

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

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

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

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

Open Public Meetings Act:

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

Council President Johnston moved Resolution Numbers 278 and 279 of 2024 to the top of the agenda.

Public Portion Resolutions: (On Resolution numbers 278 and 279 only)

Council President Johnston duly opened the meeting to the public.

John Helbig, of Somers Point, congratulated Dan Myers for his service to the Art Commission.

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

Resolution No. 279 of 2024

M/S- Dill / Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan thanked K9 Erco and Officer Dill for their service.

Mayor Tapp offered his deepest sympathy for the passing of Erco.

Mayor Tapp, Council President Johnston and Police Chief Somers presented Officer Rick Dill with the signed Resolution.

No. 279 of 2024

**HONORING THE LIFE AND TIMES OF
SOMERS POINT K-9 POLICE OFFICER ERCO**

WHEREAS the Somers Point Police Department and the City Council of the City of Somers Point were saddened to learn of the passing of Retired K9 Police Officer Erco on October 6th of 2024; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

WHEREAS, Retired K9 Police Officer Erco was accepted into the Somers Point Police Department in March of 2013: and

WHEREAS, during his long career, Erco, acting with his partner K-9 Officer Rick Dill, was responsible for countless warrant arrests and tracking activities aiding in locating criminals and recovering stolen property to be entered into evidence; and

WHEREAS, Erco truly fulfilled his obligation to Detect and Protect; and

WHEREAS, K9 Erco played a major role in our Community Awareness Program and had been an ambassador for the City of Somers Point, loved and admired by many; and

WHEREAS, upon retirement from the Police Department in January of 2020, Erco lived with K-9 Officer Dill with whom he had forged a relationship of love, loyalty, and respect.

Now therefore, it is hereby **RESOLVED** that the City Council of the City of Somers Point recognize and salute Officer Erco's service to the Somers Point Police Department and to the citizens of this community; and

It is further **RESOLVED** that we extend our sincere condolences to K9 Officer Rick Dill, the Dill Family, and all those who loved Erco, may he rest in peace.

Resolution No. 278 of 2024

M/S- Haberkorn / Dill

This resolution was adopted by unanimous vote of those present.

Mayor Tapp and Council Members Haberkorn, Owen, Gerety, and McGuigan expressed admiration towards Dan for his contributions to the Art Commission and the City.

Mayor Tapp and Council Member Owen presented Dan Myers with the signed Resolution.

No. 278 of 2024

Thanking Dan Myers for His Service to the Community

WHEREAS, Dan Myers accepted the position of Chair of the Somers Point Arts Commission in January 2022. Under his leadership the group has moved forward with much enthusiasm, with many new initiatives which had great success.

WHEREAS, Dan was a very capable Chairman, and an active participant in every aspect of the Commission.

WHEREAS, Dan provided a supportive environment for all the Arts in Somers Point. He was present at many classes and activities; and

WHEREAS, He was instrumental in securing the use of the Youth Center and later the Senior Center to host Arts Commission events; and

WHEREAS, Dan acted as our resident photographer for all City events, offered yearly photography classes and printed and framed the students' works for the annual photo exhibit.

WHEREAS, Dan filled in as facilitator of the Somers Point Poetry Society when needed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point recognizes and honors the efforts of Dan Myers; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

BE IT FURTHER RESOLVED that the City Council of Somers Point convey their gratitude to Dan Myers for his tireless volunteerism and service to Somers Point and the citizens of this community; and

IN ADDITION, BE IT FURTHER RESOLVED that the City Council of Somers Point sincerely thank Dan Myers and wish him well in all his future endeavors.

Communications:

Recreation Director Doug Shallcross provided City Council with the Recreation Commission Year End Review, reporting on the success of this past year's events, future events they are looking forward to, as well as completed and on-going projects.

Mayor's Report:

Mayor Tapp thanked everyone involved for the success of the Christmas Parade, including, City employees, Police Chief Somers, Fire Chief Sweeney, Volunteer Fire Companies 1 and 2, Office of Emergency Management's Phil Gafney, Historical Society, Public Works, and Parade Director Phil Krula.

Administrator's Report:

None

Engineer's Report:

Engineer Schneider informed the City received a New Jersey Department of Transportation Safe Routes Transit Grant in the amount of \$480,000.00 for Broadway to construct a multi-use path for recreation facilities.

Solicitors' Report:

None

Committee Reports:

None

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Owen, and carried to approve the Regular Meeting Minutes of 11/21/2024 and Executive Session Meeting minutes of 11/21/2024, approved as to content only and Special Meeting minutes of 12/06/2024.

Ordinances:

Ordinance No. 20 of 2024

(Second Reading/Public Hearing)

M/S- Dill / DePamphilis

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

Planning Board Review of Proposed Redevelopment Plan for Pleasant and Bay Avenue, was approved by a unanimous roll call vote of those present. (See attached Memorandum below)

City of Somers Point

DEPARTMENT OF PLANNING & ZONING

MEMORANDUM

To: Mayor and Members of City Council of the City of Somers Point
Thomas Smith, Esquire, City Solicitor
Paul Striefsky, Planning Board Chairman
Joel M. Fleishman, Esquire, Board Solicitor
Amanda Mazzoni, Esquire, Redevelopment Counsel

From: Jayne Meischker, Planning Board Secretary

Re: Planning Board Review of Proposed Redevelopment Plan for Pleasant and Bay Avenues

Date: November 21, 2024

In accordance with N.J.S.A. 40A: 12A-7(e), at its regular meeting on November 20, 2024, the Somers Point Planning Board (the "Board") conducted the required review of the proposed Redevelopment Plan for Pleasant Avenue and Bay Avenue (the "Redevelopment Plan") to determine the consistency of the Redevelopment Plan with the City's Master Plan. The Board received the written report of Paul Kates, PE, PP, CME,

REGULAR MEETING MAYOR AND CITY COUNCIL December 12, 2024

CFM, a New Jersey licensed professional engineer and planner, dated November 20, 2024. Mr. Kates offered his opinion that the Redevelopment Plan is consistent with the City's Master Plan, primarily due to the emphasis on improving an area in need of redevelopment and improving the City of Somers Point, creating a desirable visual environment, enhancing available housing stock and helping the City meet its affordable housing requirements.

At the conclusion of this review, a motion was made and seconded to find the Redevelopment Plan consistent with the City's Master Plan without any recommendations. This motion was approved by a vote of 7 in favor and 0 against (2 Board Member(s) was/were absent).

This Memorandum shall constitute the report of the Board to City Council pursuant to N.J.S.A.40A:12

Council President Johnston duly opened the meeting to the public.
John Helbig, of Somers Point, asked for clarification on the project.
Hearing nothing further from the public, the public portion was duly closed.

No. 20 of 2024

An Ordinance Adopting a Redevelopment Plan within Block 1007, Lots 1, 2 and 3, Block 1008, Lot 3, and Block 1211, Lot 2 (portion) in an Area in Need of Rehabilitation Within the City of Somers Point, County of Atlantic, State of New Jersey

Whereas, on November 20, 2014, the City Council of the City of Somers Point adopted Resolution No. 186 of 2014 declaring the entire area of the City of Somers Point to be an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14, accepting a recommendation from the Somers Point Planning Board based upon a City-Wide Rehabilitation Study and Report concluding the that the entire area of the City of Somers Point be determined to be an Area in Need of Rehabilitation; and

Whereas, pursuant to N.J.S.A. 40A:12A-7 of the "Local Redevelopment and Housing Law ("LRHL"), a municipality has the authority to adopt, by ordinance, a Redevelopment Plan for a property located in an area in need of rehabilitation; and

Whereas by Resolution 149 of 2021 the City Council of the City of Somers Point ("City Council") approved a Memorandum of Understanding between the City of Somers Point and the Somers Point Paddle Club, LLC and designated Somers Point Paddle Club, LLC as the Interim Conditional Redeveloper for developing a portion of Block 1211, Lot 2 located at Bay Avenue and Pleasant Avenue in the City of Somers Point comprised of approximately 6.20 acres (the "Subject Property"); and

Whereas Block 1211, Lot 2 was subsequently subdivided grating Block 121, Lots 2.01, 2.02, and 2.03 pursuant to a site plan approved by the Somers Point Planning Board, which was never recorded; and

Whereas, following receipt of approval from the Somers Point Planning Board for the Paddle Club Property Redevelopment, but prior to commencing construction on the Paddle Club Property, the Developer began to develop residential concept for the Maryland/Bay Property situated within

REGULAR MEETING MAYOR AND CITY COUNCIL December 12, 2024

Block 1007, Lots 1, 2, and 3, and Block 1008, Lot 3, which concept provided for the development of residential, single-family dwellings on the Maryland/Bay Property (the “Maryland/Bay Property”); and

Whereas the Maryland/Bay Concept would also allow for the relocation of the Affordable Units originally anticipated for the Paddle Club Property to the Maryland/Bay Property; and

Whereas, pursuant to N.J.S.A. 40A:12A-7e, prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan, which report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate; and

Whereas, on November 14, 2024, the Council adopted Resolution No. 255-2024 directing the Somers Point Planning Board (“Planning Board”) to review a redevelopment plan for a portion of the rehabilitation area Block 1007, Lots 1, 2, and 3, Block 1008, Lot 3 located at Bay Avenue and Maryland Avenue in the City of Somers Point (the "Maryland/Bay Property"), and Block 1211, Lot 2 (the “Paddle Club Property”) as shown on the Draft Redevelopment Plan “Pleasant and Bay Avenue Redevelopment Plan” dated November 14, 2024 prepared by Colliers Engineering, which was transmitted to the Planning Board together with Resolution No. 255-2024, copies of which are on file in the Office of the City Clerk and available for inspection during normal business hours; and

Whereas the Redevelopment Plan was reviewed and considered by the Planning Board at an open public meeting held on November 20, 2024; and

Whereas the Planning Board recommended adoption of the Redevelopment Plan by the City Council, and further determined that the Redevelopment Plan was consistent with the overall intent of the City’s Master Plan which recommendation and determination was memorialized in Resolution No. 10-2024 adopted by the Planning Board on November 10, 2021; and

Whereas, having reviewed the Planning Board’s recommendations the City Council concurs with its findings and has determined that it is in the best interest of the City to adopt the Redevelopment Plan to effectuate the rehabilitation within the Rehabilitation Area; and Now, therefore, it is hereby **ORDAINED** by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

Section 1. The preceding recitals are incorporated herein as though fully set forth herein at length.

Section 2. The Council hereby adopts the “Pleasant and Bay Redevelopment Plan” to facilitate the rehabilitation of that portion of the 2014 Rehabilitation Area.

Section 3. The area standards set forth in the Redevelopment Plan shall be applicable within the Sub-Plan Areas, in addition to the underlying existing zoning and development regulations, only to an applicant, property owner, developer or redeveloper that has an executed

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Redevelopment Agreement with the City. An executed Redevelopment Agreement with the City shall be required (as a checklist item) as a part of an application submission for site plan approval to the Somers Point Planning Board or as part of any other application for land use approvals utilizing area standards under the Redevelopment Plan.

Section 4. All City ordinances or parts of any City ordinances that are inconsistent with this Ordinance and the Redevelopment Plan are hereby repealed to the extent of such inconsistency.

Section 5. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of the Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 6. The City Clerk is directed to file a copy of the Redevelopment Plan in the Office of the City Clerk for inspection by the public.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

Ordinance No. 21 of 2024

(Second Reading/Public Hearing)

M/S- Gerety / Dill

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

Council President Johnston duly opened the meeting to the public.

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

No. 21 of 2024

**AN ORDINANCE AMENDING SECTIONS 174-1, -2, -3, -4, -5, -6, 10 &
11 OF CHAPTER 174, MERCANTILE LICENSES**

WHEREAS, the City of Somers Point maintains Chapter 174 in the City Code for Mercantile Licenses; and

WHEREAS, City Council has reviewed this Code Section for purposes of updating same, to streamline the operations of the City Clerk's Office, and in order to establish consistency between this and the registration requirements of Chapter 95 of the City Code (Registration of Businesses); and

WHEREAS, as a result of this review, City Council believes that certain changes and amendments to the licensing requirements of Chapter 174 would be appropriate.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Chapter 174 of the Code of the City of Somers Point is hereby amended as follows:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

1. Section **174-1A** is hereby amended by adding “**limited liability companies,**” after the word “copartnerships.”
2. Section **174-2** is hereby amended to add the following as the last sentence of said section:
It is the intention that this ordinance incorporate all business operations identified or referred to in N.J.S.A. 40:52-1 for which the City of Somers Point is authorized to license.
3. Section **174-3** is hereby amended to identify the existing paragraph as Subsection A, which is to read as follows:
 - A. **Application for a license shall be made to the City Clerk of the City of Somers Point, New Jersey, at the same time said business files its business registration pursuant to Chapter 95, Article I of the City Code, and no license shall be granted until the payment for the same has been made. Every license shall specify by name the person to whom it shall be issued, the business for which it is granted and the location at which such business is to be carried on.**
4. Section **174-3** is further hereby amended to add the following Subsections B and C to same:
 - B. **Only one license shall be issued per property unless more than one principal business use is allowed by law.**
 - C. **Only one license shall be required under the name of the same person for businesses conducted on the same property.**
5. Section **174-4** is hereby amended by deleting it in its entirety and replacing it with the following language:
 - A. **The fee for the issuance of all mercantile licenses is hereby incorporated into, and made part of, the business registration fee required in Chapter 95 of the City Code.**
 - B. **The due date for payment of fees, and the late fees associated with untimely payments are as set forth in Chapter 95 of the City Code.**
 - C. **The purpose of the fee imposed for the issuance of a mercantile license herein is to offset administrative costs.**
6. Section **174-5B** is hereby amended to read as follows:
No license certificate shall be issued to any person who has not complied with the laws of the State of New Jersey or the ordinances of the Council of the City of Somers Point, including but not limited to those providing regulations respecting the safety of persons who may have occasion to use the premises, place or things licensed; and in case any person licensed fails to comply with such laws or ordinances after due notice of 10 days and an opportunity to be heard within 30 days thereafter, the Council of the City of Somers Point and/or the City Clerk acting as mercantile tax collector may revoke said license.
7. Section **174-6** is hereby amended to read as follows:
All new businesses must have certification from the Board of Health, Police Department, Building Inspector, Fire Inspector, Electrical Inspector and Plumbing Inspector, as applicable, that said business is not in violation of any ordinance of the City of Somers Point. No license will be issued or reissued to any business declared to

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

be a nuisance or a possible nuisance as a result of violations of the laws of the State of New Jersey or the ordinances of the Council of the City of Somers Point by its Council and/or the City Clerk acting as mercantile tax collector.

8. Section 174-10 is hereby amended to read as follows:

Any person violating any of the provisions of this chapter shall, upon conviction in the Municipal Court of the City of Somers Point, be punished for each offense by a fine not to exceed \$1,000 or imprisonment for a term not exceeding 90 days in the county jail or any place provided by the municipality for the detention of prisoners or community service for a period not to exceed 90 days, or any combination of the foregoing. The Municipal Judge before whom any person is convicted of violating this chapter shall have the power to impose any fine or term of imprisonment not exceeding the maximum fixed in this chapter. Each day after the initial violation, should same be continued, shall be considered a new and individual violation.

9. Section 174-11 is hereby amended to read as follows:

Notwithstanding any other provisions of this Code, every business located in the City of Somers Point must adhere to requirements of providing and maintaining updated emergency information as required in Chapter 95 of the City's Code. Any changes to such information should be reported immediately to the City Clerk's Office so that accurate records are maintained in case of an emergency.

10. This ordinance shall take effect as of January 1, 2025.

Ordinance No. 22 of 2024

(Second Reading/Public Hearing)

M/S- Dill / Owen

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

Council President Johnston clarified that this ordinance will help to streamline the process of applying for Business/Mercantile Licenses.

Council President Johnston duly opened the meeting to the public.

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

No. 22 of 2024

An Ordinance Amending Sections 95-1, -2, -3, -4, And -5 of Chapter 95, Registration of Businesses

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

WHEREAS, the City of Somers Point maintains Chapter 95 in the Code of the City of Somers Point for the Registration of Businesses; and

WHEREAS, City Council has reviewed this Code Section for purposes incorporating certain provisions of Chapter 94 – Business and Rental Insurance Registration, Chapter 169, Article III – Regulations for Hotels and Motels, and Chapter 174 – Mercantile Licenses into this Chapter, so as to streamline the operations of the City Clerk’s Office, reduce fees and maintain consistency between the registration requirements for Mercantile Licensing and Hotels and Motels; and

WHEREAS, as a result of this review, City Council believes that certain changes and amendments to the registration requirements of Chapter 95 would be appropriate.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Chapter 95 – Businesses, Registration Of, in the Code of the City of Somers Point is hereby amended as follows:

11. The inclusion of the designation of “**Article I – Licensed Occupations**” under the Chapter Title is hereby deleted, and replaced with the designation of “**Article I – General Requirements.**”
12. Section **95-1** is hereby amended to read as follows:
All businesses, including those subject to licensing and regulation under Chapter 169 or Chapter 174 of the Code of the City of Somers Point, shall be subject to the requirements of this chapter.
13. Section **95-2A**, is hereby amended read as follows:
 - A. **All such businesses shall, before beginning operation of the business and on an annual basis thereafter, complete a registration statement containing the following information:**
 - (1) **Name under which the business is to be conducted.**
 - (2) **Name and residence address and residence telephone number of the applicant. [If a corporation, give names and addresses of president and secretary; if a partnership, give names and addresses of all partners; if an LLC, give the name(s) and addresses of the managing member(s).]**
 - (3) **Address and telephone number of the business to be conducted.**
 - (4) **Nature of the business.**
 - (5) **Name and address of registered agent, if applicant is a corporation, and copy of good standing certificate.**
 - (6) **Name and address of the manager or daily supervisor in charge.**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

- (7) **If applicable, a copy of certificate or license issued by State of New Jersey or any governmental agency.**
 - (8) **Any change from previous mercantile use.**
 - (9) **Number of persons employed.**
 - (10) **Days and hours of operation.**
 - (11) **Whether the operation involves any flammable/combustible/hazardous materials, and, if yes, provide MSDS sheets.**
 - (12) **Date of last fire inspection.**

 - (13) **Indication as to whether sprinklers are required.**
 - (14) **If applicable, date of last health inspection and status of same.**
 - (15) **Registration of alarm with Somers Point Police Department.**
 - (16) **Any outstanding zoning or planning violations.**
14. Section **95-2**, is hereby amended to include a Subsection E which shall read as follows:
E. At the time of the filing of the aforesaid registration form, the business shall produce for filing a valid insurance certificate as required by N.J.S. 40A:10A-1 and N.J.S.A. 40A-10A-2.
15. Section **95-3**, Subsection A is hereby amended to shall read as follows:
A. Upon receipt of the initial registration statement for a business, the City Clerk shall refer the statement to the proper officials for the making of appropriate investigations deemed necessary. The Construction Official shall make or cause to be made any such inspections relative to the construction of buildings or other structures. The Zoning Official shall make the appropriate zoning inspection. The Code Enforcement Officer make the appropriate inspection for compliance with the Code of the City of Somers Point. Any defects noted as a result of such investigations or inspections shall be corrected in accordance with the applicable provisions of the Code of the City of Somers Point. For all renewal registrations, there shall be a representation from the Code Enforcement Officer that there are no known or outstanding violations of the Code of the City of Somers Point.
- B. Section 95-4, Subsection A** is hereby amended to shall read as follows:
A. There shall be imposed a of \$200 per annum for each registration statement, which shall be due at the time the registration statement is submitted to the City Clerk. In

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

the event the fee is not paid by June 30 of the calendar year, a late fee of \$50 shall be paid in addition to the regular fee. When the applicant has not engaged in the business until after June 30 of the then current calendar year, the fee shall be 1/2 of the full registration fee.

- C. Section 95-5, Subsections A and B are hereby amended to read as follow:
- A. All registration statements shall be effective for a one-year period commencing on February 1 and ending on January 31.
 - B. All registration certificates shall be filed with the City Clerk prior to the 15th day of January.

This ordinance shall take effect as of January 1, 2025.

Ordinance No. 23 of 2024

(Second Reading/Public Hearing)

M/S- Owen / DePamphilis

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

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

No. 23 of 2024

An Ordinance Repealing Chapter 94, Entitled “Business and Rental Insurance Registration,” of the City Code

WHEREAS, on August 5, 2022, Governor Murphy signed into law P.L. 2022, c. 92 (N.J.S. 40A:10A-1 and -2) which required liability insurance for business owners and rental unit owners; and

WHEREAS, this legislation requires that each business and rental unit to annually register a certificate of insurance with the municipality in which the business or rental unit is located; and

WHEREAS, this legislation became effective on November 3, 2022; and

WHEREAS, by way of Ordinance Number 25 of 2022, City Council for the City of Somers Point on December 15, 2022, enacted Chapter 94 of the City Code, entitled “Business and Rental Insurance Registration,” to bring the City in compliance with the then newly enacted law; and

WHEREAS, City Council has had the opportunity to review the workings of said ordinance in conjunction with other ordinances currently contained in the City’s Code, and based on same, it believes that the requirements of this ordinance can be incorporated into other City Code Sections.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

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

16. Chapter 94 – Business and Rental Insurance Registration is hereby repealed.
This ordinance shall take effect as of January 1, 2025.

Ordinance No. 24 of 2024

(Second Reading/Public Hearing)

M/S- Owen/Dill

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

Council President Johnston duly opened the meeting to the public.

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

No. 24 of 2024

An Ordinance Amending Chapter 169, Article V, “Registration and Inspection of Certain Rental Units, Apartment Units and Dwelling Units,” Section 169-47 to Require Liability Insurance for Rental Unit Owners

WHEREAS, on August 5, 2022, Governor Murphy signed into law P.L. 2022, c. 92 (N.J.S. 40A:10A-1 and -2) which, in part, required liability insurance for rental unit owners; and

WHEREAS, this legislation requires that each rental unit to annually register a certificate of insurance with the municipality in which the rental unit is located; and

WHEREAS, by way of Ordinance Number 25 of 2022, City Council for the City of Somers Point on December 15, 2022, enacted Chapter 94 of the City Code, entitled “Business and Rental Insurance Registration,” to bring the City in compliance with the then newly enacted law; and

WHEREAS, Article V of Chapter 169 of the City Code is entitled “Registration and Inspection of Certain Rental Units, Apartment Units and Dwelling Units,” which City Council believes, that for more organizational purposes, is a more appropriate location for the requirement of liability insurance for rental units; and

WHEREAS, City Council has now repealed Chapter 94 of the City Code.

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

1. Section 169-47 of Article V of Chapter 169 is hereby amended to add the following subsections:

M. At the time of the filing of the registration certificate referred to in Subsection A, every owner of a rental unit shall, pursuant to the provisions of N.J.S.A. 40A:10A-1 and -2, register a certificate of liability insurance which provides coverage for the

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

rental units registered. In addition to any other fees required in this Article, an administrative fee of \$100 for all such certificates of liability insurance registered herein.

- L. Any owner who fails to comply with the liability insurance registration requirement in Subsection M shall be subject to a fine of not less than \$500 nor more than \$5,000 for each violation.
2. This ordinance shall take effect as of January 1, 2025.

Ordinance No. 25 of 2024

(Second Reading/Public Hearing)

M/S- Owen/DePamphilis

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

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

No. 25 of 2024

An Ordinance Amending Chapter 169, Article III, “Regulations for Hotels and Motels,” to Include Section 169-32, “Liability Insurance”

WHEREAS, on August 5, 2022, Governor Murphy signed into law P.L. 2022, c. 92 (N.J.S. 40A:10A-1 and -2) which, in part, required liability insurance for all business owners; and

WHEREAS, this legislation requires that each rental unit to annually register a certificate of insurance with the municipality in which the rental unit is located; and

WHEREAS, by way of Ordinance Number 25 of 2022, City Council for the City of Somers Point on December 15, 2022, enacted Chapter 94 of the City Code, entitled “Business and Rental Insurance Registration,” to bring the City in compliance with the then newly enacted law; and

WHEREAS, Article V of Chapter 169 of the City Code is entitled “Regulations for Hotels and Motels,” which City Council believes, that for more organizational purposes, is a more appropriate location for the requirement of liability insurance for such business operations; and

WHEREAS, City Council has now repealed Chapter 94 of the City Code.

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

1. Section 169-32 of Article II of Chapter 169, previously reserved, is hereby identified as “Liability Insurance,” and which Section shall read as follows:
“At the time of the filing of the registration form as required in §169-28, every owner shall supply the City Clerk with proof of liability insurance as required pursuant to N.J.S. 40A:10A-1 and -2.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

2. This ordinance shall take effect as of January 1, 2025.

Ordinance No. 26 of 2024

(Second Reading/Public Hearing)

M/S- Dill/Owen

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

Council President Johnston duly opened the meeting to the public.

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

No. 26 of 2024

An Ordinance Amending Chapter 169, Article III, “Regulations for Hotels and Motels,” Section 169-28, “Registration Forms; Filing; Contents,” and Section 169-39, “Fees”

WHEREAS, the City of Somers Point maintains Chapter 169, Article III in the City Code, which is identified as “Regulations for Hotels and Motels;” and

WHEREAS, City Council has reviewed this Code Section for purposes of updating same, to streamline the operations of the City Clerk’s Office, and in order to establish consistency between it and the City Code Sections on Mercantile Licenses (Chapter 174) and Business Registrations (Chapter 95), as well as for setting fees for inspections and registrations; and

WHEREAS, as a result of this review, City Council believes that certain changes and amendments to the registrations process as well as to the fees required of Chapter 169, Article III would be appropriate.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Somers Point, in the County of Atlantic, State of New Jersey, that Chapter 169, Article III of the Code of the City of the City of Somers Point is hereby amended as follows:

17. The first paragraph of §169-28 shall be replaced with the following language:

As authorized by N.J.S.A. 40:48-2.12c, and pursuant to Chapters 95 and 174 of the Code, all hotels and motels shall be registered as provided herein. Every owner shall file with the City Clerk of the City of Somers Point a completed registration form in a form to be provided by the City. For the year, 2025, every owner shall file such form annually within 30 days of the anniversary date of the original filing. Thereafter, such registration form shall be filed no later than January 31 of each calendar year. The filing of such form, and payment of the fee for same, shall constitute adherence to the businesses’ obligations under Chapters 95 and 174 of the Code. The registration form shall include but need not be limited to the following information:

18. Section 169-39 of Article III of Chapter 169, identified as “Fees,” is hereby repealed and replaced with the following language:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

- A. The fee for filing the registration form required in §169-28, and the proof of liability insurance required in §169-32, shall be the same as the business registration fee required in Chapter 95 of the Code, and which shall also constitute the payment of the fee for the business' mercantile license required in § 174-2 of Chapter 174 – Mercantile Licenses of the Code.
 - B. The failure to pay the aforesaid filing fee by June 30 of the calendar year shall result in a late fee of fifty dollars (\$50.00).
 - C. The fee for the annual inspection for a certificate of occupancy shall be thirty dollars (\$30.00) per unit.
 - D. The fee for any reinspection as a result of a violation shall be ten dollars (\$10.00) per unit.
19. This ordinance shall take effect as of January 1, 2025.

Resolutions:

Public Portion Resolutions:

Council President Johnston duly opened the meeting to the public.

Dan Myers and Shana Kestrel from the Arts Commission shared highlights on classes, teachers, events, grants, and the budget for 2025.

Council Member Owen announced there will be a Creative Writing Group meeting on Sunday December 15th, 2024.

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

Resolution No. 275 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

Council President Johnston commended the Somers Point Arts Commission for all their hard work.

No. 275 of 2024

Subject: Resolution Approving Program of Activities to Be Undertaken by the Somers Point Arts Commission During Calendar Year 2025

Introduced By: Council Members Owen and Haberkorn

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

WHEREAS, Somers Point Municipal Code Section 2-18 provides that no implementation of any call for action or any report and recommendation by the Arts Commission to City Council shall take place or have any status as action by the City or a report of the City or a policy of the City, unless and until accepted and approved by City Council by resolution, and City Council in its discretion may decline to act, accept or approve, or may act upon, accept or approve, any portion or the whole, as it desires and determines; and

WHEREAS, Mr. Dan Myers, Chair of the Somers Point Art Commission, provided a report to City Council and provided a list of programs and events proposed to be held or sponsored by the Somers Point Arts Commission during 2025, which is attached hereto: and

WHEREAS, due to the need to properly plan for the implementation of those events, on behalf of the Arts Commission Chairperson Myers requested that the governing body review and approve the slate of proposed events as submitted; and

WHEREAS, it is the consensus of the governing body that the proposed list of events and programs be approved and authorized.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the following programs and events, which are attached hereto and made a part of this Resolution are proposed by the Somers Point Arts Commission to be held during 2025:

It is further **RESOLVED** that within the framework of this authorization, the Chairperson of the Arts Commission will from time to time provide updates to City Council regarding the proposed programs and events and any suggested additional events, programs or venues; and

It is further **RESOLVED** the Mayor and Council express their appreciation to the members of the Arts Commission for their time and dedication in providing our residents and visitors with such a wide range of vibrant activities supporting all of the arts.

Resolution No. 276 of 2024

M/S- Owen/DePamphilis

This resolution was adopted by unanimous vote of those present.

No. 276 of 2024

Subject: Affirming the Existence and Continuation of the Public Right of Way Adjoining Block 1914 and Somers Point-Mays Landing Road
Introduced by: Council President Johnston

WHEREAS, there exists a parcel of land between the southerly property lines of lots 1, 2 and 9 in Block 1914 and the northerly right-of-way line of Somers Point-Mays Landing Road (CR 559); and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

WHEREAS, the parcel contains a variety of improvements including public parking spaces, sidewalks and driveways; and

WHEREAS, questions had arisen concerning the ownership and legal status of the subject parcel, and litigation was instituted by one of the property owners to resolve those questions and to confirm their right to access their property through the parcel; and

WHEREAS, the City has researched the issue and has concluded that the subject parcel is a portion of the existing “Broadway” public right of way, which has been and continues to be dedicated to, and accepted for, public use; and

WHEREAS, the City wishes to memorialize those conclusions in a formal Resolution confirming that the parcel is dedicated to public use, including serving as a means of access to the adjoining properties in Block 1914;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Somers Point that the City affirms the existence and continuation of the public right of way adjoining Block 1914 and Somers Point-Mays Landing Road.

Resolution No. 277 of 2024

M/S- Owen/Dill

This resolution was adopted by unanimous vote of those present.

No. 277 of 2024

Subject: Resolution Supporting Amendment of the Fair Housing Act (FHA) as Proposed by the New Jersey Institute of Local Government Attorneys (NJILGA)

Introduced by: Council President Johnston

WHEREAS, the current standards embodied in the New Jersey Fair Housing Act (“FHA”) impose unrealistic burdens on municipalities as demonstrated by the fact that the FHA calls for the imposition of a statewide affordable housing obligation of 84,698 just for Round 4 on municipalities that issued only 99,956 Certificates of Occupancy for all housing units in the 2010-2020 period that was used to establish prospective need obligations for Round 4; and

WHEREAS, the imposition of unrealistic obligations does not advance the realistic opportunity for the construction of more affordable housing, but instead encourages opposition and litigation; and

WHEREAS, the imposition of excessive obligations disincentivizes municipalities to comply voluntarily with the Mount Laurel doctrine – an overarching goal of all three branches of government. Unrealistic housing obligations force municipalities to overdevelop with inclusionary housing, thereby causing resistance to affordable housing.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

WHEREAS, compliance with the obligation proposed by the Department of Community Affairs places the cost of the obligation on the shoulders of municipal taxpayers to implement measures to address the secondary impacts of overdevelopment; and

WHEREAS, even-handed justice requires that the obligations imposed by our laws must be realistic in order to justify imposing an obligation of constitutional dimension on municipalities to create a realistic opportunity for affordable housing; and

WHEREAS, the unrealistic obligations imposed by the current laws can be easily addressed by redefining the manner in which the regional need is calculated to be faithful to a principle embodied in the FHA despite its many changes over almost forty years; and

WHEREAS, more specifically, the FHA has consistently defined the prospective need to include “a projection of housing needs based on development and growth which is *reasonably likely to occur* in a region or a municipality, as the case may be, as a result of actual determination of public and private entities” N.J.S.A. 52:27D-304 (j); and

WHEREAS, a determination of the number of new residential housing units, adjusted to remove tear down/rebuilds, represents a far more solid foundation to project “development and growth which is *reasonably likely to occur*” than the FHA’s current formula, which is based on “household change,” a nebulous and undefined term; and

WHEREAS, establishing prospective need for affordable units based on 20 percent of residential housing units *actually constructed* over a prior ten-year period accords with New Jersey’s long-standing policies of empowering municipalities to cure the abuse of exclusionary zoning with traditional inclusionary zoning; and

WHEREAS, the demand for market-rate housing is a reasonable basis for determining whether and to what extent a realistic opportunity for the creation of affordable housing may exist, and the issuance of certificates of occupancy for new residential units is a reliable indicator of such demand; and

WHEREAS, a standard aimed at ensuring that the number of affordable housing units in our state will increase commensurately with the number of market units constructed will put the doctrine on a sustainable trajectory that will avoid the tendency of municipalities to oppose implementation of affordable housing obligations; and

WHEREAS, the New Jersey Institute of Local Government Attorneys (“NJILGA”) has expressed its support for an amendment to the FHA by which “development and growth which is *reasonably likely to occur*” would be based upon the net number of new housing units constructed over each ten-year period for which the state’s affordable housing rounds are established; and

WHEREAS, for the above reasons, the City Council of the City of Somers Point has determined that its prospective need, and the prospective need for all New Jersey municipalities for the fourth round and all future rounds of affordable housing obligations, should be calculated using NJILGA’s proposed net housing unit based on certificates of occupancy as a methodology rather than the current FHA methodology based on “household change;”

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Somers Point, in the County of Atlantic, and State of New Jersey, that the New Jersey Legislature is hereby requested to enact the amendment to the Fair Housing Act that has been recommended by the New Jersey Institute of Local Government Attorneys; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

AND BE IT FURTHER RESOLVED, that the City Clerk of the City of Somers Point is also hereby directed to send a copy of this signed, dated Resolution within five (5) days after its adoption, by mail and email to the following additional listed persons and entities:

New Jersey Institute of Local Government Attorneys
P.O. Box 5389
Clinton, New Jersey 08809
Attention: J. Peter Jost, Esq.
Executive Director
jpeter@jpllegal.com

Senator Vincent Polistina
3100 Hingston Avenue, Suite 101
Egg Harbor Township, New Jersey 08234

Assemblyman Donald Guardian
3100 Hingston Avenue, Suite 101
Egg Harbor Township, New Jersey 08234

Assemblywoman Claire Swift
3100 Hingston Avenue, Suite 101
Egg Harbor Township, New Jersey 08234

Resolution No. 280 of 2024

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

No. 280 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING POTENTIAL LITIGATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

attendance during an Executive Session to be held on December 12, 2024, during a public meeting to be held commencing at 7:00 P.M, and

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

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

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

Advice of Counsel and attorney-client communication regarding potential litigation in connection with the Tax Abatement Application of LBH, LLC; 101 E. Maryland Ave.; Block 910, Lot 1; Somers Point, NJ

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 potential litigation.

Resolution No. 281 of 2024

M/S- Dill Owen

This resolution was adopted by unanimous vote of those present.

No. 281 of 2024

Subject: A Resolution Approving a Short-Term Tax Exemption Application for 23 Village Drive South

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Introduced By: Council President Johnston

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

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

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

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

WHEREAS on or about November 22, 2024, the owner of 23 Village Drive South (Block 1925, Lot 2), John and Mary Ann Nagel (“Owner”) submitted to the Somers Point Tax Assessor an Application For Five-Year Exemption and/or Abatement on NJ Form E/A-1 (the “Application”) as required by law and ordinance; and

WHEREAS said application was submitted after completion of the construction on said property; and

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

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

NOW THEREFORE, it is hereby resolved by the Common Council of the City of Somers Point that the Tax Assessor shall proceed to implement the Five-Year Tax Exemption procedure set forth in the Somers Point Municipal Code Chapter 228 for the Owner’s property located at 23 Village Drive South.

Resolution No. 282 of 2024

M/S- Owen/Gerety

This resolution was adopted by unanimous vote of those present.

No. 282 of 2024

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Subject: A Resolution Approving a Short-Term Tax Exemption Application for 4 Woodlawn Avenue

Introduced By: Council President Johnston

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

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

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

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

WHEREAS on or about November 20, 2024, the owner of 4 Woodlawn Avenue (Block 2142.02, Lot 2.05), Mark Persichetti (“Owner”) submitted to the Somers Point Tax Assessor an Application For Five-Year Exemption and/or Abatement on NJ Form E/A-1 (the “Application”) as required by law and ordinance; and

WHEREAS said application was submitted after completion of the construction on said property; and

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

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

NOW THEREFORE, it is hereby resolved by the Common Council of the City of Somers Point that the Tax Assessor shall proceed to implement the Five-Year Tax Exemption procedure set forth in the Somers Point Municipal Code Chapter 228 for the Owner’s property located at 4 Woodlawn Avenue.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Resolution No. 283 of 2024

M/S- Gerety/Dill

This resolution was adopted by unanimous vote of those present.

No. 283 of 2024

**Subject: Approval of Short-Term Tax Exemption Application for Sunset Avenue
Redevelopment LLC**

Introduced By: Council President Johnston

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

Whereas Ordinance 14 of 2021 approved adoption of a Redevelopment Plan for property situated within Block 1214, Lots 9, 10, 11, 12 & 16, currently known as Lots 10.01, 11.01, 11.02, 12.01, 12.02, 16.01 through 16.06 within Block 1214 (the “Subject Property” within the “Sunset Avenue Redevelopment Plan”); and

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

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

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

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

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

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

Whereas a certified copy of the recorded subdivision plat was submitted to the Somers Point Tax Assessor and the Somers Point Tax Assessor has revised the tax records and tax map to designate the subdivided lots as Lots 10.01, 10.02, 11.01, 11.02, 12.01, 12.02 and 16.01

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

through 16.06 within Block 1214 and had established the land assessment for each such lot for real estate tax purposes; and

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

Whereas the Somers Point Construction Official has determined that two (2) of the residential properties which are subject to a filed Application, have reached “substantial completion,” which is a condition precedent to implementing the Five-Year tax exemption; and

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

Whereas the Redeveloper has paid both the Application fees for the two (2) substantially complete properties, as well as the required Residential Development Fee which is to be deposited into the City’s Affordable Housing Trust Fund; and

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

Whereas the Somers Point City Council has determined that the Redeveloper has completed the construction of two (2) residential units within the time period set forth in the Construction Schedule and has satisfied all other conditions precedent to implementation of the Five-Year Short-Term Tax Exemption as set forth in the Sunset Avenue Redevelopment Plan and the Redevelopment Agreement for this one (1) residential unit; and

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

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

1. The conditions precedent to approval set forth in the Sunset Avenue Redevelopment Plan and the Redevelopment Agreement have been satisfied for two (2) of the units; and
2. The Tax Assessor shall proceed to implement the Five-Year Tax Exemption following procedure set forth in the Somers Point Municipal Code Chapter 228 and the Redevelopment Agreement for below identified property:
 - 533 Sunset Avenue (**Block 1214, Lot 12.01**)
 - 531 Sunset Avenue (**Block 1214, Lot 12.02**)
3. The Five-Year Tax Exemption shall continue during the five-year term subject to this property owner's compliance with the provisions set forth in the Somers Point Municipal Code Chapter 228.

Resolution No. 284 of 2024

M/S- DePamphilis/Dill

This resolution was adopted by unanimous vote of those present.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

No. 284 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: ADVICE OF COUNSEL REGARDING CONTRACT NEGOTIATION

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on December 12, 2024, during a public meeting to be held commencing at 7:00 P.M, and

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

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

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

Advice of Counsel and attorney-client communication regarding contractual billings for legal services.

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
------------------------------	-----------------------	-----------------------------

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

See Exception 7	Unknown at this time	Discussion by City Council relative to contractual billings for legal services.
-----------------	----------------------	---

Resolution No. 285 of 2024

M/S- Gerety/Dill

This resolution was adopted by unanimous vote of those present.

No. 285 of 2024

Subject: Resolution Releasing the Off-Site Performance Guarantee for Sunset Ave Developers, LLC

Introduced by: Council President Johnston

WHEREAS, Sunset Avenue Developers, LLC, requested the City of Somers Point release its Offsite Performance Guarantee posted for Sunset Avenue Developers, LLC, Block 1214, Lots 9, 10, 11, 12, & 16, in the amount of \$261,171.00 to guarantee the completion of off-site improvements Sunset Avenue Developers, LLC; and

WHEREAS, the City Engineer reviewed this request and inspected the project and determined that said off-site Performance Guarantee can be released, as set forth in their December 9, 2024 letter attached hereto and incorporated by reference herein; and

WHEREAS, Sunset Avenue Developers shall post a Maintenance Guarantee valid for two (2) years for 15% of the Performance Guarantee (\$39,175.65) prior to the release of the Performance Guarantee; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that based on the City Engineer’s letter dated December 9, 2024, attached hereto and

incorporated by reference herein, it hereby releases the Off-site Performance Guarantee subject to the posting of a Maintenance Guarantee

Resolution No. 286 of 2024

M/S- Haberkorn/Owen

This resolution was adopted by unanimous vote of those present.

No. 286 of 2024

Subject: Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a

Introduced By: Council President Johnston

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

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

WHEREAS, the City of Somers Point has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the City of Somers Point intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the City of Somers Point authorizes the Purchasing Agent, Jason Frost – QPA, to purchase certain goods or services from those approved New Jersey State Contract Vendors listed below and any other Vendors not listed but who are under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the City of Somers Point pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

IN ADDITION, BE IT FURTHER RESOLVED, that the duration of the contracts between the City of Somers Point and the Referenced State Contract Vendors shall be for Calendar Year 2024.

IN ADDITION, BE IT FURTHER RESOLVED, by the City Council of the City of Somers Point, New Jersey, the referenced Various Parts and Supplies purchased from Island Tech Services, 46 Fourth St, Somerville, NJ 08876 in accordance with the New Jersey State Contract Numbers 17-FLEET-00739, 17-FLEET-00719, 17-FLEET-00762 & NASPRO-AR3189, for use by the Somers Point Police Department to outfit their vehicles as follows:

Referenced State Contract Vendors:

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
NJ State Parts Contract	Code 3	17-FLEET-00739
	Havis Inc	17-FLEET-00719
	Troy Products	17-FLEET-00762
	GETAC	NASPO-AR3189

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Various Parts and Supplies (Per Attached) – (2) Police Vehicle Up-Fitting:

TOTAL
PRICE.....\$20,066.00

Resolution No. 287 of 2024

M/S- Gerety/Owen

This resolution was adopted by unanimous vote of those present.

No. 287 of 2024

Subject: LEAP Implementation Grant

Introduced by: Council President Johnston

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

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP) to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, Atlantic County government, acting as the lead entity, and Buena Borough, Borough of Folsom, City of Linwood, City of Northfield, City of Pleasantville, City of Somers Point and the Atlantic County Improvement Authority, as participating local units, propose to enter into a shared services agreement for web hosting and design based in a Content Management System, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, this shared services agreement will allow the participating units to utilize elements of Atlantic County government’s existing Content Management System platform to manage content, enhance cybersecurity, meet ADA-compliance requirements, and promote greater citizen engagement for the benefit of residents and customers of each participating local unit; and

WHEREAS, the participants named above will continue to have their own independent website domain names, site search and SSL security certificates with a choice of design and development options in a Content Management System that will allow multiple contributors to create, edit and publish content; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

WHEREAS, as the lead agency in this effort, Atlantic County government has agreed to submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Somers Point, that the City of Somers Point does hereby join with Atlantic County government and the participating units named above in applying for a LEAP Implementation Grant in the amount of \$86,207 over a 5-year term to support implementation of this shared service.

Resolution No. 288 of 2024

M/S- Dill/Haberkorn

This resolution was adopted by unanimous vote of those present.

No. 288 of 2024

Subject: Authorizing Purchase of Fleet Parts Supply Through the Sourcewell National Cooperative Purchasing Program for Contract #032521-GPC , Fleet Parts Supply and Related Products, for the Somers Point Public Works Department

Introduced By: Council President

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

WHEREAS, the Sourcewell National Cooperative has acted as lead agency and awarded Contract Number #032521-GPC: Fleet Parts Supply and Related Products, expiring May 19th,2025; and

WHEREAS, the City’s Public Works Department has a need to purchase a Maxx 90 Tire Changer for use by the Somers Point Public Works Department to replace antiquated equipment used for tire changing; and

WHEREAS, the City Administrator/Purchasing Agent Jason Frost has reviewed the contract from Sourcewell National Cooperative Contract Number #032521-GPC, Fleet Parts Supply, and Related Products, and has determined that the acquisition of the Maxx 90 Tire Changer as the functional economic solution to purchase Fleet Parts Supply for use by the Department of Public Works; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Somers Point, New Jersey, the referenced Fleet Parts Supply purchased from Genuine Parts Company DBA Napa Val-U Auto Parts, 2999 Wildwood Parkway, Atlanta, GA 30339 in accordance with the Sourcewell National Cooperative contract term for Contract Number #032521-GPC, Fleet Parts Supply, and Related Products, Expiring 5/19/25, contract for use by the Public Works Department as follows:

Maxx 90AL Tire Changer:

Air- with Tire Lift

Electric 220V:800Maxx90220

Wheel Handled: Alloy and Steel for Car and Light/ Medium Truck

Rim Diameter/ 6” – 30” External

Max Tire Diameter/ 50”

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

TOTAL PRICE.....
\$13,847.00

*Please note, it was anticipated this contract would be utilized on or about 11/21/24 but due to extenuating circumstances, that use of said contract was extended to 12/12/24.

Resolution No. 289 of 2024

M/S- Haberkorn/Owen

This resolution was adopted by unanimous vote of those present.

No. 289 of 2024

Authorizing Executive Session

Subject: A Resolution to Adjourn to Executive Session to Discuss Matter Involving Potential Contract Negotiations Related to the PBA Collective Bargaining Agreement

Introduced by: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that one (1) issue permitted by N.J.S.A. 10:4-12(b) is to be discussed without the public in attendance during an Executive Session to be held on December 12, 2024, during a public meeting to be held commencing at 7:00 P.M, and

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

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

The specific topic to be discussed are issues related to negotiations related to the PBA Collective Bargaining Agreement.

WHEREAS, the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

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 immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

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 Above	Cannot be determined at this time.	City Council Approval by Resolution, if any

Resolution No. 290 of 2024

M/S- Owen/Gerety

This resolution was adopted by unanimous vote of those present.

No. 290 of 2024

AUTHORIZING EXECUTIVE SESSION

Subject: Advice of Counsel Regarding the Status of a Potential Redevelopment Agreement Between the City of Somers Point and Route 152 Partners, Three Bozos, LLC, and Somers Point Paddle Club, LLC as Redevelopers of Block 1007, Lots 1, 2, and 3, Block 1008, Lot 3, and Block 1211, Lot 2 (Collectively, “the Maryland Avenue, Bay Avenue and Pleasant Avenue Project”)

Introduced By: Council President Johnston

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

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

without the public in attendance during an Executive Session to be held on December 12, 2024, during a public meeting to be held commencing at 7:00 P.M.; and

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

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

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

Advice of Counsel and attorney-client communication regarding the status of a potential redevelopment agreement between the City of Somers Point and Route 152 Partners, Three Bozos, LLC, and Somers Point Paddle Club, LLC for Block 1007, Lots 1, 2, and 3, Block 1008, Lot 3, and Block 1211, Lot 2 (“The Maryland Avenue, Bay Avenue and Pleasant Avenue Project”).

WHEREAS the length of the Executive Session is estimated to be approximately 45 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 potential redevelopment agreement

Resolution No. 291 of 2024
M/S- Owen/DePamphilis
TABLED

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Council Member McGuigan expressed concerns regarding the resolution. Solicitor Smith and City Council discussed the Resolution. On the motion of Council Member Haberkorn, seconded of Council Member Dill, with unanimous roll call vote of those present, the resolution was tabled.

No. 291 of 2024

Subject: A Resolution Authorizing the Business Administrator to Enter into an Agreement with David Neyers, SCGREA for the Appraisal of Certain Property in the City of Somers Point

Introduced by: Council President Johnston

WHEREAS, the City of Somers Point is the owner of certain property on the westerly side of Kennedy Park in Somers Point, identified as the easterly one-half of the vacated street of Point Avenue; and

WHEREAS, Exceler Building Solutions, LLC is the contract purchaser of 90 Broadway, which property also includes the vacated westerly one-half of Point Avenue; and

WHEREAS, there have been discussions between representatives of the City of Somers Point and Exceler Building Solutions, LLC, regarding the City of Somers Point selling the easterly one-half Point Avenue to Exceler Building Solutions, LLC; and

WHEREAS, the City of Somers Point is desirous of determining the fair market value of its ownership interest in the vacated, easterly one-half of Point Avenue; and

WHEREAS, the City's representatives have reached out to certain local appraisers for the cost associated with the production of an appraisal for the City's interest in the vacated, easterly one-half of Point Avenue; and

WHEREAS, the City Council wishes to authorize the Business Administrator to retain the services of David Neyers, SCGREA; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point that the City's Business Administrator is hereby authorized to enter into the attached contract as a professional contract without competitive bidding under the Professional Services Exception under the Local Public Contract Law.

Clerk

Old Business:

Council Member Gerety and Administrator Frost discussed the pay of Former Council Member McCarrie.

New Business:

The City Council discussed and set the date of the 2025 Reorganization Meeting for January 3rd at 7:00pm.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

Discussion of Bills:

Administrator Frost reported a Bill List dated 12/10/2024 in the amount of \$1,474,128.90.

Public Portion:

Council President Johnston duly opened the meeting to the public.

Captain Joe Fogel thanked the Council and all City First Responders.

Christine Kumonka expressed her displeasure with her neighbor's shed.

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

Payment of Bills:

M/S: Gerety / Dill

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

Comments from Governing Body:

Council President Johnston wished everyone a Happy Holiday and New Year.

Recess:

The Governing Body recessed briefly before going into Executive Session at 8:01 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 8:52 p.m.

Resolution No. 292 of 2024

M/S- Gerety/Dill

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

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

No. 292 of 2024

Subject: Resolution Designating Route 152 Partners, Three Bozos, LLC, and Somers Point Paddle Club, LLC as Redevelopers and Authorizing Execution of a Redevelopment Agreement Regarding Block 1007, Lots 1, 2, and 3, Block 1008, Lot 3, and Block 1211, Lot 2 (Collectively, “the Maryland Avenue, Bay Avenue and Pleasant Avenue Project”) in an Area in Need of Rehabilitation within the City of Somers Point, County of Atlantic, State of New Jersey

Introduced by: Council President Johnston

WHEREAS, on December 12, 2024, after a public hearing, the City Council adopted Ordinance No. 20-2024, approving and adopting the “**Pleasant and Bay Redevelopment Plan for Block 1107, Lots 1, 2, and 3, Block 1108, Lot 3, and Block 1211, Lot 2, City of Somers Point, Atlantic County, New Jersey,**” dated November 14, 2024, and prepared by Colliers Engineering & Design (the “**Redevelopment Plan**”), attached hereto as **Exhibit A**; and

WHEREAS SOMERS POINT PADDLE CLUB LLC, RT. 152 PARTNERS, LLC, AND THREE BOZOS, LLC, are the owners or Lessees of the properties comprising the Project Area; comprising Block 1107, Lots 1, 2, and 3, Block 1108, Lot 3, and Block 1211, Lot 2; and

WHEREAS Redevelopers propose to assemble the Project Area to remediate, develop, finance, construct, implement, and cohesively redevelop the Project Area (the “Project”) in two (2) phases as more particularly described in the Redevelopment Agreement attached hereto; and

WHEREAS the Governing Body has determined that the Redevelopers possess the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, the Redevelopment Agreement attached hereto as Exhibit A (the “Redevelopment Agreement”), and all other Applicable Laws (as such term is defined in the Redevelopment Agreement), ordinances and regulations; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Project, and the redevelopment of the Project Area, the City has determined to enter into the Redevelopment Agreement with the Redevelopers to specify the respective rights and responsibilities of the City and the Redevelopers with respect to the Project.

NOW, THEREFORE, it is on this 12th day of December 2024 , hereby resolved by the City Council of the CITY OF SOMERS POINT as follows:

1. The recitals are hereby incorporated as if fully set forth herein.
2. The City hereby designates SOMERS POINT PADDLE CLUB, LLC, RT. 152 PARTNERS, LLC, AND THREE BOZOS, LLC, as the Redevelopers (as that term is defined in the Redevelopment Law) for the Project.
3. The City hereby approves and consents to the execution of the Redevelopment Agreement, substantially in the form annexed to this Resolution as Exhibit B, subject to minor revisions as deemed necessary or desirable by the City’s Solicitor and / or Special Redevelopment Counsel.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
December 12, 2024**

4. The City Clerk and other City staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution and the terms of the Redevelopment Agreement, and the Mayor shall be authorized and directed to execute the Redevelopment Agreement.

5. The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Redevelopment Agreement, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the City Clerk and any other City official, officer or professional, including but not limited to, City Solicitor, and Special Redevelopment Counsel, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, City Solicitor, Special redevelopment counsel, City Engineer, City Administrator, and City Planner, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

6. This Resolution and the Redevelopment Agreement shall take effect immediately upon final publication of Ordinance 12 of 2024.

**EXHIBIT B
REDEVELOPMENT AGREEMENT**

The Governing Body reentered the Executive Session at 9:02 p.m.

Reconvene:

Council President Johnston reconvened the Governing Body to Open Session at 9:27 p.m.

Adjournment:

There being no further business to come before City Council, Council Member DePamphilis moved, Council Member Haberkorn seconded and carried to adjourn the meeting at 9:28pm.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 1/9/2025