

**REGULAR MEETING  
MAYOR AND CITY COUNCIL  
February 27, 2025**

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

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

**Also Present:** Administrator Frost, City Clerk Heath, CFO Kestrel, City Solicitor Smith, and City Engineer Schneider

**Absent:** Mayor Tapp

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**Open Public Meetings Act:**

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

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On the motion of Council Member Dill, seconded by Council Member Owen, the 48-hour rule was waived to add Resolution No 86 of 2025 to the agenda.

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**Communications:**

Council President Haberkorn shared that local Boy Scout Geoffrey Lovett would be earning his Eagle Scout award and thanked him for his involvement in the Green Thumb Garden club, as well as his plans for Somers Mansion.

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**Mayor's Report:**

None

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**Administrator's Report:**

None

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**Solicitor's Report:**

Solicitor Smith clarified Ordinance No. 6 and Resolution No. 83 of 2025.

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**Engineer's Report:**

Engineer Schneider reported that the Great Bay Tunnel Project would be coming to an end on March 9<sup>th</sup>. He also stated that the approval for the New Jersey Avenue project had not yet come back from the State.

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**Committee Reports:**

Council Member Owen announced that registration would be open for the upcoming Art's Commission events to be held.

Council Member Dill reported that the Planning Board approved the Salt House Project, Paddle Club and the Bass Harbor Boat Yard. He also mentioned that the DeFeo Plaza presentation was partially completed, and the final part would be continued at the next meeting.

Council Member Johnston summarized the Annual School Safety Data System Presentation and the Annual Audit Presentation for the school year of 2023-2024. She also attended a networking session for Sustainable New Jersey and mentioned that she would like to pass on the information to different areas of the Municipality.

Council Member Gerety brought up corrections that needed to be made to the Economic Development Advisory Commission's section of the City's website. He mentioned that EDAC is following the master plan and are currently focused on the gas station on Route 9, and that EDAC decided to form a Tourism Committee.

Council President Haberkorn gave an update on an upcoming Bus Trip.

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**Approval of Minutes:**

On the motion of Council Member Dill, seconded of Council Member Johnston, and carried to approve the Regular Meeting Minutes of 2/13/2025 and Executive Session Meeting minutes of 2/13/2025, approved as to content only.

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**Ordinances:**

**Ordinance No. 4 of 2025**

*(Second Reading/Public Hearing/Adoption)*

**M/S-** Dill/Owen

This ordinance was adopted by a unanimous vote of those present.  
Council President Haberkorn duly opened the meeting to the public.

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

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**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.

**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.

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**Ordinance No. 5 of 2025**  
*(First Reading/Introduction)*  
M/S- Dill/Owen

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

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**No. 5 of 2025**

**CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the City Council of the City of Somers Point in the County of Atlantic finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$373,155.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Somers Point, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the City of Somers Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$522,417.70, and that the CY 2025 municipal budget for the City of Somers Point be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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**Ordinance No. 6 of 2025**

*(First Reading/Introduction)*

**M/S-** McGuigan/DePamphilis

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

**No. 6 of 2025**

**AN ORDINANCE AUTHORIZING AND APPROVING THE  
EXECUTION AND DELIVERY OF THE SECOND AMENDMENT TO A LONG-  
TERM TAX EXEMPTION & CAPITAL CONTRIBUTION AGREEMENT  
BETWEEN BAYVIEW COURT URBAN RENEWAL, LLC AND THE CITY OF  
SOMERS POINT, DATED MAY 3<sup>RD</sup>, 2016, AND THE FIFTH AMENDMENT TO  
THE REDEVELOPMENT AGREEMENT BETWEEN BAYVIEW COURT  
URBAN RENEWAL, LLC AND THE CITY OF SOMERS POINT, DATED MAY  
3<sup>RD</sup>, 2016**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A1 *et seq.* by Resolution 183 of 2014, adopted on October 23, 2014, the Somers Point City Council accepted the recommendation of the Somers Point Planning Board and designated the area consisting of Block 1114, Lots 3, 4.01, 4.02, 4.03, and 4.04 as a non-condemnation area in need of redevelopment (the “Bayview Court Redevelopment Area”); and

**WHEREAS**, by Ordinance No. 5 of 2015, adopted on February 26, 2015, a Redevelopment Plan for Bayview Court (the “Bayview Court Redevelopment Project”) was approved and adopted; and

**WHEREAS**, by Resolution 61 of 2016, adopted on February 25, 2016, Bayview Court Urban Renewal Entity, LLC was designated as the Redeveloper for the Redevelopment Area and the execution and delivery of the redevelopment agreement (the “Bayview Court Redevelopment Agreement”) between the City of Somers Point (the “City”) and Bayview Court Urban Renewal Entity, LLC (the “Redeveloper”) was approved and authorized; and

**WHEREAS**, the Bayview Court Redevelopment Agreement was entered into on May 3, 2016; and

**WHEREAS**, on March 24, 2016, by Ordinance No. 2 of 2016, a long-term exemption and capital contribution agreement (the “Financial Agreement”) was authorized and entered into on May 3, 2016, between the City and the Redeveloper; and

**WHEREAS**, on December 20, 2017, by Ordinance No. 22 of 2017, a first amendment to the Financial Agreement and the Bayview Court Redevelopment Agreement was authorized and entered into between the City and the Redeveloper; and

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**WHEREAS**, on March 28, 2019, the City adopted Resolution No. 86 of 2019, authorizing the execution of a second amendment to the Bayview Court Redevelopment Agreement to permit the Redeveloper to accomplish refinancing of its existing debt in the principal amount of \$18,500,000.00 dated as of March 21, 2019, and amending Section 5.2.2(i) and Section 9.3 of the Bayview Court Redevelopment Agreement, which second amendment was entered into on April 17, 2019; and

**WHEREAS**, on May 13, 2021, the City adopted Resolution No. 89 of 2021, authorizing the execution of a third amendment to the Bayview Court Redevelopment Agreement between the City and the Redeveloper to permit the Redeveloper to obtain a supplemental loan and mortgage through Berkadia Commercial Mortgage LLC and the Federal Home Loan Mortgage Corporation in the approximate amount of Four Million Dollars (\$4,000,000.00) for the purpose of retiring and refinancing an existing Construction Loan together with accrued interest thereon; and

**WHEREAS**, on August 24, 2023, the City adopted Resolution No. 199 of 2023, authorizing the execution of a fourth amendment to allow the Redeveloper additional time to reach certain milestones as contemplated by the Bayview Court Redevelopment Agreement, as amended;

**WHEREAS**, Redeveloper's affiliated entity, Sunset Ave Development, LLC, as a condition of approval under a redevelopment agreement between Sunset Ave Development LLC and the City, dated May 6, 2022 (the "Sunset Redevelopment Agreement"), constructed a parking lot on Block 1214, Lot 9.01 (the "Parking Lot"), for the exclusive benefit of Bayview Court Apartments located in the Bayview Court Redevelopment Area;

**WHEREAS**, the Parking Lot provides additional off-street parking for the tenants of the Bayview Court Apartments, in order to alleviate, and/or eliminate to the greatest extent possible, on-street parking by Bayview Court Apartments' tenants, and/or the tenant's guest and/or invitees;

**WHEREAS**, on May 11, 2023, a Deed Imposing Restrictive Covenant, dated May 2, 2023, was recorded with the Atlantic County Clerk's Office as Instrument Number 2023023068, which restricts the Parking Lot's use to accessory parking for the tenants of the Bayview Court Apartments;

**WHEREAS**, the Redeveloper, through its related entities and/or principals, has expended approximately One Million Seven Hundred and Fifty-Seven Thousand Six Hundred and Forty-Nine Dollars and 77/100 (\$1,757,649.77) for the purchase of the land on which the Parking Lot is located, construction costs, and management fees (the "Parking Lot Debt");

**WHEREAS**, the Redeveloper, through its related entities and/or principals, has secured financing in the approximate amount of Two Million Three Hundred and Five Thousand Eighty-Five Dollars and 97/100 (\$2,305,085.97) from Fulton Bank for certain improvements to the Bayview Court Redevelopment Area (the "Fulton Bank Loan");

**WHEREAS**, the Redeveloper, through its related entities and or principals, used a separate project in Williamstown, New Jersey as collateral to secure the Fulton Bank Loan;

**WHEREAS**, Redeveloper is applying for financing with the Federal Home Loan Mortgage Corporation ("FREDDIE MAC") and Berkadia Commercial Loan Mortgage LLC ("Berkadia") in the approximate amount of Four Million One Hundred and Fifty Thousand Dollars (\$4,150,000.00) in order to pay off the Parking Lot Debt and the Fulton Bank Loan and cover any associated loan fees;

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**WHEREAS**, Redeveloper has requested that the City confirm by Ordinance that the closing on this FREDDIE MAC and Berkadia loan will not result in a breach of the Bayview Court Redevelopment Agreement and the Financial Agreement;

**WHEREAS**, Redeveloper has further requested that the City amend the Bayview Court Redevelopment Agreement and the Financial Agreement to allow Redeveloper to secure financing from FREDDIE MAC and Berkadia in the approximate amount of Four Million One Hundred and Fifty Thousand Dollars (\$4,150,000.00) in order to pay off the Parking Lot Debt and the Fulton Bank Loan and cover any associated loan fees, and to provide that the Annual Service Charges shall be subordinate to the FREDDIE MAC financing;

**WHEREAS**, the governing body has determined that it is in the best interest of the City, the Redeveloper and the community to grant the Redeveloper's requests;

**NOW, THEREFORE**, it is hereby ordained by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey that the City does hereby consent to and approve of the Redeveloper securing a loan with FREDDIE MAC and Berkadia in the approximate amount of Four Million One Hundred and Fifty Thousand Dollars (\$4,150,000.00) in order to pay off the Parking Lot Debt and the Fulton Bank Loan and cover any associated loan fees, and such financing will not result in a breach of the Bayview Court Redevelopment Agreement and the Financial Agreement; and

**IT IS FURTHER ORDAINED**, that the Mayor is authorized to execute and the City Clerk is authorized to witness and deliver a second amendment to the Long Term Tax Exemption and Capital Contribution Agreement between the City of Somers Point and Bayview Court Urban Renewal Entity, LLC, dated May 3, 2016 substantially similar to the form of the second amendment attached hereto and made a part hereof, subject to such modifications as may be deemed necessary or desirable by the City Solicitor and City Administrator; and

**IT IS FURTHER ORDAINED**, that the Mayor is authorized to execute and the City Clerk is authorized to witness and deliver a Fifth Amendment to the Bayview Court Redevelopment Agreement between the City of Somers Point and Bayview Court Urban Renewal Entity, LLC, dated May 3, 2016 substantially similar to the form of the Fifth Amendment to the Redevelopment Agreement attached hereto and made a part hereof, subject to such modifications as may be deemed necessary or desirable by the City Solicitor and City Administrator; and

**IT IS FURTHER ORDAINED**, that all other terms and conditions of the Ordinances, Resolutions and Agreements heretofore enacted, adopted, and executed shall remain in full force and effect; and

**IT IS FURTHER ORDAINED**, that if any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the provisions directly involved in the controversy in which said judgment shall have been rendered; and

**IT IS FURTHER ORDAINED**, that this Ordinance shall become effective following final passage and publication as required by law.

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CFO Shana Kestrel gave a brief overview of the proposed budget. She noted a 1.76% increase for a local tax rate of 1.14. The public hearing and final adoption will be held on March 27, 2025.

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**Resolutions:**

**Public Portion Resolutions:**

Council President Haberkorn duly opened the meeting to the public.

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

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**Resolution No. 77 of 2025**

**Introduction to Municipal Budget 2025**

M/S- Dill/Owen

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

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**Resolution No. 78 of 2025**

M/S- Owen/Johnston

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

**No. 78 of 2025**

**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



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without the public in attendance during an Executive Session to be held on February 27, 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 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)

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Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to handling of contractual negotiations between the City and the PBA (Patrol and Dispatch).

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**Resolution No. 79 of 2025**

**M/S-** Dill/Gerety

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

**No. 79 of 2025**

**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 27, 2025, during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

**Advice of Counsel and attorney-client privileged communication regarding the status of contractual negotiations between the City of Somers Point and the City of Ocean City regarding a Shared Facilities Service Agreement for Municipal Court matters.**

**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 contractual negotiations between the City and the City of Ocean City relative to a Shared Facilities Service Agreement.

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**Resolution No. 80 of 2025**

M/S- Owen/Johnston

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

**No. 80 of 2025**

**REGULAR MEETING  
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**Subject: Authorizing RFP's for Marina Operations**

**Introduced By: Council President Haberkorn**

**WHEREAS**, the City of Somers Point is in possession of a property known as Block 1612, Lots 2 & 2.01 on the tax maps of the City of Somers Point, located at Higbee and Bay Avenue; and

**WHEREAS**, this property includes a marina facility and small office area; and

**WHEREAS**, N.J.S.A. 40:61-1. et seq. states that the governing body of any municipality may let out and rent any privilege in any of its parks, beaches, waterfronts and places for public resort and recreation, to the highest responsible bidder therefore, after advertisement of the time and place of such letting, at least ten days prior to receipt of bids, in a newspaper circulating in the municipality, and upon such terms and conditions as it may prescribe.

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

1. The City Clerk is hereby directed to advertise the Requests for Proposals the City's Marina Operations located at Higbee Avenue and the Bay from the City of Somers Point for use as a marina facility.
2. Said advertisement shall be published on the City's Website as soon as possible.
3. All proposals must be received by the City Clerk no later than 2:00 p.m. on March 20<sup>th</sup>, 2025 at which time they will be publicly opened, announced and recorded in the City Council Chambers.
4. It is understood that the use as described in this Request for Proposal must be approved by the Somers Point Board of Recreation.

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**Resolution No. 81 of 2025**

**M/S- Dill/Owen**

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

**No. 81 of 2025**

**Subject: Amending the Authorization of Purchase Through the Use of State Contract Vendor Xerox Corporation Pursuant to N.J.S.A. 40A:11-12(a) & N.J.A.C. 5:34-7.29(c), for the Somers Point Clerk and Construction Offices**

**Introduced by: Council President Haberkorn**

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**WHEREAS**, the City of Somers Point pursuant to N.J.S.A. 40A: 11-12(a) and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bid proposals, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any contracts entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, The City Council previously approved the use of this contract through the City by Resolution 255 of 2023.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Somers Point, New Jersey, that Resolution 255 of 2023 shall be amended per the below and the City Administrator, acting in his capacity as Purchasing Agent, shall issue purchase orders as needed and participate in any payment reconciliation needed as follows:

ITEM: (2) Xerox AltaLink C8145/H2 Multifunction Printers  
TOTAL PRICE: \$ 24,081.60 (5 Year – 60 Month Lease Agreement - \$200.68/ Mo Each)  
STATE CONTRACT NO: 24-FOOD-57004– XEROX CORP. - COPIERS & MANAGED PRINT SERVICES

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**Resolution No. 86 of 2025**

M/S- Dill/Owen

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

**No. 86 of 2025**

**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 27, 2025, during a public meeting to be held commencing at 7:00 P.M; and

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**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 issues concerning a cybersecurity claim involving the City of Somers Point.**

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

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

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

**BE IT FURTHER RESOLVED** that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

<b>Subject of Discussion</b>	<b>Estimated Date</b>	<b>Necessary Occurrence</b>
See Exception 7	Unknown at this time	Discussion by City Council relative to cybersecurity claim involving the City of Somers Point.

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**Consent Agenda Resolutions:**

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

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**No. 82 of 2025**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S  
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

**No. 82 of 2025**

Introduced by: Council President Haberkorn

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Somers Point City Council of the City of Somers Point, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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**No. 83 of 2025**

**Subject: Resolution to Support Publishing Legal Notices on Official  
Government Websites**

**Introduced by: Council President Haberkorn**

WHEREAS, the sunset provision of March 1, 2025, imposed under P.L. 2024 c.106, is fast approaching in what was a temporary solution that allowed local governments to comply with the public notice requirements under the law in time for annual reorganization meetings in January; and,

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**WHEREAS**, local government officials serve as the stewards of property taxpayer dollars and should no longer be required to subsidize the newspaper industry with revenues collected from publishing legal notices in the press; and,

**WHEREAS**, long before NJ Advanced Media’s announcement that it was terminating daily print publications in January of 2025, local government officials found it increasingly difficult to comply with the public notice requirements under the law as print media has become almost exclusively digitized and struggled to retain staff, resources, and publications; and,

**WHEREAS**, legislation that will authorize local governments to publish legal notices on a local government’s official website will streamline an antiquated and overly burdensome process and save valuable time, resources, and property taxpayer dollars; and,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point does in fact, hereby urge state leaders to pass legislation that will authorize municipalities, counties, school districts, and all local governments, to publish legal notices in a clear, transparent, and timely manner on a local government’s official website.

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

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**No. 84 of 2025**

**Subject:        Supporting Community Project Funding Application for Bay Avenue Streetscape Improvements**

**Introduced by:        Council President Haberkorn**

**WHEREAS**, Community Project Funding (CPF) is defined as any congressionally directed spending, tax benefit or tariff benefit that would benefit an entity or a specific state, locality or congressional district. Potentially eligible projects range from infrastructure, community programs, university research, hospitals and other local initiatives; and

**WHEREAS**, each member of Congress is responsible for identifying his or her own process and submission timeline, and after their respective deadlines, each member will submit his or her requests to the Appropriations Committees to review the requests; and

**WHEREAS**, the New Jersey Congressional delegation is now accepting CPF applications for FY26; and

**WHEREAS**, community engagement and support are crucial in determining which projects are worthy of federal funding. To that end, Congressional members ask that applications include evidence of community support that served as compelling factors in the decision to submit project requests including:

- letters of support from elected community leaders (e.g., mayors or other officials)
- media articles highlighting the need for the requested CPF
- support from newspaper editorial boards



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- projects listed on state intended use plans, community development plans or other publicly available planning documents, or
- resolutions passed by city councils or boards

**WHEREAS**, the Governing Body of the City of Somers Point strongly supports this CPF application for Bay Avenue Streetscape Improvements; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point formally supports this application.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit a CPF application to the New Jersey Congressional Delegation on behalf of the City of Somers Point.

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**No. 85 of 2025**

**Subject: Resolution Authorizing the City of Somers Point to Enter into a Shared Services Agreement with the Township of Galloway for the Purposes of Sharing Tax Assessor Services**

**Introduced by: Council President Haberkorn**

**WHEREAS**, the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1 et seq. ("Act"), allows any local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

**WHEREAS**, N.J.S.A. 40A:65-5 requires the adoption of a resolution by the local units in order to authorize the execution of a shared services agreement; and

**WHEREAS**, the City of Somers Point ("City") and the Township of Galloway ("Township") have determined it to be in the mutual interest of each governing body to share tax assessor services; and

**WHEREAS**, the City wishes to enter into a shared services agreement ("SSA") with the Township for the purpose of setting forth the terms, conditions, and obligations of each party regarding tax assessor services, which will benefit both the City and the Township by increasing the efficiency and decreasing costs of those services; and

**WHEREAS**, the City and the Township had previously negotiated the terms of the past SSA and the City Administrator and Conflict Solicitor have recommended that City Council adopt a comparable SSA as the same has been drafted.

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

1. The Mayor shall be and is hereby authorized to execute the Shared Services Agreement with the Township of Galloway for Tax Assessor Services named

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Assessor Sean Gaskill, substantially in the form attached hereto and subject to such modifications as required and authorized by the City Administrator and Solicitor.

2. A copy of the SSA shall be filed with the Division of Local Government Services, Department of Community Affairs, in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-4(b).
3. The SSA shall take effect upon the adoption of appropriate resolutions by both parties thereto, and execution of agreements authorized thereunder, N.J.S.A.

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**Old Business:**

Engineer Schneider reported that after reaching out to the NJDOT regarding the proposed additional bus stops requested by residents along US Rt 9 (New Road) and inquiring about some of the City's concerns, NJDOT pulled out of the project.

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**New Business:**

City Council unanimously approved Social Affair Permit Applications for American Legion Clark Eliason Post 352 for an event on 5/4/2025 from 12PM to 5PM and an event on 11/2/2025 from 12PM to 5PM, as well as a Social Affair Permit Application for Roberts Johnson Post 2189 VFW for an event on 3/21/2025 from 5PM to 11PM.

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**Discussion of Bills:**

Administrator Frost reported a Bill List dated 02/25/2025 in the amount of \$1,611,343.97, a Record of Payment dated 02/21/2025 in the amount of \$650.00.

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**Public Portion:**

Council President Haberkorn duly opened the meeting to the public.

Patricia Pierson of Somers Point expressed her frustration with the tax increase and requested information on the boat ramps.

Christine of Somers Point requested a calendar listing all Boards and Commission meetings and expressed her disapproval for the bike path improvements.

Steve of Egg Harbor Township requested that the reduced Boat Ramp rate for veterans and seniors be considered with the fees for the coming season.

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

\*\*\*\*\*

**Payment of Bills:**

**M/S:** Owen/Johnston

The Bill List was approved by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

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**Comments from Governing Body:**

None

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**Recess:**

The Governing Body recessed briefly at 7:37 p.m. before going into Executive Session.

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**Reconvene:**

Council President Haberkorn reconvened the Governing Body to Open Session at 8:27 p.m.

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**Adjournment:**

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

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Respectfully submitted,

Shelby Heath, RMC  
Municipal Clerk  
Approved: 3/13/2025