



CITY OF ABSECON  
Municipal Complex  
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**JUNE 4, 2009  
WORK & REGULAR MEETING  
MINUTES**

**FLAG SALUTE** – Councilman Norris

**INVOCATION** – Lisa Whitaker, Youth With A Mission

**ROLL CALL:** Marczyk, Green, Norris, Falivene, Vizthum, Caterson

**ABSENT:** Gorman and Mayor Elco

**Also Present:** City Solicitor, Terry Dolan, City Administrator; Mike Blee; CFO, Jessica Thompson & Carie Crone, City Clerk and Eddie Dennis, City Engineer

**PRESIDENT’S STATEMENT ON THE SUNSHINE LAW** – Lynn

**NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED** – Lynn

**PUBLIC PORTION**

Motion to open to public – Councilman Norris – second – Councilman Falivene

All were in favor. No public comment.

Motion to close public – Councilman Norris – second – Councilman Falivene

All were in favor.

**WORK MEETING**

**ORDINANCES AND RESOLUTIONS LISTED BELOW ARE FOR DISCUSSION AND MAY BE ACTED UPON AT THE REGULAR MEETING OF CITY COUNCIL.**

**Lynn** – asked for a motion to add Res. 92-2009 – Authorizing Remington, Vernick & Walberg Engineers to administer the design, construction and inspection of improvements to the West End of New Jersey Avenue and Res. 124-2009 – Authorizing a reduction in the Performance Guaranty from HJ&J Land Company, LLC for improvements on property known as Block 9.02, Lot 3.02 to the work agenda tonight.

Motion made by Councilman Falivene – second – Councilman Green All were in favor

## 2009 RESOLUTIONS

- 115 Expressing the desire to participate in the Urban County Community Development Block Grant Program. **MOVED**

- 116 Opposing the proposed age restricted Housing Bill, S-2577/A-3772. **MOVED**

**Lynn** – explained how this came down from the State. It will allow existing developments that were age restricted to become non-restricted if approved by the board that heard the application originally without public input. She then read parts of the resolution that Council plans on passing and sending up to the State.

**Jerry** – feels strongly against this law. It goes against public hearings; boards go to great lengths to make sure the public knows about zoning changes and what can happen to properties. It's a big difference between the two types of uses.

- 117 Authorizing the City of Absecon to award the contract for paving and drainage improvements on New Jersey Avenue. **MOVED**

- 118 Authorizing the City of Absecon to award the contract for paving Shady Lane. **MOVED**

- 119 Approving the insertion of a special item of revenue into the 2009 Municipal Budget to allow for the receipt of \$1,200.00 from the State of New Jersey Cops in shops. **MOVED**

- 120 Approving the insertion of a special item of revenue into the 2009 Municipal Budget to allow for the receipt of \$1,520,022.00 from the County of Atlantic New Jersey Avenue Improvements. **MOVED**

- 121 Approving the insertion of a special item of revenue into the 2009 Municipal Budget to allow for the receipt of \$1,787.07 from the State of New Jersey Clean Communities. **MOVED**

- 122 Granting a Raffle License to St. Elizabeth Ann Seton Church. **MOVED**

- 123 Appointing members to the Zoning Board namely, Vince Leonetti, Sr. and Joe Polisano. **MOVED**

- 124 Authorizing a reduction in the Performance Guaranty from HJ&J Land Company, LLC for improvements on property known as Block 9.02, Lot 3.02 **MOVED**

**Terry** – explained the city engineer reviewed and it reduces the bond to \$896,000

**Lynn** – asked Terry to clarify this.

**Terry** – yes, Foxmoor Homes did come before the Planning Board with a new application to change this development. The bond we're reducing is the old bond on the old development. When and if the developer gets final approval from the Planning Board on the new application, the developer would then have to post a new bond based on a new engineer's estimate to complete what is in effect a new application. He does not have final approval from the PB they only have preliminary. All this does is assure us that there is still a performance guarantee in place to complete the original bonded site improvements on the original application.

**Jerry** – so you know there are some structures that are bonded now that may have impact on the new development that would not be included in the new bond. Whatever new buildings being constructed from the new approval would have to be bonded. The second bond shouldn't be too significant of a bond.  
**Terry** – he's just raising a point and not looking for an answer now. Assuming a new application with a new bond, in a project that does not have a maintenance bond posted for the old part of the project, he feels there may be some figuring out so everyone is protected as we move forward.

- 92** Authorizing Remington, Vernick & Walberg Engineers to administer the design, construction and inspection of improvements to the West End of New Jersey Avenue  
**MOVED**

## REGULAR MEETING AGENDA

### 2009 ORDINANCES

- 07** Capital ordinance appropriating \$22,500.00 for the Downtown Streetscape on New Jersey Avenue.

Motion for second reading – Councilman Marczyk – second – Councilman Green

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Caterson, yes

Motion to open to public – Councilman Green – second – Councilman Norris

No comment. Motion to close – Councilman Green – second – Councilman Vizthum

Motion for final reading and adoption – Councilman Green – second – Councilman Vizthum

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Caterson, yes

- 08** Repealing Ordinance 15-2005 as it pertains to the sex offender residency prohibition.

Motion for second reading – Councilman Green – second – Councilman Vizthum

Roll Call: Marczyk, no; Green, yes; Norris, yes; Falivene, no; Vizthum, yes; Caterson, yes

Motion to open to public – Councilman Green – second – Councilman Vizthum

No comment. Motion to close – Councilman Green – second – Councilman Vizthum

Motion for final reading and adoption – Councilman Green – second – Councilman Vizthum

Roll Call: Marczyk, no; Green, yes; Norris, yes; Falivene, no; Vizthum, yes; Caterson, yes

#### Consent Agenda

**All matters listed under item, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be discussed separately.**

#### Resolutions #115-123 made up the consent agenda as well as 92 and 124

Motion to move Consent Agenda – Councilman Green – second – Councilman Norris

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Caterson, yes

## **APPROVAL OF BILL LIST- \$222,899.35**

Motion to approve: – Councilman Marczyk – second – Councilman Green

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Caterson, yes

## **REPORTS**

**Joe** – no report – next finance meeting 6/18

**Fred** – bids have come in for NJ Ave. and our pre-construction meeting is scheduled for 6/16 @2:30. He thinks they are to begin after the 4<sup>th</sup> of July. The clock starts on that day and they have 110 day turn around, so it should be completed by October. Hopes it doesn't take that long. Announced streets to be paved with the State money. Hopes to add 2<sup>nd</sup> and 3<sup>rd</sup> block of St. Charles Ave and Cynwyd Drive.

**Charlie** – congratulated Fred and his committee for an outstanding job on the road program this year. Thanked Legion for their work on the Memorial Day parade and certain individuals involved.

**Jerry** – no Public Safety meeting due to elections and thanked the voters for coming out to vote.

**Jim** – still looking into the ordinance regarding real estate signs and after discussion at our meeting tonight, we heard that there was a stop on enforcing it but the committee feels it should enforce it again being it is specific on it at the time the city adopted the ordinance. We are going to still look into it further. Also discussed the downtown project, where Eddie came and gave an excellent report.

**Lynn** – gave Bobbie's report and announced upcoming events. Some concerns were raised about our bidding process since it now says that no employee or family member of an employee can bid on items. Thanked Joe and his committee for looking into it.

**Terry** – announced National Night Out is 8/4 at 6:00 p.m. in Pitney Park. The Senior Center gave us a somber report about their budgetary issues that we all are experiencing and the funding will be a challenge for 2010.

## **PUBLIC PORTION**

Motion to open to public – Councilman Vizthum – second – Councilman Falivene

All were in favor.

**Bill Fritz – 820 New York Ave.** – representing HJ&J Land tonight and wanted it made clear that they do not own Block 9.02, Lot 3.02 anymore and we are not the developers and not responsible for improvements at the site.

Motion to close – Councilman Green – second – Councilman Vizthum

All were in favor.

**Mike Blee** – wanted council to know that the tax appeals are finished and commended Brian and Debbie for their work and success in resolving some of them beforehand. Also the reval company pursuant to their contract finished out their second tax appeal process and did a fine job. There has been a case that has been lingering in the courts and we expect a decision tomorrow dealing with the SPCA and the Appellate Division.

## **ADJOURNMENT**

Motion to adjourn meeting – Councilman Norris – second – Councilman Falivene

All were in favor.

Respectfully submitted,

Carie A. Crone, Clerk

Approved: \_\_\_\_\_