

**CITY OF NORTH WILDWOOD  
Cape May County, New Jersey**

**RESOLUTION**

**AUTHORIZING EXECUTION OF AN ADMINISTRATIVE CONSENT ORDER WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WHEREAS**, the beaches of the City of North Wildwood have, over a period of more than 20 years, become one of if not the most erosive public beaches in New Jersey; and

**WHEREAS**, the financial and construction assistance programs of the State of New Jersey and the Federal government that were established to benefit and assist coastal communities in conducting shore protection projects were, for whatever reason, not made available to the City in a timely fashion and the City was forced to expand more than \$20 million of its own funds over a 10 year period in an effort to protect its beaches; and

**WHEREAS**, the actions taken by the City included periodic beachfills, backpassing, the construction of a bulkhead which successfully protected the City's downtown area during a series of storms and other measures calculated to protect the City and its beaches; and

**WHEREAS**, in October 2022 the New Jersey Department of Environmental Protection (NJDEP) filed an action in the Superior Chancery Division of the Superior Court seeking to enjoin the City from taking any further unilateral action to protect and preserve its beaches; and

**WHEREAS**, the City filed a counterclaim to that action seeking approximately \$20 million in compensation for the cost of its shore protection efforts and NJDEP thereafter assessed approximately \$12 million in civil administrative penalty actions; and

**WHEREAS**, litigation has been ongoing between the City and NJDEP both in the Superior Court and in the Office of Administrative Law; and

**WHEREAS**, during the pendency of the litigation the New Jersey Department of Transportation implemented an emergency dredging project that resulted in the placement of 750,000 cubic yards of dredged materials on the City's beaches, the cost of which was shared by NJDOT and the City thereby alleviating any immediate emergency; and

**WHEREAS**, the City and NJDEP now wish to resolve all civil and administrative litigation in connection with the foregoing and have negotiated and agreed to the wording of an Administrative Consent Order for that purpose; and

**WHEREAS**, in the judgement of the City Council and the City's professionals the Administrative Consent Order represents a fair, just and equitable settlement of the dispute described above.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of North Wildwood, in the County of Cape May, State of New Jersey, that:

1. All of the statements of the preamble are incorporated herein by this reference thereto as though the same were set forth at length.
2. The Mayor and the City Clerk are authorized to execute the aforesaid Administrative Consent Order, which, when executed by all parties, shall be annexed to and made a part of this Resolution.

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I, Jennifer VanSant, Deputy City Clerk of the City of North Wildwood, in the County of Cape May, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Mayor and Council of the City of North Wildwood at a meeting duly held on the 19<sup>th</sup> day of November, 2024.

Dated: November 19, 2024

Signed: \_\_\_\_\_  
Jennifer VanSant, Deputy City Clerk

APPROVED: \_\_\_\_\_  
Patrick T. Rosenello, Mayor

	Motion	Second	Aye	Nay	Abstain	Absent
Tolomeo						
Rullo						
Kane						
Del Conte						
Koehler						
Bishop						
Zampirri						