction of single-family residential dwelling, multiple-family dwellings, cooperatives and condominiums, commercial structures, industrial structures and mixed-use structures within the City of Somers Point.
- (2) Improve property values.
- (3) Foster civic beauty.
- (4) Protect and enhance the City's attractions to residents, tourists and visitors and to serve as a support and stimulus to business and industry.
- (5) Assist and encourage property owners and prospective purchasers in to achieve the goals established by the City Council and City Planning Board through adoption of the City's Vision Plan and Master Plan; and

WHEREAS on December 5, 2019, Somers Point City Council passed Ordinance 16 of 2019 readopting the content of Ordinance 15 of 2015, and extending the Five-Year Tax Abatement program through December 31, 2024; and

WHEREAS on May 28, 2024, the owners of 800 Second Street (Block 1716, Lot 7.02), Anthony and Traci Greco (“Owners”) submitted to the Somers Point Tax Assessor an Application For Five-Year Exemption and/or Abatement on NJ Form E/A-1 (the “Application”) as required by law and ordinance; and

WHEREAS said application was submitted prior to the running of 30 days after completion of the construction on said property; and

WHEREAS the Tax Assessor has completed her review of the Applications and has submitted a report to the Somers Point City Council, which shows the annual tax payments to be made for the property commencing upon the implementation of the Five-Year Tax Exemption which includes payment of the full Land Assessment and the phase-in of the Improvement assessment; and

WHEREAS the Somers Point City Council has determined that the construction project of the Owners meets the intended purposes of Ordinance 15 of 2015 and Ordinance 16 of 2016, and that their Application for Five-Year Exemption and/or Abatement was made in good faith; and

NOW THEREFORE, it is hereby resolved by the Common Council of the City of Somers Point that the Tax Assessor shall proceed to implement the Five-Year Tax Exemption procedure set forth in the Somers Point Municipal Code Chapter 228 for the Owners’ property located at 800 Second Street.

Resolution No. 217 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

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Council President Johnston clarified that this has been a long-awaited project and City Council is glad to have this on the agenda.

No. 217 of 2024

Subject: Authorizing Advertisement of RFP for Replacement of Hockey Board System and Related Playing Surface in Somers Point

Introduced by: Council President Johnston

WHEREAS, it is necessary for The City of Somers Point to perform due diligence in conjunction with the City’s Recreation facilities and to prepare bid documents for a solution to the Replacement of Hockey Board System and Related Playing Surface for recreation facilities located in Somers Point; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Somers Point that the City Clerk is hereby authorized to advertise for separate sealed RFP's for Proposal for Replacement of Hockey Board System and Related Playing Surface. RFP's are to be received by the City Clerk and open and read in public in the Somers Point City Hall, 1 W New Jersey Ave, Somers Point, New Jersey at the date and time established by the City of Somers Point.

Resolution No. 219 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 219 of 2024

Subject: APPROVAL OF SHORT-TERM TAX EXEMPTION APPLICATION FOR SUNSET AVENUE REDEVELOPMENT LLC

Introduced By: Council President Johnston

Whereas the Somers Point City Council enacted Ordinance 14 of 2021 which became effective on December 22, 2021; and

Whereas Ordinance 14 of 2021 approved adoption of a Redevelopment Plan for property situated within Block 1214, Lots 9, 10, 11, 12 & 12, currently known as Lots 10.01, 11.01, 11.02, 12.01, 12.02, 16.01 through 16.06 within Block 1214 (the “Subject Property” within the “Sunset Avenue Redevelopment Plan”); and

Whereas on April 28, 2022, the Somers Point City Council by Resolution 98 of 2022 authorized the execution and delivery of a Redevelopment Agreement between the City of Somers Point and Sunset Avenue Development LLC and designated Sunset Avenue Development LLC as the Redeveloper of the property described within the Sunset Avenue Redevelopment Plan (the “Redeveloper”); and

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Whereas the Redevelopment Plan and the Redevelopment Agreement provided for a two-phase development including both an overflow parking lot for the exclusive use by residents of the existing Bayview Court Apartments located at 555 Shore Road, and construction of twelve single family duplex residential units located along Sunset Avenue; and

Whereas an essential element of both the Sunset Avenue Redevelopment Plan and the Sunset Avenue Redevelopment Agreement provided for a short-term tax exemption agreement applicable to the twelve residential units; and

Whereas Article 6.2 of the Redevelopment Agreement set forth the terms and conditions of the short-term tax exemption (the “Five Year Tax Exemption”) which follows the requirements of the New Jersey Five Year Tax Exemption and Abatement Law (NJSA 40A:21-1 et seq) and of the Somers Point Municipal Code Chapter 228; and

Whereas the Redeveloper has obtained preliminary and final site plan approval for the Subject Property which included subdivision a portion of the Subject Property into twelve separate lots, one for each of the twelve residential units; and

Whereas the approved subdivision plat plan was recorded in the office of the Atlantic County Clerk on April 26, 2023, as Instrument # 2023020359 in Volume 903; and

Whereas a certified copy of the recorded subdivision plat was submitted to the Somers Point Tax Assessor and the Somers Point Tax Assessor has revised the tax records and tax map to designate the subdivided lots as Lots 10.01, 10.02, 11.01, 11.02, 12.01, 12.02 and 16.01 through 16.06 within Block 1214 and had established the land assessment for each such lot for real estate tax purposes; and

Whereas the Redeveloper has submitted to the Somers Point Tax Assessor an Application For Five-Year Exemption And/Or Abatement on NJ Form E/A-1 (the “Application”) as required by statute and ordinance; and

Whereas the Somers Point Construction Official has determined that one (1) of the residential properties which is subject to a filed Application, has reached “substantial completion,” which is a condition precedent to implementing the Five-Year tax exemption; and

Whereas the Tax Assessor has completed her review of the Applications and has submitted a report to the Somers Point City Council; and

Whereas the Redeveloper has paid both the Application fees for the one (1) substantially complete property, as well as the required Residential Development Fee which is to be deposited into the City's Affordable Housing Trust Fund; and

Whereas the Tax Assessor has provided to the City Council the spread sheet which shows the annual tax payments to be made for each property commencing upon the implementation of the Five-Year Tax Exemption which includes payment of the full Land Assessment and the phase-in of the Improvement assessment; and

Whereas the Somers Point City Council has determined that the Redeveloper has completed the construction of one (1) residential units within the time period set forth in the Construction Schedule and has satisfied all other conditions precedent to implementation of the Five-Year Short-Term Tax Exemption as set forth in the Sunset Avenue Redevelopment Plan and the Redevelopment Agreement for this one (1) residential unit; and

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Whereas, as provided in the Redevelopment Agreement and as set forth in Somers Point Municipal Code Section 228-16A(3), all tax abatement applications are to be approved by a Council resolution:

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

1. The conditions precedent to approval set forth in the Sunset Avenue Redevelopment Plan and the Redevelopment Agreement have been satisfied for one (1) of the units; and
2. The Tax Assessor shall proceed to implement the Five-Year Tax Exemption following procedure set forth in the Somers Point Municipal Code Chapter 228 and the Redevelopment Agreement for below identified property:
 - 532 Sunset Avenue (**Block:** 1214 **Lot:** 16.02)
3. The Five-Year Tax Exemption shall continue during the five-year term subject to this property owner's compliance with the provisions set forth in the Somers Point Municipal Code Chapter 228.

Resolution No. 220 of 2024

M/S- Gerety/Owen

This resolution was adopted by unanimous vote of those present.

No. 220 of 2024

**Subject: Extending Contract for Sanitary Sewer Emergency Repairs
 and Miscellaneous Maintenance**

Introduced by: Council Member Dill

WHEREAS, on August 3rd, 2022 the City of Somers Point received bids from four contractors for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance; and

WHEREAS, the total amount of the bid was based on specified units and quantities of work multiplied times the bidder's unit prices of labor, material and equipment for various categories of anticipated emergency repairs and miscellaneous repairs to the sanitary sewer system; and

WHEREAS, after applying these calculations, Mathis Construction Co., Inc., of Little Egg Harbor Township, New Jersey was the lowest responsible bidder; and

WHEREAS, an open-end contract was awarded to Mathis Construction Co., Inc. that was in effect for a period of one (1) year with the possibility of two (2) one-year extensions if both parties agree to the extension, subject to the requirements of N.J.S.A. 40A:11-1 et seq. The first (1) one-year extension was done on August 24th, 2023, by Resolution 185 of 2023. This will be the second (2nd) and final one-year extension option; and

WHEREAS, the Sewer Utility Engineer has found their work satisfactory and has recommended that the City accept the second one-year extension (September 1st, 2024 to August

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31st, 2025) to the contract with Mathis Construction Co., Inc. with an index rate increase of 3% over the 2023 rate and in the established maximum amount of \$308,564.19.

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

- 1.) Because their services are being performed in an efficient and effective manner, a one-year extension to the Contract for Sanitary Sewer Emergency Repairs and Miscellaneous Maintenance is hereby awarded to Mathis Construction Co., Inc., of Little Egg Harbor Township, New Jersey in the maximum amount of \$308,564.19.
- 2.) The City Administrator is hereby authorized to execute any required documents in this regard on behalf of the City.

Consent Agenda Resolutions:

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

No. 211 of 2024

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

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point opposes the 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 County 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 through our Office of Emergency Management and Public Safety Departments; and

WHEREAS, initiated through Governor Murphy’s Executive Order 100, the New Jersey Department of Environmental Protection (NJDEP) has produced a 1,057-page rule proposal policy document known as NJ PACT (Protection Against Climate Threats)/ REAL (Resilient Environments and Landscape) to expand flood hazard areas (FHAs) statewide and implement higher floodplain management regulatory standards beyond the local and existing FEMA standards; and

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WHEREAS, these rules establish expansive inundation risk zones that the State is claiming will be under water in 75 years. Not only would development there, including redevelopment, expansions, and substantial reconstructions, be subject to elevation (six foot above base flood elevation), more stringent building requirements, alternatives analysis, and deed notices, but they would be subject to a 3% impervious cover standard for the site in most communities. Impervious cover includes the building, parking, driveways, and sidewalks. The imposition of these stringent limitations, especially the 3% impervious cover standard, effectively makes the IRZs “no build” zones. Cumulatively, along with other requirements on infrastructure, these rules will have the effect of requiring, or at least driving a retreat; 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, these rules as currently written do not consider the economic impact these new standards may have on the ratables, real-estate values, development, and redevelopment statewide, but especially in Atlantic County where we have greater than \$30 billion in net ratables and greater 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 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 (BFE) plus six feet freeboard, 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 rules; 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 5 feet vertically; and

WHEREAS, the proposed NJPACT/REAL regulations are based on the 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

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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. Professor Bob Kopp, the primary author of the 2019 STAP Report, was an author of one of the more recent studies as well as the IPCC report. The more recent studies do not support the idea of a 5.1 foot sea level rise as being likely; and

WHEREAS, The IPCC and all the newer scientific reports predict that worldwide sea level rise this century will be 0-2 feet; and

WHEREAS, potentially pushing fixed income residents out of their homes based on the 17% probability of an 80-year sea level rise projection should be taken more gradually with a higher percentage of probability and likelihood of occurring; and

WHEREAS, municipalities are required to prepare Master Plans for a 20- or 30-year planning horizon, and City of Somers Point strongly recommends a similar time horizon for rules based on sea level rise projections; and

WHEREAS, 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

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 (FEMA) 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, 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:

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1. The City of Somers Point requests a comprehensive and independent analysis of the potential economic and social impacts of the proposed regulations, including a focus on protecting the interests of low and moderate income families.
2. The City of Somers Point requests that the State of New Jersey engage the Legislature and enact these rules through the typical legislative process, in order to give the people of New Jersey a voice, rather than through an Executive Order with limited public engagement.
3. The City of Somers Point requests that these regulations be based on a 20 or 30-year timeframe that is adjusted over time to reflect sea level rise and resiliency measures, rather than based on an 80-year projection.
4. The City of Somers Point requests 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 includes significantly higher elevation requirements for new roads.
5. In advance of these Rules potentially being voted into law, the City of Somers Point requests 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 1's Senator Michael Testa, Assemblyman Antwan McClellan, and Assemblyman Erik Simonsen; the New Jersey Association of Counties (NJAC); New Jersey Business and Industry Association (NJBIA); and the New Jersey League of Municipalities (NJLM) to convey City of Somers Point's concerns and recommendations.
7. 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.

No. 212 of 2024

Subject: Chapter 159 Resolution – National Opioids Settlement

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Somers Point has received a grant in the amount of \$10,745.98 and wishes to amend its 2024 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$10,745.98 which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Offset with Appropriations:

National Opioids Settlement \$10,745.98

pursuant to the provision of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$10,745.98 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

National Opioids Settlement \$10,745.98

BE IT FURTHER RESOLVED that this resolution be certified and submitted to the Director of Local Government Services for approval.

Old Business:

- Council Member Gerety asked City Administrator Frost whether the matter involving former Council Member McCarrie's pay would be taken care of and whether Council President Johnston was aware of this matter.

New Business:

- City Council approved a Social Affair Permit Application for Rotary Club of Somers Point for an Event on 10/9/24 from 5:00 PM – 8 PM at 646 Bay Avenue
- City Council approved to Waive a Raffle Fee for VFW Post 2189
- City Council approved a Social Affair Permit Application for Saint Joseph Church for FallFest Event on 9/27/2024 from 5:00-8:00 PM at 11 Harbor Lane
- City Council approved a Road Closure Application for Mission Point Church between 721 9th St. and W. New York Ave. for an event on 10/9/2024 from 3:00-9:00 PM.
- Council President Johnston assigned new Council Committee Assignments

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- Council Member Dill queried about the possibility of cleaning up and fining people for the numerous unauthorized advertisement signs that are put up around the City, yard sale signs in particular.
- Council Member Gerety requested that Mayor Tapp speak with Police Chief Somers about how to slow down traffic at the Dawes and Myran Avenue intersection and indicated the need for an ordinance regarding the use of electric bicycles on City property. Council Member Dill also recommended a safety course for electric bicycle riders.
- Council Member Gerety suggested waiving the boat ramp fee for Somers Point taxpayers.

Discussion of Bills:

Administrator Frost reported a Bill List dated 9/10/2024 in the amount of \$4,047,071.03, and a Record of Payment dated 9/6/2024 in the amount of \$2,060.00.

Public Portion:

Council President Johnston duly opened the meeting to the public.

John Helbig, of Somers Point, expressed his concerns for the potential 90 Broadway Redevelopment plan.

George Karayiannis, of Upper Township, communicated his disagreement with the increase in fees for the use of the City's Auxiliary Park recreational field for their Futsal Group. He asked City Council to reconsider this fee.

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

Payment of Bills:

M/S: Gerety/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:

None

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Recess:

The Governing Body recessed briefly before going into Executive Session at 8:41 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 9:07 p.m.

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Owen seconded and carried to adjourn the meeting at 9:08 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 9/26/2024