

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 13, 2025**

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

Present: DePamphilis, Dill, Gerety, Johnston, McGuigan, Owen, Council President 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.

Communications:

None

Mayor's Report:

Mayor Tapp was happy to invite the public to City Hall Friday February 14th at 11:00 A.M. for a presentation on estate planning, taxes, nursing home laws, trust, wills, and power of attorney. The presentation will be given by David Thierman and Gina Isley.

Administrator's Report:

None

Solicitors' Report:

Solicitor Smith gave City Council a brief overview on Resolution 63 of 2025, before explaining amendments being made to Ordinance 3 and 4 of 2025.

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Engineer's Report:

Engineer Schneider updated Mayor and City Council on the Bala Drive project details the project will tentatively start in early March before moving to the Ocean Avenue Project.

Committee Reports:

Council Member Dill recognized Public Works employees for their great work removing snow this season. He also mentioned the upcoming Planning Board meeting and what projects they will be hearing.

Council Member Mcguigan reported the Environmental Commissions efforts on developing the proposed nature walk off DeFeo Lane, he also summarized different assignments the Affordable Housing and Building and Grounds Committees are working on.

Council Member Gerety explained that he attended the Economic Development Advisory Commission Meeting and will share a full report at the next City Council meeting.

Council Member Owen praised the Arts Commission volunteers including Shana Kestrel and Louis Gregory.

Council Member Johnson informed Council the Historical Preservation Commission meeting was cancelled due to inclement weather.

Council President Haberkorn shared details including time and place for anyone interested in walking with the walking group, he also announced they are looking into doing three bus trips this coming year.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 1/23/2025 and Executive Session Meeting minutes of 1/23/2025, approved as to content only.

Proclamation:

Proclamation No. 5 of 2025

No. 5 of 2025

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Subject: Appointing Veteran’s Advisory Board

WHEREAS, the Mayor and City Council for the City of Somers Point established, by virtue of Ordinance No. 7 of 2019 and under the authority of *N.J.S.A. 40A:1-1 et. seq.*, a Veterans Advisory Board for the City of Somers Point for the purpose of keeping the Mayor and Council informed of developments regarding veterans and for the purposes of coordination of Veteran related activities, issues, parades and developments which, in effect, affect the entire community; and

WHEREAS, the Mayor is desirous of appointing to said Veterans Advisory Board those members of the community whose qualifications meet those specified by said Ordinance; and

WHEREAS, the citizens that are hereby proclaimed to be members of the first Veterans Advisory Board within the City of Somers Point have served their Country honorably and with distinction and will be of benefit to the Mayor and Council in addressing and promoting the needs and affairs of veterans within our City for the betterment of our community and are otherwise eligible to serve on the Veteran’s Advisory Board.

WHEREAS, Larry Lemieux is now the commander of the American Legion, and

WHEREAS, Larry Lemieux will now become an ex-officio to the Veteran’s Advisory Board leaving a vacancy on the Board.

WHEREAS, the Mayor is appointing William Bobon to this vacancy expiring 12/31/2026

NOW, THEREFORE, I, Dennis Tapp by virtue of the authority vested in me as Mayor of the City of Somers Point, County of Atlantic and State of New Jersey, do hereby proclaim that effective immediately the following persons shall be and are hereby appointed as members of the Veterans Advisory Board for the terms and positions so specified:

Members	Expiration of Term
Thomas Innocente (U.S. Navy/U.S. Army Reserve)	12/31/2025
Ron Bird (U.S. Navy)	12/31/2025
John L. Glasser, Jr. (U.S. Air Force)	12/31/2027
Morgan Slaughter (U.S. Air Force)	12/31/2026
Phil Huber (U.S. Army)	12/31/2027
William Bobon (Marine Corps.)	12/31/2026
Fred Fontana (U.S. Air Force)	12/31/2026
Howard Dill (U.S. Army Reserve)	
Richard DePamphilis (U.S. Navy)	
Larry Lemieux, Ex-Officio Member	

Ordinances:

Ordinance No. 3 of 2025

(Second Reading/Public Hearing/Adoption)

M/S- Dill / Owen

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This ordinance was adopted as amended by a unanimous vote of those present. Per Solicitor Smith’s recommendation Council President Haberkorn requested a motion to amend Ordinance No. 3 of 2025. On the motion of Council Member Dill, seconded of Council Member DePamphilis and carried to approve the amendment of Ordinance No. 3 of 2025.

Council President Haberkorn duly opened the meeting to the public.

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

No. 3 of 2025

An Ordinance Amending Chapter 100 – Construction Codes, Uniform, Article I – General Provisions, Section 100-3 - Fees, of the Code of the City of Somers Point

WHEREAS, Section 100-3 of Article I of Chapter 100 of the Code of the City of Somers Point includes the setting of certain fees associated for permits issued by the City’s Construction Office in connection with construction projects undertaken in the City; and

WHEREAS, these fees, as referenced in Section 100-3B, were routinely set by City Council by way of Resolution; and

WHEREAS, from time-to-time City Council, predicated upon advice from the Construction Official, reviews the fees which have been set forth by way of resolution; and

WHEREAS, City Council has now reviewed certain existing fees required under Section 100-3, and believes that certain changes in the fee amounts would be appropriate; and

WHEREAS, City Council also believes that these changes should be incorporated into Section 100-3 of the Code by way of ordinance as opposed to being set resolution, so that same are more readily accessible to the general public.

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

SECTION 1. Chapter 100 – Construction Codes, Uniform, Article I – General Provisions, Section 100-3 – Fees of the Somers Point Municipal Code is hereby amended as follows:

- Subsection B is hereby deleted and is hereby replaced with the following language:

B. For the following permits issued in connection with Subsection A above, the associated fees are hereby identified:

ELECTRIC PERMIT FEE SCHEDULE	
Minimum Inspection Fee	\$ 65.00
Range	\$ 15.00
Oven	\$ 15.00
Surface Unit	\$ 15.00
Dishwasher	\$ 15.00
Garbage Disposal	\$ 15.00

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Dryer	\$	15.00
Air Conditioner	\$	15.00
Intercom Panels	\$	35.00
Storable Pool/SPA/Hot Tub	\$	15.00
Swimming Pool Annual Inspection	\$	75.00
Pool Permit w/ UW Lights	\$	75.00
Water Heater	\$	35.00
Central Air/Oil/Gas Electric	\$	35.00
Baseboard Heat / Furnace Reconnect	\$	15.00
Thermostat	\$	15.00
Heat Pump	\$	15.00
Pump - Over 1 HP	\$	35.00
Light Standards/Luminaires >8"	\$	15.00
Burglar/Fire Alarms - In New Homes	\$	15.00
Burglar/Fire Alarms - Add-ons to Existing	\$	15.00
Switches, Light, Receptacles, Detectors, and Motors less than 1 HP		
1 to 50	\$	55.00
Each Additional 25 Units	\$	15.00
Motors		
1 to 50 HP	\$	65.00
51 to 100 HP	\$	100.00
Over 100 HP	\$	600.00
Transformers/Generators/Inverters		
1 to 50 Kilowatts	\$	150.00
51 to 100 Kilowatts	\$	200.00
Over 100 Kilowatts	\$	600.00
Service Panels/Subpanels/Entry Cables		
1 to 225 amperes	\$	65.00
226 to 1,000 amperes	\$	129.00
Equipment Service/Panel Board/Motor Control Disconnect		
1 to 225 amperes	\$	65.00
226 to 1,000 amperes	\$	125.00
Greater than 1,000 amperes	\$	129.00
Temporary Pole	\$	65.00
Photovoltaic Systems (Residential & Commercial)		
1 to 50 Kilowatts	\$	250.00
51 to 100 Kilowatts	\$	300.00
Over 100 Kilowatts	\$	900.00

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PLUMBING PERMIT FEE SCHEDULE	
Fixture/Equipment	\$ 65.00 Minimum
Water Closet	\$ 20.00
Urinal/Bidet	\$ 20.00
Bathtub	\$ 20.00
Lavatory	\$ 20.00
Shower	\$ 20.00
Floor Drain (Including: In-Ground Pool/ Spa/ Hot Tub)	\$ 20.00
Condensate Drain	\$ 20.00
HVAC Drain Connection	\$ 20.00
Sink	\$ 20.00
Dishwasher	\$ 20.00
Drinking Fountain	\$ 20.00
Hose Bib	\$ 20.00
Water Heater	\$ 90.00
Hot Water Boiler (including backflow)	\$ 90.00
Steam Boiler	\$ 90.00
Sewer Pump	\$ 90.00
Interceptor Separator	\$ 90.00
Backflow Preventer	\$ Testable - \$90 / Non-Testable - \$20
Grease Trap	\$ 90.00
Water Cooled Air Conditioning/Refrigeration	\$ 90.00
Sewer Connection	\$ 90.00
Water Connection	\$ 90.00
Water Lines	\$ 90.00
Gas Service Connection	\$ 90.00
Gas Piping	\$ 20.00
Fuel Oil Piping	\$ 90.00
Annual Inspection/Backflow/Cross Connection	\$ 90.00
Vent Stacks	\$ 25.00
Pool Heaters	\$ 90.00
MECHANICAL PERMIT FEE SCHEDULE	
Minimum Inspection Fee	\$ 65.00
Replacement of like mechanical equipment in residential R3, R4, R5 Use Groups – Cost of first Device	\$ 90.00
Cost per each additional Device	\$ 20.00
FIRE PROTECTION PERMIT FEE SCHEDULE	

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Minimum Inspection Fee	\$ 65.00
Gas and Oil-fired Appliance not connected to plumbing	\$ 65.00
Woodstoves, Fire Places, Space Heater, Metal Chimney	\$ 65.00
Remanufactured Fireplace/Gas Piping to Appliances	\$ 65.00
Independent Pre-engineered System	\$ 65.00
Kitchen Exhaust System	\$ 65.00
Standpipes	\$ 125.00
Sprinkler Heads	
1 to 20 Heads	\$ 90.00
21 to 100 Heads	\$ 160.00
101 to 200 Heads	\$ 300.00
201 to 400 Heads	\$ 800.00
401 to 1000 Heads	\$ 1,100.00
Over 1000 Heads	\$ 1,500.00
Detectors	
Single/Multi-station/Heat/Fire Alarm Systems - Residential	
1 to 12	\$ 75.00
Each Additional 25	\$ 20.00 per group of 25
Special Fire Detection Equipment	\$ 28.00 per \$1,000 of Cost
Manual Alarm Systems 1 to 4 Zones	\$ 65.00
Each Additional Zone	\$ 28.00 per \$1,000 of Cost
Tank Installation/Removal	Residential \$75 / Commercial \$180
BUILDING PERMIT FEE SCHEDULE	
Minimum Inspection Fee	\$ 65.00
New Construction or Addition Per Cubic Foot	*.038 X Cubic Foot of Structural Volume or \$300.00 ; the greater of the two
Renovation/Alteration/Repair per \$1,000 of Cost	\$ 34.00
Application for Certificate of Occupancy	\$ 50.00
Code Review	
Variations of Code	\$ 100.00
Asbestos Hazzard Abatement	\$ 200.00
Lead Hazzard Abatement	\$ 175.00
Reinstatement of Lapse Permit Fee	10% of original Permit Fee
Demolition	
Demolition - 1 or 2 family	\$ 150.00 per building
Demolition of Accessory Structures	\$ 150.00
Demolition of Other Use Groups	

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4 stories or less	\$ 300.00
5 to 8 stories	\$ 400.00
Over 8 Stories	\$ 500.00
Move a building	\$ 20 per \$1,000 of cost
Solar Panel Racking	\$ 34.00 per \$1000 of cost
Residential - minimum	\$ 200.00 Minimum
Commercial - minimum	\$ 300.00 Minimum
PLAN REVIEW	
Plan Review Fee	
Plan Review Only	20% (Twenty Percent) of Permit Amount
The fee for plan review for Statewide prototype plans released by the Department or for other prototype plans where the prototype did not include the foundation detail shall be five percent of the amount to be charged for a construction permit.	5% (Five Percent) of Permit Amount
ELEVATOR INSPECTION	
Elevator Inspection Fee	
***Elevator inspections in Somers Point, New Jersey are conducted by the New Jersey Department of Community Affairs (DCA) or an approved third-party contractor.	\$ 0.00
Sign	\$ 5 per square foot
Fences or Concrete	\$ 20 per \$1,000 of cost
Dumpsters (5 Day Maximum in Street)	\$ 20.00
State Training Surcharge Fee	\$0.037 per Cubic Feet or \$1.90 per \$1,000 of Cost
Fee to Reinstate Lapsed Permit	50% of Original Permit Fee
Bulkhead	\$30 per \$1,000 of cost
Pilings	\$30 per \$1,000 of cost
Pools	
Aboveground	\$ 150.00
In ground	\$ 250.00
Sheds	
Pre-Built	\$ 34 per \$1,000 of cost
Site-Built	\$ 0.038 per cubic foot
>200 Sq Ft	\$ 100.00 Minimum
>300 Sq Ft	\$ 150.00 Minimum
Tents	

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>900 square feet or 30' in diameter	\$ 250.00
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SECTION 2: All other provisions of Section 100-3 of Article I, Chapter 100, shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: 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 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 4 of 2025

(First Reading/Introduction)

M/S- Owen / Gerety

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

No. 4 of 2025

An Ordinance Repealing Section 114-146H(5) of Article XXII of Chapter 114 of the Code of the City of Somers Point

WHEREAS, on April 22, 2010, by Ordinance No. 4-2010, City Council for the City of Somers Point amended Chapter 114 – Development Regulations, Article XXII – Site Plan Approval, Section 114-146 - Preliminary Site Plan Approval; Time Limits, to include Paragraph H - Technical and Conceptual Review Committees; and

WHEREAS, on September 26, 2019, by Ordinance No. 14-2019, City Council amended Paragraph H – Technical and Conceptual Review Committees of Section 114-146 of the City’s Code, to include in Subsection (5) – Attendees, subparagraph (f) which identified as a member of the City’s Conceptual Review Committee (“CRC”) and Technical Review Committee (“TRC”), a designated member of the City’s Economic Development Advisory Committee; and

WHEREAS, City Council now recognizes that the aforesaid amendment to Subsection (5) of Paragraph H is inconsistent with both the primary purpose of the City’s Economic Advisory Development Committee, as set forth in Section 20-2A of the City Code, as well that of the TRC and CRC, as set forth Paragraph H of Section 114-146; and

WHEREAS, City Council now wishes to repeal Subsection (5)(f) of Paragraph H of Code Section 114-146.

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

SECTION 1:

Subsection (5)(f) of Paragraph H of Section 114-146 of the Code of the City of Somers Point is hereby repealed in its entirety.

SECTION 2:

This ordinance shall take effect after final passage, publication and adoption in the manner prescribed by law.

Public Portion Resolutions:

Council President Haberkorn duly opened the meeting to the public.

Patricia Pierson of Somers Point asked for clarification on Resolution No. 63 of 2025.

Charles Falkenstein questioned any possible conflicts between Councils Elected Officials and Somers Point Police Athletic League Board Members.

Carmen Marotta shared his thoughts on Resolution No. 63 of 2025.

Jim Glenn of Somers Point asked for clarification on Resolution No. 63 of 2025.

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

Resolutions:

Council Member Mcguigan shared the Police Athletic Leagues Mission Statement and reported that the PAL Board may not be interested in moving forward with a contract for Beach Series Concert as written in Resolution 63 of 2025.

Resolution No. 63 of 2025

M/S- Dill/Owen

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

Council Member Dill expressed support and would like to see a contract reached between the Marotta's and the Police Athletic League for the Beach Concert Series.

Council Member Johnston stated her displeasure with changes being made to the Beach Concert Series Contract. Council Member Johnston also volunteered to be the liaison if a Beach Concert Committee is created.

Council Member DePamphilis thanked Nancy Marotta for all the hard work she has done regarding the Beach Series Concert.

Council Member Gerety shared conflicting dates in the Resolution and asked for a motion to amend the Resolution.

On the Motion of Council Member Gerety, seconded of Council Member Owen and carried to approve the amendment of Resolution No. 63 of 2025.

**No. 63 of 2025
AMENDED**

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

Introduced by: Council Member Gerety

WHEREAS, the City of Somers Point desires to have a Beach Concert Series that is not only entertaining and meets all the wishes of the spectators and participants, but is also self-funding and independent of the cost and liability of said concert series to the City; and

WHEREAS, the City Council for the City of Somers Point recognizes the popularity and importance of having an event such as its Beach Concert Series and desires to enhance and expand the "Beach Concert Experience;" and

WHEREAS, the City Council recognizes the desire of its residents and visitors to have a wide variety of musical acts and performers, which includes local talent; and

WHEREAS, the City Council, in recognition the importance of the City having a Beach Concert Series during the summer months, advertised for Requests For Proposals (RFPs) for the operation of a Beach Concert Series to be held on the William Morrow Beach during the months of June through September of 2025; and

WHEREAS, the City received four (4) proposals for such an operation; and

WHEREAS, City Council now wishes to authorize the Mayor to execute certain contracts which will provide for a continuation and expansion of the City's summer Beach Concert Series.

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

Resolution No. 64 of 2025

M/S- Gerety/Owen

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

No. 64 of 2025

Subject: Authorizing to Apply Applications for FY 2024 Flood Mitigation Assistance (FMA) Program Grants from the Federal Emergency Management Agency

Introduced by: Council President Haberkorn

WHEREAS, the City of Somers Point qualifies for the Flood Mitigation Assistance (FMA) Programs administered by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Flood Mitigation Assistance (FMA) program provided funding to assist in efforts to reduce or eliminate the risks of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program (NFIP); and

WHEREAS, eligible activities for the FMA Programs includes structure elevation, dry floodproofing, green infrastructure, and hazard mitigation planning as well as other activities; and

WHEREAS, the City of Somers Point strives to save tax dollars; assist homeowners to recover from Superstorm Sandy; assure clean land, air, and water; and improve working and living environments; and

WHEREAS, the City of Somers Point wishes to apply for funding through the FEMA FMA Program; and

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Somers Point, State of New Jersey, hereby supports and authorizes the Flood Mitigation Assistance Programs application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the Federal Emergency Management Agency of the US Department of Homeland Security.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 65 of 2025

M/S- Dill/Johnston

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

No. 65 of 2025

Subject: Appropriation Reserve Transfer

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

WHEREAS, N.J.S. . 40A:4-1 et.seq. allows budget appropriation reserve transfers during the first three months of the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, not less than two-thirds of all members thereof affirmatively concurring, that the Chief Financial Officer is hereby authorized to make the following 2024 budget transfer as specified in this resolution.

Resolution No. 66 of 2025

M/S- Owen/Gerety

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

No. 66 of 2025

Subject: Leap Implementation Grant-Highway Speed Feedback Signs

Introduced by: Council President Haberkorn

WHEREAS, the State of New Jersey has appropriated \$6 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP);and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Atlantic County Government and City of Absecon, City of Atlantic City, City of Brigantine, Buena Borough, Buena Vista Township, City of Corbin City, Egg Harbor City, Egg Harbor Township, Estell Manor, Borough of Folsom, Galloway Township, City of Hammonton, Hamilton Township, City of Linwood, Borough of Longport, City of Margate, City of Northfield, City of Port Republic, City of Somers Point, City of Ventnor, and

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Atlantic Cape Community College propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is for the county to purchase three speed feedback signs and make them available to the participating units on an as needed basis at no cost, which will benefit the residents of all participating local units; and

WHEREAS, Atlantic County Government has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Somers Point, that the City of Somers Point does hereby join with Atlantic County Government in applying for a LEAP Implementation Grant in the amount of \$28,125.00 to support implementation of this shared service.

Resolution No. 67 of 2025

M/S- Owen/Gerety

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

No. 67 of 2025

Subject: Leap Implementation Grant-Highway Digital Message Boards

Introduced by: Council President Haberkorn

WHEREAS, the State of New Jersey has appropriated \$6 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Atlantic County Government and City of Absecon, City of Atlantic City, City of Brigantine, Buena Borough, Buena Vista Township, City of Corbin City, Egg Harbor City, Egg Harbor Township, Estell Manor, Borough of Folsom, Galloway Township, City of Hammonton, Hamilton Township, City of Linwood, Borough of Longport, City of Margate, City of Northfield, City of Port Republic, City of Somers Point, City of Ventnor, and Atlantic Cape Community College propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

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No. 69 of 2025

Subject: A Resolution Appointing a Conflict/Alternate Public Defender for the City of Somers Point Pursuant to N.J.S.A. 2B:24-3

Introduced by: Council President Haberkorn

WHEREAS, N.J.S.A. 2B:24-3 provides that the governing body of municipality is required to appoint a municipal public defender for the purposes of representing certain indigent defendants in the Municipal Court regarding matters within the jurisdiction of said Court; and

WHEREAS, City Council has appointed a Municipal Public Defender for 2025; and

WHEREAS, from time to time, either a conflict or alternate public defender is necessitated for certain matters in the Somers Point Municipal Court; and

WHEREAS, City Council is desirous of setting the parameters of who may appear as a conflict/alternate public defender in Somers Point's Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that any qualified attorney who practices in Vicinage One of the Superior Court of New Jersey and who fulfills all of the requirements of N.J.S.A. 2B:24-3, may appear as the City's Conflict/Alternate Public Defender, as needed.

IT IS FURTHER HEREBY RESOLVED that said Conflict/Alternate Public Defender shall be paid per hearing at the same appearance rate as the Municipal Public Defender.

Resolution No. 70 of 2025

M/S- Owen/Johnston

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

No. 70 of 2025

Subject: Supporting Atlantic County's Submission for a Leap Implementation Grant

Introduced by: Council President Haberkorn

WHEREAS, the State of New Jersey has appropriated \$6 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

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WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, Atlantic County Government and its twenty-three municipalities (which includes: Absecon City, Atlantic City, City of Brigantine, Buena Borough, Buena Vista Township, Corbin City, Egg Harbor City, Egg Harbor Township, Estell Manor, Folsom Borough, Galloway Township, Hamilton Township, Town of Hammonton, Linwood City, Longport Borough, Margate City, Township of Mullica, City of Northfield, City of Pleasantville, City of Port Republic, City of Somers Point, Ventnor City, and Weymouth Township) propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to acquire and implement a geospatial data solution offering crucial support with current and clear aerial imagery views of Atlantic County land and improvements for each participating agency for purposes including but not limited to: tax assessment valuation, civil planning, emergency management & public safety which will benefit the residents of all participating local units; and

WHEREAS, the Atlantic County Government has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the City of Somers Point does hereby join with Atlantic County Government in applying for a LEAP Implementation Grant in the amount of \$300,000.00 to support implementation of this shared service.

Resolution No. 71 of 2025

M/S- Owen / Gerety

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

No. 71 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.

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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 February 13, 2025, during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

Advice of Counsel and attorney-client privileged communication regarding the status of 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-66-24.

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

Resolution No. 72 of 2025

M/S- Dill/Owen

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

No. 72 of 2025

**REGULAR MEETING
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AUTHORIZING EXECUTIVE SESSION

Subject: Advice of Counsel Regarding the Status of Contractual Negotiations

Introduced By: Council President Haberkorn

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on February 13, 2025, during a public meeting to be held commencing at 7:00 P.M; and

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

1

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

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

Advice of Counsel and attorney-client privileged communication regarding the status of contractual negotiations between the PBA (Patrol and Dispatch) and the City of Somers Point.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

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

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

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is

**REGULAR MEETING
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greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure

Resolution No. 73 of 2025

M/S- Dill/Owen

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

Mayor Tapp along with Council Members Dill, Haberkorn, and McGuigan shared how appreciative they are for the donation from Shore Memorial Hospital.

No. 73 of 2025

Subject: Resolution Acknowledging Anticipation of a Donation and Affirming and Ratifying Execution and Delivery of a Financial Donation Agreement Between Shore Memorial Hospital D/B/A Shore Medical Center and its Affiliates and the City of Somers Point to be Used by the City for the Purposes Specified

Introduced by: Council President Haberkorn

WHEREAS, N.J.S.A. 40A:5-29 authorizes and empowers any local unit to accept bequests, legacies and gifts and donations and to utilize same for any use which is designated by the donor or is not inconsistent with the laws of this State and of the United States; and

WHEREAS, Shore Memorial Hospital (now doing business as Shore Medical Center) (“SMC”) as a good corporate citizen had previously made annual donations to the City which had been either paid into the General Fund or dedicated to specific purposes; and

WHEREAS, SMC has contributed the sum of One Hundred Thousand Dollars (\$100,000.00) to be paid into the general fund to be used for general expenses without any specific designation as to the use of the proceeds; an

WHEREAS, SMC has delivered a check to the City its check in the amount of One Hundred Thousand Dollars (\$100,000.00) which shall be applied as hereinabove specified. Now, therefore, it is hereby **RESOLVED** by this governing body that the actions taken, including the execution of an agreement between the City and Shore Memorial Hospital D/B/A Shore Medical Center and its affiliates which memorializes the understanding between the parties is hereby approved, ratified and affirmed; and

It is further **RESOLVED** that the City agrees to accept the donations made by Shore Medical Center to the City for the purposes and uses intended.

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Resolution No. 74 of 2025

M/S- Dill/Owen

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

Council Member Gerety discussed changes being made with the Economic Development Advisory Committee.

No. 74 of 2025

Subject: Removal of Thomas Bello and Richard Baehrle as Members of the Economic Development Advisory Commission of the City of Somers Point

Introduced by: Council President Haberkorn

WHEREAS, by Resolution No. 24 of 2025, the City Council of the City of Somers Point appointed Thomas Bello and Richard Baehrle as Advisory Ex-Officio Members of the City's Economic Development Advisory Commission (EDAC); and

WHEREAS, §20-3D of the Code of the City of Somers Point only allows the appointment of ex-officio members who are employed as members of either a local or regional public utility or banking institution, or any local or regional governmental organization, division or department whose functions, purposes and goals may be similar to those of EDAC; and

WHEREAS, neither Thomas Bello nor Richard Baehrle meets the requirements of an ex-officio member of EDAC per the City Code; and

WHEREAS, said individuals have been advised this deficiency; and

WHEREAS, City Council has determined that good cause exists to rescind and terminate the appointment of said individuals from their ex-officio membership.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the membership of Thomas Bello and Richard Baehrle on the Economic Development Advisory Commission of the City of Somers Point is hereby rescinded and terminated.

Resolution No. 75 of 2025

M/S- Gerety/Dill

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

No. 75 of 2025

Subject: Approving a Separation Agreement Between the City of Somers Point and Douglas Shallcross

Introduced by: Council Members Johnston, Dill & Gerety

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WHEREAS, Douglas Shallcross (“Shallcross”) was hired by the City of Somers Point (“City”) as its Recreation Director, effective April 12, 2021; and

WHEREAS, at the time of the hiring of Shallcross, the Code of the City of Somers Point, in Chapter 34, Article II, §34-4 through §34-6, maintained the position of Community Education/Recreation Director (“CER Director”); and

WHEREAS, the CER Director position, when created by Council in 1980 was a shared position with the City’s Board of Education; and

WHEREAS, at the time of Shallcross’ hire, the CER Director’s duties no longer included any involvement with the City’s School District; and

WHEREAS, on December 14, 2023, City Council for the City of Somers Point (“Council”) passed Ordinance No. 29-2023, which amended §§34-4 through 34-6 of Article II of Chapter 34 of the City Code, to identify the prior CER position as the Community Program and Recreation Director position (“CPR”); and

WHEREAS, pursuant to §34-4 of the prior Article II of Chapter 34, as well as the amended §34-4 of Article II of Chapter 34, the Recreation Director served at the discretion of the City Administrator; and

WHEREAS, on January 23, 2025, Council passed Ordinance No. 2 of 2025, which repealed the entirety of Article II of Chapter 34, doing away with the position of CPR Director; and

WHEREAS, as a result of the elimination of the position of CPR Director, Shallcross’ employment is no longer needed within the City; and

WHEREAS, with the elimination of the Recreation Director position, Shallcross and the City now wish to enter a separation agreement which will set for the terms of Shallcross’ termination of employment with the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that the attached Separation Agreement, previously executed by Shallcross and Mayor Dennis Tapp is hereby approved by City Council.

Resolution No. 76 of 2025

M/S- Owen/Gerety

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

No. 76 of 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.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following proposals, received on February 4th 2025 approved, and that the City Administrator is hereby authorized to issue contracts to the following vendors for goods and services during the period of January 1st, 2025 to December 31st, 2025:

Old Business:

None

New Business:

City Council, Solicitor Smith and Engineer Schneider discussed the request from the New Jersey Department of Transportation regarding review of the proposed additional bus stops requested by residents along US Route 9 (New Road).

Discussion of Bills:

Administrator Frost reported a Bill List dated 02/11/2025 in the amount of \$3,599,775.50, a Record of Payment dated 02/10/2025, in the amount of \$4728.58, an additional Record of Payment dated 02/04/2025 in the amount of \$400.00, an additional Record of Payment dated 02/03/2025 in the amount of \$7,470.09 and additional Record of Payment dated 2/03/2025 in the amount of \$15,525.00.

Public Portion:

Council President Haberkorn duly opened the meeting to the public.

Patricia Peirson of Somers Point thanked the Mayor and Council for tonight's meeting while also sharing final thoughts on the Beach Series Concert.

David Krout of Somers Point requested City Council Members and the City Engineer to visit his property regarding his concerns on the proposed construction on Defeo Lane.

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

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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:

Council Member Gerety shared his thoughts on the displacement of residents during the construction in previous years mentioned by Mr. Krout.

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:10 p.m.

Reconvene:

Council Member Haberkorn reconvened the Governing Body to Open Session at 8:35 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 8:36 pm.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 2/27/2025