

**REGULAR MEETING
MAYOR AND CITY COUNCIL
May 28, 2026**

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

Present: DePamphilis, Dill, Johnston, McGuigan, Shields, Slaughter, Gerety

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 thanked Public Works, the Fire Departments, and the Police Department for the work they put in to prepare for the Memorial Day parade that had to be cancelled due to weather.

Administrator's Report:

None

Solicitor's Report:

None

Engineer's Report:

City Engineer Schneider reported that the NJPACT is to be suspended for a year. He also stated that there would be delays in paving New Jersey Avenue, and they are hoping to complete it the following week.

Committee Reports:

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Council Member Johnston announced numerous events being held by the Library Committee. Council Member Johnston reported on the Economic Development Advisory Commission’s collaboration with ACEA to welcome new businesses to the City, as well as updating their social media pages and their section of the City’s website. She also mentioned a few events she attended recently hosted by the ACEA. Lastly, she reported that John Helbig and herself are proposing the idea of a disc golf course to the Recreation Board.

Council Member Slaughter reported that EDAC is looking to bring kayaks back to a marina in the City and to find a way to advertise the activity. She also mentioned that she has been speaking to the Director of Birding about observation platforms on DeFeo Lane and talking to EDAC about how to draw birders into Somers Point.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Shields, and carried to approve the Regular Meeting Minutes of 5/14/2026 and Executive Session Meeting minutes of 5/14/2026, approved as to content only.

Ordinances:

Ordinance No. 13 of 2026

(Second Reading/Public Hearing/Adoption)

M/S- Dill/DePamphilis

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

Council President Gerety duly opened the meeting to the public.

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

City Engineer Schneider provided an explanation for the purpose of this ordinance.

No. 13 of 2026

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL
APPROPRIATION OF \$1,500,000 FOR THE ACQUISITION
AND INSTALLATION OF PACIFIC AVENUE PUMP
STATION GENERATOR IN AND BY THE CITY OF
SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW
JERSEY, AND AUTHORIZING THE ISSUANCE OF**

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**\$1,500,000 BONDS OR NOTES OF THE CITY TO FINANCE
PART OF THE COST THEREOF**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERS POINT,
IN THE COUNTY OF ATLANTIC, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the City of Somers Point, in the County of Atlantic, New Jersey (the "City"), as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$1,500,000, such sum being in addition to the \$518,000 appropriated therefor by bond ordinance 20-2023 of the City, finally adopted August 24, 2023 (the "Original Bond Ordinance"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement or purpose since the improvement or purpose described in Section 3(a) hereof is being funded through the New Jersey Infrastructure Bank.

Section 2. In order to finance the additional cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the acquisition and installation of the Pacific Avenue Pump Station Generator, together with all materials and work necessary therefore, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction, planning, engineering, preparation of plans and specifications, permits, bid documents and construction, as described in the Original Bond Ordinance.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$2,018,000, including the \$518,000 authorized by the Original Bond Ordinance and the \$1,500,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$2,018,000, including the \$518,000 appropriated by the Original Bond Ordinance and the \$1,500,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or

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other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,500,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$403,200 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$103,200 was estimated for these items of expense in the Original Bond Ordinance (such amount being equal to the improvement or purpose's pro rata share of the total amount of \$860,000 authorized under the Original Bond Ordinance) and an additional \$300,000 is estimated therefor herein.

Section 7. The City hereby makes the following covenants and declarations with respect to obligations determined to be issued by the chief financial officer on a tax-exempt basis. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The chief financial officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein

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as bank-qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the cost of the purpose described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance No. 14 of 2026
(First Reading/Introduction)
M/S- Dill/Johnston

This ordinance was adopted by a majority vote of those present, with Council Member Slaughter opposed.

No. 14 of 2026

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 75, "ALCOHOLIC BEVERAGES," ARTICLE V, "NOISE," SECTION 78, "TIME LIMITS," TO ALLOW

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**OUTDOOR MUSIC AT LIQUOR LICENSED PREMISES UNTIL 1:00 A.M. UNDER
CERTAIN CIRCUMSTANCES.**

WHEREAS the City of Somers Point (“City”) was named as a defendant in a lawsuit entitled “GMH Restaurant Holdings, LLC, GMH Restaurant Enterprises, LLC, and Gary M. Holloway v. The City of Somers Point (Docket Number ATL-C-37-25),” arising from the Police Department of Somers Point’s enforcement of an 11:00 p.m. deadline for outdoor music at the plaintiff’s retail liquor licensed premises; and

WHEREAS during the course of this litigation there have been discussions relative to the City extending the hours of outdoor music being played at the plaintiff’s licensed premises; and

WHEREAS Chapter 188, Sections 188-4 & -5 of the City Code currently prohibit as unnecessary noise, all loud noise resulting from musical instruments, bands mechanical musical devices and/or any sound reproduction device, and live entertainment or patrons, from either the inside or outside of any commercial establishment which noise is plainly audible at a distance of 100 feet from the place where it emanates between the hours of 11:00 p.m. and 12:00 noon of the following day; and

WHEREAS the Somers Point City Council has determined that it may be beneficial for the City to allow outdoor music to be played outdoors past 11:00 p.m. on a temporary basis where a business establishment is more than 100 feet from any residential property.

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

SECTION 1.

Chapter 78, “Alcoholic Beverages,” Article V, “Noise,” Section 78-18, entitled “Time Limits,” Paragraph (A)(2), is hereby amended to read as follows:

“Except as may be further set forth herein, no establishment possessing a retail consumption license for alcoholic beverages in the City of Somers Point, New Jersey shall allow or permit the playing of any musical instrument, device or sound recording on any outside deck or other exterior space of the premises between the hours of 11:00 p.m. and 12:00 noon. However, for any establishment possessing a retail consumption license for alcoholic beverages in the City of Somers Point which property line is more than 100 feet away from the property line of any residential property, the time for concluding such outdoor music is hereby extended to 1:00 a.m. Unless extended by resolution for a limited one-year period by December 31, 2026, this 1:00 a.m. exception shall cease to have effect beyond 11:59 on December 31, 2026. Under no circumstances shall this exception be in effect after December 31, 2027.”

SECTION 2.

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Chapter 78, “Alcoholic Beverages,” Article V, “Noise,” Section 78-18, entitled “Time Limits,” Paragraph (B)(2), is hereby amended to read as follows:

“Except as may be further set forth herein, no person and/or persons shall play or permit to be played any musical instrument, device or sound recording between the hours of 11:00 p.m. and 12:00 noon on any outside deck or other exterior space of the premises of any establishment possessing a retail consumption license for alcoholic beverages in the City of Somers Point, New Jersey. However, for any establishment possessing a retail consumption license for alcoholic beverages in the City of Somers Point which property line is more than 100 feet away from the property line of any residential property, the time for concluding such outdoor music is hereby extended to 1:00 a.m. Unless extended by resolution for a limited one-year period by December 31, 2026, this 1:00 a.m. exception shall cease to have effect beyond 11:59 on December 31, 2026. Under no circumstances shall this exception be in effect after December 31, 2027.”

SECTION 3. SEVERABILITY.

If any section, clause or provision of these amendments to this Ordinance shall be adjudged invalid, such adjudication shall apply only to the s section, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon final adoption and publication as required by law.

On the motion of Council Member Shields, seconded by Council Member Dill, the 48-hour rule was waved, and Resolution 170 was added to the agenda.

Resolutions:

Public Portion Resolutions:

Council President Gerety duly opened the meeting to the public.

Patricia Pierson of Somers Point requested the names of the businesses being discussed in the executive session resolutions.

Kim O’Brien of Somers Point asked for clarification on Resolution 164 of 2026.

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

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Resolution No. 159 of 2026

M/S- Shields/Johnston

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

No. 159 of 2026

Subject: Authorizing Maintenance and Repair of Pierce – Squad 43 through the HGAC Buy National Cooperative Purchasing Program for Contract #FS12-23, Fire Apparatus and Related Vehicles, for the Somers Point Fire Department

Introduced By: Council President Gerety

WHEREAS, the City of Somers Point is permitted to participate in national purchasing cooperatives according to N.J.S.A 52:34-6.2; and

WHEREAS, the HGAC Buy Cooperative has acted as lead agency and awarded Contract Number #HT06-20, Fire Apparatus and Related Vehicles; and

WHEREAS, the City's Fire Department has a need to Replace and Repair the Water Tank for the Pierce- Squad 43 Fire Apparatus; and

WHEREAS, Fire Chief Sweeney and City Council Finance Committee have reviewed the contract from HGAC Buy Cooperative Contract Number #HT06-20, Fire Apparatus and Related Vehicles, and have determined that the related repair is the functional economic solution; and

WHEREAS, it is recommended that City Council approve the repair of Pierce – Squad 43 Fire Apparatus for the Fire Department's for use throughout the City.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, approves the replacement and repair of the Pierce – Squad 43 Fire Apparatus by Fire and Safety Services, Ltd., 200 Ryan St. South Plainfield, NJ 07080 in accordance with the HGAC Buy Cooperative contract term for Contract Number #HT06-20, Fire Apparatus and

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Related Vehicles, contract for use by the Fire Department as follows:

Service Item No.	Description	Warranty
1786	SQUAD 43	No

Fault Comments

Removal of hydraulic generator in order to remove hose bed and dividers. Remove

disconnect plumbing from pump to tank, in order to have wrecker come and remove

the tank for repair from UPF (covered under their warranty)

This estimate is for labor to remove components in order to get tank repaired.

Miscellaneous charge if we need some parts for a repair of any component

Service Line

Type	No.	Description	Quantity	Unit Price Excl. Tax	Amount	Gross Amount
Resource	SHOP	SHOP LABOR	60	140.00	8,400.00	8,400.00
Item	MISC	PARTS AS REQUIRED	1	200.00	200.00	200.00
Parts Subtotal						0.00
Labor Subtotal						8,400.00
Sublet Subtotal						0.00
Total					8,600.00	8,600.00

*Total Amount of Fire & Safety Services Ltd. Contract Number #FS12-23, Term 12/1/23 - 11/30/27, Fire Apparatus and Related Vehicles

BE IT FURTHER RESOLVED that the City Administrator, acting in his capacity as Purchasing Agent, is hereby authorized to issue a purchase order in the total amount not to exceed of \$8,600.00 for the noted repair once the work has been completed in accordance with the HGAC Buy Contract # FS12-23, Fire Apparatus and Related Vehicles, for use by the Fire Department in accordance with the HGAC Buy National Purchasing Program.

Resolution No. 160 of 2026

M/S- Dill/DePamphilis

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

No. 160 of 2026

Subject: Sewer Overpayment Refund Block 1613 Lot 1

Introduced By: Council President Gerety

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WHEREAS, the below listed overpayment for the year designated is held in reserve by the City of Somers Point; and

WHEREAS, an overpayment exists on the sewer account for the property at 750 Shore Road; and

WHEREAS, the property has been sold; and

WHEREAS, the seller has requested the overpayment be refunded to them;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following overpayment be refunded to the property owner;

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

BLOCK	LOT	QUAL.	NAME	AMOUNT	YEAR
1613	1		Paul Hierholzer	\$190.00	2026

Resolution No. 161 of 2026

M/S- Dill/Johnston

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

No. 161 of 2026

Subject: Awarding Bid for the Pacific Avenue Stormwater Pump Station Replacement

Introduced By: Council President Gerety

WHEREAS, on April 26, 2026, the City of Somers Point received bids for the Pacific Avenue Stormwater Pumpstation Replacement; and

WHEREAS, B & H Contracting, Inc., of Egg Harbor Township, New Jersey was the lowest responsible bidder; and

WHEREAS, the City Engineer’s office has recommended that the City award the contract to B & H Contracting, Inc., of Egg Harbor Township, New Jersey in the amount of \$1,700,000.00; and

WHEREAS, the NJDEP must also concur with this resolution awarding a contract to B & H Contracting, Inc., of Egg Harbor Township, New Jersey in the amount of \$1,700,000.00; and

WHEREAS, the award of the contract shall not be valid until after the estoppel period of Ordinance 13 of 2026 passes and is subject to the availability of funding of Ordinance 13 of 2026

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

- 1.) The Contract for the Pacific Avenue Stormwater Pumpstation Replacement is hereby awarded to B & H Contracting, Inc., of Egg Harbor Township, New Jersey in the amount of \$1,700,000.00
- 2.) The Mayor and City Clerk are hereby authorized and directed to enter into a formal contract with B & H Contracting, Inc., of Egg Harbor Township, New Jersey signing on behalf of the City.
- 3.) The Mayor and City Clerk are hereby authorized and directed to sign all necessary forms required by NJDEP.

Resolution No. 162 of 2026

M/S- Dill/McGuigan

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

No. 162 of 2026

Subject: Authorizing Executive Session Discussion of and Advice of Counsel and Attorney-Client Privileged Communications Regarding a Proposed Tax Abatement and Potential Financial Agreement Associated with a Proposed Development Project for Block 516 Lot 13

Introduced By: Council Member McGuigan

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 May 28, 2026 during a public meeting to be held commencing at 7:00 P.M; and

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

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

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

Discussion of and Advice of Counsel and attorney-client privileged communications regarding a proposed tax abatement and potential financial agreement associated with a proposed development project for Block 516 Lot 13 (New Road and Defeo Lane) within the City of Somers Point.

WHEREAS the length of the Executive Session is estimated to be approximately 10 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 related to a requested tax abatement and/or financial agreement for a proposed development project within the City of Somers Point.

Resolution No. 163 of 2026

M/S- Dill/DePamphilis

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

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No. 163 of 2026

Subject: Authorizing Executive Session Discussion of and Advice of Counsel and Attorney-Client Privileged Communications Regarding a Contractual Negotiation for a Proposed Potential Agreement Associated with a Proposed Development Project for Block 1815 Lot 4.01

Introduced By: Council Member McGuigan

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 May 28, 2026, 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:

Discussion of and Advice of Counsel and attorney-client privileged communications regarding a contractual negotiation for a proposed potential agreement associated with a proposed development project for Block 1815 Lot 4.01.

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.

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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 potential development negotiations involving owners of contract purchasers of Block 1815 Lot 4.01 property.

Resolution No. 164 of 2026

M/S- Johnston/Dill

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

No. 164 of 2026

Subject: Change Order 1 – Contract No. 137 – 2025 Stormwater Maintenance Contract

Introduced By: Council Member Dill

WHEREAS, in accordance with Resolution 50 of 2026, Landberg Construction LLC of Dorothy, New Jersey was awarded the contract for the 22025 Stormwater Maintenance Contract for the sum of \$304,851.00; and

WHEREAS, during the inspection of the stormwater infrastructure it was determined by the City Engineer that certain stormwater pipes require cleaning and video inspection to accurately determine the condition of the infrastructure; and

WHEREAS, cleaning and video inspection were not included in the original contract; and

WHEREAS, certain items in the original contract can be reduced or removed as they are no longer necessary ; and

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

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

Contract Amount	\$304,851.00
Change order 1	\$145.00
Revised Contract Amount	\$304,996

Total Deduction: \$0 Total Additional: \$145.00 Net Change: 0.05%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the above listed change to the contract for the 2025 Stormwater Maintenance Contract and is hereby approved and that the Mayor is hereby authorized and directed to execute all documents in this regard on behalf of the City.

Resolution No. 165 of 2026

M/S- Dill/Johnston

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

No. 165 of 2026

Subject: A Resolution Authorizing the Submission of a Minor Subdivision Application for Block 525, Lot 2.01 to the Somers Point Planning Board on Behalf of the City of Somers Point

Introduced by: Council President Gerety

Whereas a certain parcel of property situated within the City of Somers Point along DeFeo Lane designated as Block 525, Lot 2.01 as shown on the Official Tax Map of the City of Somers Point (the "Subject Property") consisting of 7.35 acres is currently tax exempt property being the site of the former Somers Point sewerage treatment facility and currently used in part by the Somers Point Department of Public Works and also containing a portion of the Atlantic County Utilities Authority ("ACUA") force main; and

Whereas the City is desirous of subdividing the Subject Property into two separate parcels whereby one parcel comprising 3.81 acres shall be dedicated to recreational purposes, and the remaining acreage shall continue to be used for Public Works and ACUA purposes; and

Whereas to achieve that result it was necessary for the City Engineer to prepare a Minor Subdivision Application and Minor Subdivision Plan and for the City Solicitor and City Engineer to appear before the Somers Point Planning Board to present said application.

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

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Somers Point Planning Board Development Application (the “Application”) including the Minor Subdivision Plan in the form attached hereto is hereby approved; and

It is further Resolved that the City Administrator is authorized to execute the Application; and

It is also further Resolved that the City Solicitor and the City Engineer and such other agents or employees of the City as may be required, are hereby authorized to appear before the Somers Point Planning Board to present the application on behalf of the City of Somers Point.

Resolution No. 170 of 2026

M/S- Dill/Johnston

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

No. 170 of 2026

Subject: Resolution of the City of Somers Point, in the County of Atlantic, New Jersey, Determining the Form and other Details of its Note Relating to the Construction Financing Loan Program of the New Jersey Infrastructure Bank, to be Issued in the Aggregate Principal Amount of up to \$3,206,000, Providing for the Issuance and Sale of Such Note to the New Jersey Infrastructure Bank, and Authorizing the Execution and Delivery of Such Note by the City in Favor of the New Jersey Infrastructure Bank, all Pursuant to the New Jersey Infrastructure Bank Construction Financing Loan Program

Introduced By: Council President Gerety

WHEREAS, the City of Somers Point, in the County of Atlantic, New Jersey (the “Local Unit”), intends to undertake various stormwater improvements, including the acquisition and installation of the Pacific Avenue Pump Station generator and construction of stormwater improvements to Ocean Avenue, and further including all work and costs necessary and ancillary thereto (collectively, the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the New Jersey Water Bank of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to temporarily finance the undertaking of the Project prior to the closing with respect to the New Jersey Water Bank, and to undertake such temporary financing with the proceeds of a short-term loan (or loans) to be made by the I-Bank (collectively the “Construction Loan”) to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the “Construction Financing Loan Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the

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Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell to the I-Bank one or more of its "Note Relating to the Construction Financing Loan Program of the New Jersey Infrastructure Bank" in an aggregate principal amount of up to \$3,206,000 (each, a "Note" and collectively, the "Notes");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note or Notes to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, on August 24, 2023, the Local Unit adopted a multipurpose bond ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS STORMWATER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROPRIATING FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) AGGREGATE PRINCIPAL AMOUNT BONDS OR NOTES OF THE CITY OF SOMERS POINT, COUNTY OF ATLANTIC, NEW JERSEY TO FINANCE THE COST THEREOF", which appropriated an aggregate amount of \$1,706,000 for the Project, and on May 28, 2026, the Local Unit adopted a bond ordinance entitled, "BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,500,000 FOR THE ACQUISITION AND INSTALLATION OF PACIFIC AVENUE PUMP STATION GENERATOR IN AND BY THE CITY OF SOMERS POINT, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF" (collectively, the "Local Unit Bond Ordinances"), pursuant to the provisions of the Local Bond Law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note or Notes to the I-Bank without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note or Notes to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with the provisions of the Local Bond Law, N.J.S.A. 58:11B-9 and the Local Unit Bond Ordinances, the Local Unit hereby authorizes the issuance, sale and award of the Notes in accordance with the provisions hereof. The obligations represented by the Notes have been appropriated and authorized by the Local Unit Bond Ordinances, which was finally adopted by the Local Unit at a meeting duly called and held and at which time a quorum was present and acted throughout, all in accordance with the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, pursuant to the terms and conditions hereof, (i) the final principal amount of each Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of each Note.

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Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of each Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of each Note shall be as follows:

- (a) the aggregate principal amount of all Notes to be issued shall be an amount not to exceed \$3,206,000;
- (b) the maturity of each Note shall be as determined by the I-Bank;
- (c) the interest rate of each Note shall be as determined by the I-Bank;
- (d) the purchase price for each Note shall be par;
- (e) each Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of each such Note;
- (f) each Note shall be issued in a single denomination and shall be numbered "NJWB – CFP – [YEAR-__]";
- (g) each Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) each Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk; and
- (i) each Note may be issued in one or more series as may be deemed necessary by the I-Bank.

Section 5. Each Note shall be substantially in the form required by the I-Bank, together with such additions, deletions and other modifications required by the I-Bank and agreed to by the Local Unit upon consultation with counsel and any advisors to the Local Unit, such determinations being conclusively evidenced by the execution of each such Note by the Authorized Officers (as defined herein).

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of each Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Loan Financing Program, to arrange for same.

Section 7. The Mayor, the Chief Financial Officer and the Local Unit Clerk (each an "Authorized Officer") of the Local Unit are each hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed

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in connection with the issuance and sale of each Note and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of each Note and the participation of the Local Unit in the Construction Financing Loan Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Date Adopted: May 28, 2026

CERTIFICATION

I, Shelby R. Heath, City Clerk, of the City of Somers Point, County of Atlantic, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the City Council at the regular meeting held on the 28th day of May 2026, in the City Hall, 1 West New Jersey Avenue, Somers Point, New Jersey 08244.

Consent Agenda Resolutions:

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

No. 166 of 2026

Subject: Liquor License Renewals

Introduced by: Council President Gerety

WHEREAS, the applications of the following enumerated liquor licenses for renewal in the City of Somers Point were found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the below named and numbered applications are hereby renewed through June 30, 2027:

0121-33-001-013

Apple New Jersey (Applebee's)

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0121-33-002-004	MPF741 LLC (Anchorage Tavern Restaurant)
0121-33-004-009	Point Pub of NJ Inc (Passion Vines)
0121-33-007-004	Crab Trab LTD
0121-33-008-004	The Doc's Place Inc
0121-33-009-004	AMT Plenary LLC (pocket license)
0121-33-012-010	Websters SP LLC
0121-33-013-004	Joe's Circle Café (DiOrio's)
0121-33-015-010	GMH Restaurant Enterprises LLC (The Point)
0121-33-017-009	R A Ranalli Enterprises LLC (Tavern on the Bay Resort)
0121-33-018-007	821 Shore LLC (The Garage-pocket license)
0121-31-022-001	Roberts Johnson Post 2189 VFW
0121-31-024-001	Somers Point Volunteer Fire Company No. 2
0121-31-029-001	Somers Point Paddle Club

No. 167 of 2026

Subject: Authorizing Advertising Bids for Safe Routes to School - FY 2024 Somers Point School Safety Project

Introduced by: Council Members McGuigan & Johnston

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to construct various pedestrian safety improvements for children walking and biking to school on West Laurel Drive and along the bike path from New Jersey Avenue to Cedar Avenue; 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 Safe Routes to School - FY 2024 Somers Point School Safety Project; 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.

No. 168 of 2026

Subject: Authorizing Advertising Bids for Bathroom Renovation and Expansion at the Somers Point Municipal Beach

Introduced by: Council President Gerety

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WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to renovate and expand the bathroom facilities at the Somers Municipal Beach; 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 bathroom renovation and expansions at the Somers Point Municipal Beach; 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.

No. 169 of 2026

Subject: Authorizing Payment to the City Engineer for Services Rendered to Comply with Green Acres Funding

Introduced By: Council President Gerety

WHEREAS, the City of Somers Point has received green acres grants from the NJDEP for the JFK Park Accessible Playground and Bike Path Improvements; and

WHEREAS, a requirement of the grant is to investigate historic fill of the sites for any potential contaminants that could be harmful to residents or visitors utilizing the City's recreational amenities; and

WHEREAS, due to the time frame of the green acres grant, it was necessary for the City Engineer to sub-consult with Marathon Engineering (doing business now as Paulus, Sokoloswski & Sartor, LLC) to perform a historic fill analysis of the green acre grant sites for a total price of \$44,500.00; and

WHEREAS, the City has applied for and received a preliminary award from the NJDEP Hazardous Discharge Site Remediation fund (HDSRF) for \$31,750.00 for a portion of this work

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Administrator is hereby authorized and directed to move forward with the payment to Kates Schneider Engineering, LLC for services rendered in the amount of \$31,750.00 for assessment and site investigations for the City's Recreation properties.

Old Business:

Council Member McGuigan discussed with City Council the potential reciprocal access and a shared parking easement agreement for the property located at 731 Bay Avenue, to include the size of building and parking specifics.

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New Business:

On the motion of Council Member Johnston, seconded by Council Member Shields and carried to approve a request from Liberty and Prosperity for the use of Richard Somers Park on September 4, 2026, from 10AM to 1PM.

Discussion of Bills:

Administrator Frost reported a Bill List dated 5/26/2026 in the amount of \$260,030.79, and an additional Bill List dated 5/28/2026 in the amount of \$29,790.00.

Public Portion:

Council President Gerety duly opened the meeting to the public.

Annmarie Gibbs of Somers Point asked for clarification on Ordinance 14 of 2026 and expressed her concerns regarding noise late at night.

Bob of Somers Point expressed his disapproval of the potential shared parking easement agreement on Bay Avenue.

Teresita Doebly of Somers Point asked for clarification on the projects on Bay Avenue.

Patricia Pierson of Somers Point commended Council Members McGuigan and Dill and Public Works for their quick response after she brought to their attention a pothole on Braddock Drive. She also discussed County tax rates, commended the School Board, and gave her opinion on Ordinance 14 of 2026.

Levi Fox of Somers Point recommended that Somers Point implement a Public Information Officer.

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

Payment of Bills:

M/S: Shields/Dill

The Bill List was approved by a unanimous vote of those present, with Council Member McGuigan recusing from PO# 26980830 on page 4. A complete list of bills is on file in the Office of the Municipal Clerk.

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Comments from Governing Body:

None

Recess:

The Governing Body recessed briefly at 7:56 p.m. before going into Executive Session at 8:03 p.m.

Reconvene:

Council President Gerety reconvened the Governing Body to Open Session at 8:28 p.m.

Adjournment:

There being no further business to come before City Council, Council Member DePamphilis moved, Council Member Shields seconded and carried to adjourn the meeting at 8:28 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 6/25/2026