



CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201

Carie A. Crone, RMC
Municipal Clerk

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CITY COUNCIL

November 6, 2014

REGULAR MEETING - 7:00 PM

AGENDA

FLAG SALUTE

INVOCATION – Reverend Dean Bult
Mainland Baptist Church, Galloway

ROLL CALL

PRESIDENT’S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

PRESENTATION – Homeland Security

PUBLIC HEARING - 911 Memorial

REPORTS Council Committees
Mayor
Administrator
Chief Financial Officer
Clerk
Engineer

PUBLIC PORTION

REGULAR MEETING AGENDA

2014 ORDINANCES FOR INTRODUCTION

- 22** An Ordinance amending Chapter 234 of the Code of the City of Absecon as the same relates to Mercantile Licenses.
- 23** An Ordinance amending Chapter 160 of the Code of the City of Absecon as the same relates to Construction Fees.
- 24** An Ordinance amending Chapter 224 – Land Use and Development, Article XXVI – Fees and Escrows.

2014 ORDINANCES FOR FINAL ADOPTION

- 19** An Ordinance amending Ordinance 14-2014, salary ranges for the City of Absecon.
- 20** An Ordinance providing Chapter 225-2014 “Affordable Housing” of the Code of The City of Absecon to address the requirements of the Council of Affordable Housing and Uniform Housing Affordability Controls.
- 21** Accepting conveyance of lands known as Block 72, Lot 3 on the Absecon City Tax Map as a gift and authorizing City representatives to take those actions reasonably required to effect such conveyance.

CONSENT AGENDA

- 168** Authorizing the City of Absecon to enter into a contract with Woodruff Energy for the delivery of natural gas for use by the City.
- 169** Approving the insertion of a Special Item of Revenue into the 2014 Municipal Budget to allow for the receipt of \$7,489.59 from the State of New Jersey Drunk Driving Enforcement Fund.
- 170** Authorizing a refund of an overpayment of taxes on the property located at 122 Davis Ave.
- 171** Authorizing the Mayor to execute Utility Easement Agreements with Atlantic City Electric Company for the purpose of rebuilding a portion of its existing transmission and distribution lines city-owned lands identified herein.

APPROVAL OF BILL LIST - \$ 1,314,366

APPROVAL OF MINUTES

Regular Meeting Minutes – 10/16/2014

PUBLIC PORTION

ADJOURNMENT

CITY OF ABSECON

ORDINANCE 22-2014

AN ORDINANCE AMENDING CHAPTER 234 OF THE CODE OF THE CITY OF ABSECON AS THE SAME RELATES TO MERCANTILE LICENSES

WHEREAS, from time to time certain sections of the Code of the City of Absecon are reviewed and updated; and

WHEREAS, certain amendments set forth in this Ordinance would help to promote the health, safety and welfare of businesses, residents and visitors of the City of Absecon.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON, NEW JERSEY THAT CHAPTER 234 OF THE CITY OF ABSECON SHALL BE AMENDED AS FOLLOWS:

Section 234-1 shall remain unchanged.

Section 234-2 of the Code of the City of Absecon shall be amended as follows:

Subsection A - in the first line the words "Mercantile Tax Collector" shall be changed to the words "City Clerk".

Subsection B(1) - shall be amended to read as follows:

Each application for a new business, not previously licensed, shall be referred to the Chief of Police or his designee who shall undertake an investigation of the applicant and/or individuals associated therewith. Such investigation shall include a criminal background check to determine if there have been any violations of statutes as set forth in Section 234-12D(1) and (2) of this chapter. Any such violations shall automatically disqualify an Applicant for a Mercantile License or shall be grounds for revocation of an already Existing Mercantile License subject to right to demonstrate rehabilitation as set forth in 234-12D(3). The investigation shall also determine if the Applicant's background indicates there is a reasonable likelihood that conduct will occur at licensed premises that is dishonest, fraudulent or in violation of law.

Subsection 234-2B(2) - shall be amended to read as follows:

The investigation shall be completed as soon as possible and the findings provided to the City Clerk with a recommendation as to whether such license should be issued. If the investigation recommends against the issuance of the license, then the Mercantile License shall not be issued. The Applicant shall be notified of such denial and may request a review of the application by the Public Safety Committee of the Municipal Council, by submitting a written request for a hearing within 10 days of written or telephonic notification of the denial. The letter shall be submitted to the City Clerk. The Public Safety Committee shall consider the matter at one of the next two regularly scheduled

meetings of the Committee. The Applicant shall have the opportunity to appear before the Committee, may present witnesses and evidence on its behalf and may be represented by counsel of its own choosing at its own cost and expense. Within 10 business days after the hearing before the Public Safety Committee the Committee shall issue a written determination to the Applicant indicating whether the decision of the Police Chief or his designee shall be reversed or affirmed. The decision of the Public Safety Committee after the hearing shall be final. The process set forth in this subsection shall also be used in the event the Chief of Police or his designee recommends revocation of an already existing license.

Subsection 234-2B(3) - shall remain unchanged.

Subsection 234-2C - shall be amended to read as follows:

Temporary Mercantile License. In addition to the foregoing requirements, and without in anyway diluting them, an Applicant may be granted a temporary mercantile license if the Applicant denies any criminal history and any one of the following requirements are met:

- (1) The Applicant currently has a valid mercantile license for another business in the City of Absecon; or
- (2) The Applicant has had a full background check done by another Issuing Authority within two (2) years of his/her applying for the Mercantile License in the City of Absecon and the Applicant has been issued a mercantile license by that authority and has provided the results to the Chief of Police; or
- (3) The Applicant has met all other conditions required for the issuance of a Mercantile License and is in compliance with all statutes, ordinances, rules and regulations of the City of Absecon, County of Atlantic and State of New Jersey and any delay in the opening of the business establishment for which the Mercantile License is being issued would in the discretion of the City Administrator cause substantial injury to the Applicant.

- (4) The following shall be typed on all temporary licenses:

The Applicant acknowledges that it is proceeding at its own risk and is solely responsible for the decision to open the business. The Applicant understands that a permanent license may be denied. The Applicant by accepting this temporary license indemnifies and holds harmless the City of Absecon and any of its officers, agents and officials from any claim, damage or legal action regarding the issuance of this temporary license.

Subsection 234-2D - shall be amended to read as follows:

If the investigation which is completed pursuant to this chapter reveals information that would warrant a denial of a Mercantile License, then the Applicant's temporary Mercantile License shall be immediately revoked and the business shall be closed.

There shall be added a Section 234-2E of the Code of the City of Absecon which shall state as follows:

- (E) By accepting a temporary Mercantile License, any Applicant acknowledges that they are proceeding at their own risk and are solely responsible for the decision to open their business with a temporary Mercantile license understanding that a permanent license may be denied. Any Applicant who accepts a temporary Mercantile License specifically, by acceptance of the same, indemnifies and holds harmless the City of Absecon and any of its officers, agents and officials concerning any claim, damages or legal action regarding the issuance of any temporary Mercantile License, Mercantile License, or any loss as a result thereof.

Section 234-3 of the Code of the City of Absecon shall remain unchanged.

Section 234-4 of the Code of the City of Absecon shall remain unchanged.

Section 234-5 of the Code of the City of Absecon shall be amended by deleting the words "Mercantile Tax Collector" and replacing them with the words "City Clerk".

Subsection 234-6A of the Code of the City of Absecon shall be amended by changing the Fee Schedule as follows:

(1)	Permanent location up to 15,000 sq ft	\$75.00
(2)	Permanent location 15,001 to 50,000 sq ft	\$125.00
(3)	Permanent location 50,001 to 75,000 sq ft	\$175.00
(4)	Permanent location over 75,000 sq ft	\$225.00
(5)	Towing License with impound lot	\$600.00
(6)	Towing License without impound lot	\$300.00
(7)	Mobile License	\$100.00
(8)	Hotel/Motel up to 15 rooms	\$75.00
(9)	Hotel/Motel 16 to 50 rooms	\$125.00
(10)	Hotel/Motel 51 to 100 rooms	\$175.00
(11)	Hotel/Motel 101 or more rooms	\$275.00

Section 234-7 of the Code of the City of Absecon shall be amended to read as follows:

- A. No license shall be granted for any business until the Construction Official/Zoning Official certifies, in writing, to the City Clerk that the Applicant has complied with all ordinances, statutes, rules and regulations pertaining to said business.

Subsection B shall be deleted.

Subsection 234-7(C) of the Code of the City of Absecon shall be renumbered as Subsection 234-7(B).

Subsection 234-7(D) of the Code of the City of Absecon shall be renumbered 234-7(C) and shall be amended by adding the words “or temporary license” between the words “license” and “shall”.

Section 234-8 of the Code of the City of Absecon shall remain unchanged.

Section 234-9 of the Code of the City of Absecon shall be amended to read as follows:

Non-Compliance; Non-Tranfersability.

- A. No license issued pursuant to this chapter shall be transferred from one person or entity to another and no license shall be used for a place of business other then the place of business for which it was issued or reissued. An owner who transfers locations with the same business for which a license has already been issued can maintain the current license until time for renewal.

Subsection 234-9B of the Code of the City of Absecon shall be deleted.

Section 234-10 of the Code of the City of Absecon shall remain unchanged.

Section 234-11 of the Code of the City of Absecon shall be amended to read as follows:

Any Code Enforcement Officer of the City of Absecon or any member of the Absecon Police Department shall be authorized to take any and all actions necessary for the enforcement of this section.

Section 234-12 of the Code of the City of Absecon shall be amended to read as follows:

Subsection 234-12A shall be amended to read as follows:

- A. The use of the word “person” shall, for the purpose of this chapter, be deemed to include any person, partnerships, firms, co-partnership, proprietorships, limited liability companies, corporation or any other entity conducting business in the City of Absecon which is required to obtain a license pursuant to this chapter, excluding units of the local government.

Subsection 234-12B shall be amended to read as follows:

The use of the word “business” shall, for purposes of this chapter shall include all businesses, trades, professions, vocations or any other types of commercial establishments or activity, except that no Mercantile License is required for any person/business offering only a service which requires annual State licensing. If any person or business which requires annual State licensing sells any merchandise or product, either retail, wholesale or at auction, then a license shall be required pursuant to this chapter.

Subsection 234-12C shall remain unchanged.

Subsection 234-12D of the Code of the City of Absecon shall be amended by deleting the word “disqualifying” from the first line.

Subsection 234-12D(1) of the Code of the City of Absecon shall remain unchanged.

Subsection 234-12D(2) of the Code of the City of Absecon shall remain unchanged.

Subsection 234-12D(3) of the Code of the City of Absecon shall be amended to read as follows:

Notwithstanding the provisions of paragraphs (1) and (2) above, an Applicant shall not be disqualified for a license on the basis of any conviction disclosed by a criminal background check if the individual has demonstrated evidence of rehabilitation as determined by the Public Safety Committee at a hearing conducted in accordance with 234-2B(2). In making such determination, the following facts may be considered; the nature of the business being sought to be licensed, the nature and seriousness of the offense, circumstances under which the offense occurred, the date of the offense, the age of the Applicant when the offense was committed, whether the offense was repeated and other evidence of rehabilitation including subsequent conduct in the community and the acquisition of academic or vocational education.

Subsection 234-12E of the Code of the City of Absecon shall be amended to read as follows:

The use of the word “Applicant” shall, for the purpose of this chapter mean any person or individual, any partnership and all partners thereof, any limited liability company and all members thereof, any corporation or other business entities and all shareholders or other interest holders owning more than ten percent (10%) of the same.

Section 234-13 of the Code of the City of Absecon shall be amended to read as follows:

A requirement to the issuance of any and all licenses pursuant to this chapter is that said business shall be used and operated only for lawful purposes and in conformity with all municipal, county and state ordinances, rules, regulations and statutes. Failure to abide by any such ordinances, rules, regulations or statutes may be grounds for revocation of any license issued pursuant to this chapter as determined by the Chief of Police or his designee. Any person who has a license revoked may request a hearing before the Public Safety Committee as set forth in this chapter. Further, any untruthful, misleading or fraudulent information submitted on the application for licensure, or as part of the application for licensure, or any renewal thereof, shall also be grounds for revocation. No commercial landlord shall permit any unlawful business to lease, and or otherwise use space in the landlord’s property. It shall also be the obligation of all commercial landlords to advise their tenants that the City of Absecon has a Mercantile License ordinance that may require said tenant to obtain a license before operating their business.

Subsection 234-14A of the Code of the City of Absecon shall be amended by adding the following sentence at the end of same:

“Each day that a violation exists shall be considered a separate offense.”

Subsection 234-14B of the Code of the City of Absecon shall remain unchanged.

Subsection 234-14C of the Code of the City of Absecon shall remain unchanged.

Section 234-15 of the Code of the City of Absecon shall be amended to read as follows:

Every person conducting a business required to be licensed by this chapter shall permit any authorized representative of the City of Absecon to have access to any building for the purpose of ascertaining whether there has been compliance with the provisions of this chapter or to determine the fees to be paid pursuant to this chapter. Any refusal thereof shall be deemed a violation of this chapter and the violator shall be subject to the penalty set forth in this chapter and to revocation of any existing license. Any person whose license is revoked may request a hearing before the Public Safety Committee as set forth in this chapter.

Section 234-16 of the Code of the City of Absecon shall remain unchanged.

There shall be added to the Code of the City of Absecon Section 234-17 which shall state:

Severability

If any section or part of this Chapter is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from this Chapter as a whole and the remaining sections or parts of this chapter shall remain in full force and effect.

Effective Date

This ordinance shall become effective on January 1, 2015 conditioned upon passage and publication pursuant to law prior to that date.

Repealer. Any ordinance or section thereof, inconsistent with this ordinance shall be repealed upon passage and publication pursuant to law.

DATED: _____

SIGNED: _____
John Armstrong, Mayor

ATTEST: _____
Carle A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

ORDINANCE 23-2014

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,
CHAPTER 160-CONSTRUCTION CODE, UNIFORM, SECTION 2 – CERTIFICATE
OF CONTINUING OCCUPANCY AND SECTION 4 - FEES**

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 160 – Construction Code, Section 2 – Certificate of Continuing Occupancy and Section 4 - Fees be amended as follows:

SECTION 160-2: Certificate of Continuing Occupancy:

A. Certificate Required

- (4) The provisions of this section shall not be applicable to individual guest rooms or suites of residential hotels or motels as identified in the **building subcode** for Residential group R-1.
- (5) **The provisions of this section shall not apply to buildings or structures undergoing a change of use pursuant to N.J.A.C. 5:23-2.6(b).**

B. Application

- (3) An application fee for a certificate of continuing occupancy, made payable to the City of Absecon City, shall be in the amount of **\$75.00** for each single-family residence or commercial **building**. The fee for hotels and motels shall be **\$75.00** plus an additional ten (\$10.00) dollars per unit (not to exceed **\$450.00**). The application fee shall be payable at the time of application and prior to the initial inspection.
 - (b) Additional re-inspections. Beginning with the third and continuing for each subsequent inspection, the applicant will be responsible for an additional fee, made payable to the City of Absecon City, in the amount of **\$35.00**. This fee shall be payable prior to scheduling the re-inspection.

SECTION 160-4: Fees

The basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number and **size** of electrical fixtures and devices and the number of fire protection and **fire suppression** devices at the unit rates provided herein plus any special fees. The minimum for a basic construction permit covering all subcodes, except for elevator, shall be **sixty-five(\$65.00)**, all fees shall be rounded to **next highest dollar amount**.

A. Building Volume or Cost. The fees for new construction or additions are as follows:

- (1) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance upon N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of **\$0.035** per cubic foot of volume for buildings and structures

of all groups and types of construction as classified and defined in the **building subcode and one and two family dwelling subcode**;

Except that the fee shall be **\$0.025** per cubic foot for open volume buildings over 100,000 cubic feet that are used exclusively for storage or warehouses. **The minimum fee for new construction shall be \$300.00.**

- (2) Fees for renovation, alterations and repairs shall be based upon the estimated cost of the work. The fee shall be in the amount of **\$30.00** per \$1,000.00 up to \$50,000.00. From \$50,000 to and including \$100,000.00, the additional fee shall be in the amount of **\$20.00** per \$1000.00 of estimated cost above \$50,000.00. Above \$100,000.00 the additional fee shall be in the amount of **\$15.00** per \$1000.00 of estimated cost above \$100,000.00 For the purpose of determining estimated cost, the applicant shall submit to the department such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. The **Department shall make the final decision regarding estimated cost. The minimum fee shall be \$65.00**
- (a) The fee for pre-manufactured construction, all external connections and site work shall be based on estimated cost of construction at a rate of \$40.00 per \$1000.00. **The minimum fee shall be \$300.00.**
 - (b) **The fee for minor work for roofing and siding for group R3 and R5 shall be calculated in accordance with subsection A.(2) above, with a maximum fee of \$200.00.**
 - (c) **The fee for an in-ground swimming pool shall be \$200.00. The fee for installation of an above ground pool shall be \$100.00.**
 - (d) **The fee for construction of towers, antennas shall be \$150.00.**
 - (e) **The fee for retaining walls for group R3/R5 shall be \$75.00 for walls of less than 550 square feet area, \$150.00 for walls greater than 550 square feet. The fee for retaining walls for all other groups shall be calculated in accordance with subsection A. (2) above.**
 - (f) **The fee for the installation of underground storage tanks for group R3/R5 shall be \$75.00, the fee for all other groups shall be \$200.00.**
 - (g) **The fee for a permit for asbestos abatement work, including a certificate of occupancy shall be \$150.00.**
 - (h) **The fee for a permit for lead hazard abatement work, including a clearance certificate shall be \$150.00.**
 - (i) **The fee for tents in excess of 900 sf. or more than 30 ft. in any dimension shall be \$125.00.**
- (3) Fees for additions shall be computed on the same basis as for new construction for the added portion.
- (4) Fees for combination renovations, alterations and additions shall be computed as the sum of the fees computed separately in accordance with subsection A (1) and (2) above.

B. Plumbing Fixtures and Equipment.

- (1) All fixtures, appliances and equipment, **\$18.00 each, except for Special Devices listed below.**

(2) Special Devices.

- (a) Hot water boiler, steam boiler, **cross connection**, backflow preventer, water and sewer connection, grease traps, sewer pump, interceptor/separators refrigeration units, **gas and oil piping shall be \$65.00** each.
- (b) **The fee for non-depletable, alternative energy, solar heating systems shall be \$100.00 for group R/3/R/5, \$1000.00 for all other groups.**

C. Electrical Fixtures and Devices.

- (1) Devices between 1 and 10 horsepower and/or 1 and 10 kilowatts, **\$18.00** each
- (2) Devices in excess of 10 horsepower/kilowatts but less than or equal to 50 horsepower/kilowatts, **\$65.00**
- (3) Devices in excess of 50 horsepower/kilowatts but less than or equal to 100 horsepower/kilowatt, **\$125.00** each.
- (4) Devices over 100 horsepower/kilowatt, **\$500.00** each.
- (5) Service panels, entrances and sub panels:
 - (a) Up to 125 amps, **\$65.00**
 - (b) Between 125 and 250 amps, **\$100.00**
 - (c) Over 250 amps, **\$475.00**
- (6) Fixtures and Devices:
 - (a) From 1 to 50 fixtures and devices, the fee shall be in the amount of **\$65.00**; for each additional 25 fixtures or devices, the fee shall be in the amount of **\$15.00**; for the purpose of computing this fee, fixtures and devices shall include lighting outlets, switches, fluorescent fixtures, convenience receptacles, smoke and heat detectors, or similar fixtures, motors and devices of less than or equal to 1 horsepower or kilowatt.

D. Fire Protection and Other Hazardous Equipment. Sprinklers, standpipes, detectors (smoke and heat) pre-engineered suppression systems, gas and oil fired appliances **not connected to the plumbing system**, kitchen exhaust systems, incinerators, crematorium, fire pumps and **all other** fire protection devices:

- (1) The fee for 20 or fewer sprinkler heads or detectors shall be **\$75.00**; for 21 and including 100 heads or detectors, the fee shall be **\$150.00**; for 101 to and including 200 heads or detectors, the fee shall be **\$275.00**; for 201 to and including 400 heads or detectors, the fee shall be **\$650.00**; for 401 to and including 1000 heads or detectors, the fee shall be **\$800.00**; for over 1000 heads or detectors, the fee shall be **\$1,000.00**. In computing fees for heads, detectors and fire protection devices the number of each shall be counted separately and a **separate fee for each type** shall be charged.
- (2) The fee for each standpipe shall be **\$225.00**.
- (3) The fee for each independent pre-engineered system shall be **\$100.00**.
- (4) The fee for each gas or oil fired appliance shall be **\$75.00**.
- (5) The fee for each kitchen exhaust system for group **R2/R3/R5** shall be **\$45.00**; the **fee for all other groups shall be \$125.00**.
- (6) The fee for each incinerator or crematorium shall be ~~\$260.00~~ **\$400.00**.
- (7) The fee for each fire pump shall be ~~\$150.00~~ **\$250.00**

(8) The fee for each woodstove, pre-fabricated fireplace or chimney or chimney lining system for group R3 or R5 shall be \$75.00; the fee for other groups shall be computed in accordance with subsection A. (2).

E. The fees for elevator device inspections and tests shall be as set forth in N.J.A.C. 5:23-12 et al.

(1) The fee for plan review for elevator devices shall be as set forth in N.J.A.C. 5:23-4.20(c)6,7.

F. Certificates and Other Permits. The fees are as follows:

- (1) The fee for demolition or removal permit shall be **\$100.00** for a structure of less than 5000 square feet in area and less than 30 feet in height, for one or two family **dwelling**s (group R3/R5), and **\$200.00** for all other groups. The fee for **underground storage** tank removal/abandon in place shall be \$100.00.
- (2) The fee for a permit to construct a sign shall be in the amount of **\$4.00** per square foot surface area of the sign, computed on one side only for double faced sign. The minimum fee shall be **\$65.00**.
- (3) For a certificate of occupancy, the fee shall be **\$150.00** except for one or two family dwellings, group R3/R5, and **dwelling units in group R2**, the fee shall be **\$75.00**.
- (4) The fee for a certificate of occupancy granted pursuant to N.J.A.C 5:23-6.(b), change of use shall be **\$150.00**.
- (5) The fee for a certificate of continued occupancy pursuant to N.J.A.C. 5:23-2.23(e) shall be **\$150.00**.
- (6) The fee for the first issuance and renewal of a temporary certificate of occupancy shall be **\$50.00**.
- (7) There shall be no fee for a certificate of approval or certificate of compliance certifying the work done under a construction permit has been satisfactorily completed.
- (8) The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be **\$500.00** for Class 1 structures and **\$100.00** for Class 2 and 3 structures. The fee for resubmission of an application for a variation shall be **\$200.00** for Class 1 structures and **\$60.00** for Class 2 and 3 structures.
- (9) The fee for review of an amendment or change to plan already released shall be **\$35.00** per hour, with a minimum fee of **\$35.00**.
- (10) The fee for reinstating a lapsed permit shall be 50 percent of the total sum of the original permit.
- (11) The fee for inspections pursuant to N.J.A.C. 5:23-2.35 shall be set forth in N.J.A.C. 5:23-4.20(e) and N.J.A.C. 5:23-2.35 (a)2.
- (12) The fee for a Mechanical permit for replacement or conversion of heating equipment or appliances in Group R-3 and R-5, except for electrical sub-code, shall be a fee of **\$90.00**

G. Periodic Inspections. Fees for the periodic re-inspection of equipment and facilities granted a certificate of approval for a specified duration in accordance with N.J.A.C. 5:23-2.23 shall be as follows:

- (1) For cross connections and backflow preventers that are subject to testing, requiring re-inspection every three (3) months, the fee shall be \$43.00 for each device when tested (thrice annually) and \$111.00 for each device when broken down and tested (once annually).
- (2) **The fee for an electrical certificate of compliance for annual bonding and grounding shall be \$50.00; the fee for renewal of a 5 year certification shall be the minimum fee for an electrical permit.**

H. In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect in addition to the fees specified above, a surcharge fee **as specified in N.J.A.C.5:23-4.19 et al.**

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: _____

SIGNED: _____
John Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

ORDINANCE 24-2014

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON, CHAPTER 224-LAND USE AND DEVELOPMENT, ARTICLE XXVI – FEES AND ESCROWS

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224 – Land Use and Development, Article XXVI – Fees and Escrows be amended as follows:

SECTION 224-195 Fees and Escrows:

- L. Zoning permit application fee for installation or replacement of fences or storage sheds less than 100 square feet in area: \$35.00.**
- M. The fee for a permit for zoning review and approval for new construction, additions, decks, swimming pools and similar structures shall be \$50.00. This fee shall not apply to construction granted planning or zoning board site plan approval.**
- O. The fee for a letter of zoning compliance, prior use or other zoning documentation shall be \$25.00**

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: _____

SIGNED: _____
John Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

ORDINANCE 19-2014

**AN ORDINANCE ESTABLISHING SALARY RANGES
FOR THE CITY OF ABSECON**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ABSECON CITY,
NEW JERSEY** that this ordinance hereby adds a job title to ordinance 14 of
2014. This ordinance reads as follows:

Part Time Finance Specialist \$12.00 to \$25.00 Per Hour

BE IT FURTHER ORDAINED that:

1. This Ordinance shall take effect upon final passage, approval and
 publication as provided by law.
2. Any Ordinances or parts thereof inconsistent herewith are hereby
 repealed.

DATED: November 6, 2014

SIGNED: _____
 John Armstrong, Mayor

ATTEST: _____
 Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council
held on October 16, 2014. Laid over and advertised for public hearing and final
adoption on November 06, 2014.

CITY OF ABSECON

ORDINANCE NO. 20-2014

AN ORDINANCE OF THE CITY OF ABSECON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY PROVIDING CHAPTER 225 "AFFORDABLE HOUSING" OF THE CODE OF THE CITY OF ABSECON TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING AND UNIFORM HOUSING AFFORDABILITY CONTROLS

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") has promulgated rules, set forth at *N.J.A.C.* 5:96 and 5:97, concerning the substantive and procedural requirements for obtaining a judgment of compliance and repose of the City's Housing Element and Fair Share Plan from the Superior Court; and

WHEREAS, on May 15, 2014, the NJ Superior Court granted the City a final judgment of compliance and repose; and

WHEREAS, as part of its review and grant of the City's final judgment of compliance and repose, the NJ Superior Court requires that the City's affordable housing ordinances be updated and brought into compliance with its current rules.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic and State of New Jersey, that the "Comprehensive Land Development Ordinance of the City of Absecon" is hereby amended as follows:

Section 1. Chapter 225, entitled "Affordable Housing, added. New Chapter 225 "Affordable Housing" shall read as follows:

**Chapter 225
AFFORDABLE HOUSING**

**ARTICLE I
General Program Purposes, Procedures**

§ 225-1. Affordable Housing Obligation.

- A. This section of the City's Comprehensive Land Development Ordinance sets forth regulations regarding the low and moderate income housing units in the City consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing", *N.J.A.C.* 5:97 et seq., the Uniform Housing Affordability Controls ("UHAC"), *N.J.A.C.* 5:80-26.1 et seq., and the City's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill").
- B. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

- C. The City of Absecon Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at *N.J.S.A. 40:55D-1*, et seq. The Plan has also been endorsed by the City Council of the City of Absecon. The Fair Share Plan describes the ways the City shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the City's Housing Element and Fair Share Plan.
- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of *N.J.A.C. 5:97*, as may be amended and supplemented.
- E. The City shall file monitoring reports with the NJ Superior Court and COAH in accordance with *N.J.A.C. 5:96*, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with *N.J.A.C. 5:96* shall be available to the public at the City of Absecon Municipal Building, 500 Mill Road, Absecon, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey.

§ 225-2. Definitions. As used herein the following terms shall have the following meanings:

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (*N.J.S.A. 52:27D-301* et seq.).

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, *N.J.A.C. 5:23-7*.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, *N.J.A.C. 5:96*, *N.J.A.C. 5:97* and *N.J.A.C. 5:80-26.1* et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to *N.J.A.C. 5:80-26.15*.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in *N.J.A.C. 5:97-9*; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to *N.J.A.C. 5:97-4*, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (*N.J.S.A. 55:14K-1*, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301* et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to *N.J.S.A. 40:55D-1* et seq.

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the City proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of *N.J.A.C. 5:97-3*.

"Housing Element" means the portion of the City's Master Plan, required by the Municipal Land Use Law ("MLUL"), *N.J.S.A. 40:55D-28b(3)* and the Act, that includes the information required by *N.J.A.C. 5:97-2.3* and establishes the City's fair share obligation.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50% or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, *N.J.A.C. 5:23-6*.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in *N.J.A.C. 5:80-26.1 et seq.*

“Very low-income household” means a household with a total gross annual household income equal to 30% or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§ 225-3. Affordable Housing Programs

The City of Absecon has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

A. Rehabilitation program.

1. The City of Absecon’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
4. The City of Absecon shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The City of Absecon shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the City of Absecon.
6. The City of Absecon shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Department. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§ 225-4. Inclusionary Zoning

A. Presumptive densities and set-asides. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

1. For Sale Developments

i. Inclusionary zoning in Planning Area 1 permits residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the Train Station Overlay zone provides for a 20 percent set-aside for restricted units and a density of 35 units per acre.

2. Rental Developments

i. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the Housing Region.

The zoning of the Multi-Unit Rental Development (MURD) zone provides for a 100 percent set-aside for restricted units and a density of 10 units per acre.

B. Phasing. In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

C. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

D. Payments-in-lieu and off-site construction. The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.

E. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§ 225-5. New Construction. The following requirements shall apply to all new or planned developments that contain low- and moderate-income housing units.

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low-and Moderate- Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

- B. Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.
- C. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with *N.J.A.C. 5:97-6.4*.
- D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 - 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 - 2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
 - 3. Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.
 - 4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - 5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- F. Accessibility Requirements:
 - 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, *N.J.A.C. 5:23-7* and *N.J.A.C. 5:97-3.14*.
 - 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;

- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel on the first floor;
- (d) An interior accessible route of travel shall not be required between stories within an individual unit;
- (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A.* 52:27D-311a et seq.) and the Barrier Free Subcode, *N.J.A.C.* 5:23-7 and *N.J.A.C.* 5:97-3.14, or evidence that the City has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

(1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

(2) To this end, the builder of restricted units shall deposit funds within the City of Absecon's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

(3) The funds deposited under paragraph (2) herein, shall be used by the City for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

(4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the City of Absecon.

(5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, *N.J.A.C.* 5:23-7 and *N.J.A.C.* 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the City of Absecon's affordable housing trust fund in care of the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

(6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, *N.J.A.C.* 5:23-7 and *N.J.A.C.* 5:97-3.14.

G. Maximum Rents and Sales Prices.

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under *N.J.A.C.*

5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 225-6. Condominium and Homeowners Association Fees.

For any affordable housing unit that is part of a condominium association and/or homeowners association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

§ 225-7. Reserved.

§ 225-8. Reserved.

§ 225-9. Reserved.

§ 225-10. Reserved.

§ 225-11. Reserved.

**ARTICLE II
Affordable Unit Controls and Requirements**

§ 225-12. Purpose.

The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§ 225-13. Affirmative Marketing.

- A. The City shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with *N.J.A.C. 5:80-26.15*, as may be amended and supplemented.

- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 6 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 6, comprised of Atlantic, Cape May, Cumberland and Salem counties.
- D. The Administrative Agent designated by the City shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing (including the contract with the Administrative Agent) of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the City of Absecon.

§ 225-14. Occupancy Standards.

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§ 225-15. Selection of Occupants of Affordable Housing Units.

- A. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.
- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of *N.J.A.C. 5:80-26 et seq.*

§ 225-16. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated owner-occupied single family housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- E. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under *N.J.A.C.* 5:80-26.5(a), as may be amended and supplemented.

§ 225-17. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 225-18. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as

applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

§ 225-19. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with *N.J.A.C.5:80-26.6(b)*.

§ 225-20. Control Periods for Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with *N.J.A.C. 5:80-26.11*, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Atlantic. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

§ 225-21. Price Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative

Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

§ 225-22. Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with *N.J.A.C. 5:80-26.13*, as may be amended and supplemented, and shall be determined as follows:
1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to *N.J.A.C. 5:80-26.16*, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ 225-23. Conversions.

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

§ 225-24. Reserved.

§ 225-25. Reserved.

§ 225-26. Reserved.

ARTICLE III
Administration

§ 225-27. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison for the City of Absecon is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the City Council and be subject to the approval of COAH.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the City of Absecon.
- C. The Municipal Housing Liaison must meet COAH's requirements for qualifications, including initial and periodic training.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the City of Absecon, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - 1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - 2. The implementation of the Affirmative Marketing Plan and affordability controls.
 - 3. When applicable, supervising any contracting Administrative Agent.
 - 4. Monitoring the status of all restricted units in the City of Absecon's Fair Share Plan;
 - 5. Compiling, verifying and submitting annual reports as required by COAH or the NJ Superior Court;
 - 6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - 7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

§ 225-28. Administrative Agent.

- A. The City shall designate by resolution of the City Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with *N.J.A.C. 5:96*, *N.J.A.C. 5:97* and UHAC.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- C. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating

Manual, including those set forth in *N.J.A.C.* 5:80-26.14, 16 and 18 thereof, which includes:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
2. Affirmative Marketing;
3. Household Certification;
4. Affordability Controls;
5. Records retention;
6. Resale and re-rental;
7. Processing requests from unit owners; and
8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
9. The Administrative Agent shall, as delegated by the City Council, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ 225-29. Enforcement of Affordable Housing Regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to *N.J.S.A.* 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

- (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Absecon Affordable Housing Trust Fund of the gross amount of rent illegally collected;
- (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the

enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§ 225-30. Appeals. Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing to the Executive Director of COAH.

BE IT FURTHER ORDAINED that:

- 1. This Ordinance shall take effect upon final passage, approval and publication as provided by law.
- 2. To the extent that any part or parts of this ordinance are repealed or otherwise modified or voided by State Statute, case law, or a legal body with appropriate jurisdiction the remaining sections of this ordinance shall remain in full force and effect.
- 3. Any Ordinances or parts thereof inconsistent herewith are hereby repealed.

DATED: November 6, 2014

SIGNED: _____
John Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on October 16, 2014. Laid over and advertised for public hearing and final adoption on November 06, 2014.

CITY OF ABSECON

ORDINANCE 21-2014

**AN ORDINANCE ACCEPTING CONVEYANCE OF LANDS KNOWN AS
BLOCK 72, LOT 3 ON THE ABSECON CITY TAX MAP AS A GIFT AND
AUTHORIZING CITY REPRESENTATIVES TO TAKE THOSE ACTIONS
REASONABLY REQUIRED TO EFFECT SUCH CONVEYANCE**

WHEREAS, Robert Donnelly, Sr. and Debra Steverson, ("the Grantors"), as record owners of property identified as Block 72, Lot 3 on the Absecon City Tax Map ("the Property") have offered to convey the Property to the City of Absecon ("the City"), as a gift and through payment of \$1.00 as nominal consideration for such conveyance; and

WHEREAS, the city is authorized by law to accept such conveyance as a gift by Ordinance if it is deemed to be in the interest of the City to do so; and

WHEREAS, the Property is unimproved, located on a "paper street" identified as Rhode Island Avenue, and is otherwise surrounded on all sides by lands owned by the City which are either used for parks and recreation or for operation of its Public Works Building; and

WHEREAS, the City proposes to acquire the Property for future use, but has not yet determined the nature of such use; therefore, the City does not intend that the Property be governed by the New Jersey Green Acres open space regulations at this time; and

WHEREAS, the City's acceptance of such conveyance is subject to confirmation that the Grantors hold clear title to the Property and are authorized to convey it, as evidenced by a title search of the Property to be obtained by the City, and also upon the Grantor's execution of a deed of conveyance to the City, in a form acceptable to the City's attorney, with the expense of such title search, deed preparation and filing with the Atlantic County Clerk's office to be done by the City.

NOW BE IT THEREFORE ORDAINED by the City Council of the City of Absecon, that the City Clerk and such other authorized representatives of the City are hereby directed to take those actions reasonably required to effect conveyance of the Property from the Grantors, subject to those conditions stated herein.

DATED: November 6, 2014

SIGNED: _____
John Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on
October 16, 2014. Laid over and advertised for public hearing and final adoption on
November 06, 2014.

CITY OF ABSECON

RESOLUTION 168-2014

**A RESOLUTION AUTHORIZING THE CITY OF ABSECON TO
ENTER INTO A CONTRACT WITH WOODRUFF ENERGY FOR
THE DELIVERY OF NATURAL GAS FOR USE BY THE CITY**

WHEREAS, on October 16, 2014 Camden County received bids for the South Jersey Power Cooperative, in which the City of Absecon participates, for the purchase of the commodity Natural Gas; and

WHEREAS, Dome Tech decided to lock in the commodity rate at \$6.120 per dektatherm for a two year period with Woodruff Energy. The new Natural Gas commodity rate will be in effect for all natural gas accounts of the City.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Absecon, hereby authorizes the Mayor to enter into a contract with the said Woodruff Energy for a two year period commencing December, 2014 and ending November, 2016, for delivery of Natural Gas for use by the City of Absecon; with said prices being extended to Atlantic County/Cape May County Energy Cooperative Members during the life of the contract.

BE IT FURTHER RESOLVED, The Mayor is hereby authorized to sign any related documents or agreements, including with third parties, necessary to implement the agreement authorized herein for the purchase and delivery of natural gas from Woodruff Energy.

Dated: November 6, 2014

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held November 6, 2014**

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

RESOLUTION 169-2014

A RESOLUTION APPROVING THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2014 MUNICIPAL BUDGET TO ALLOW FOR THE RECEIPT OF \$7,489.59 FROM THE STATE OF NEW JERSEY DRUNK DRIVING ENFORCEMENT FUND

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Absecon will receive \$7,489.59 from the State of New Jersey Drunk Driving Enforcement Fund and wishes to amend its 2014 Budget to include this amount as revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Absecon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$7,489.59, which is now available as revenue from:

Miscellaneous Revenue
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Offset with Appropriations:
DDEF; and

BE IT FURTHER RESOLVED, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

Dated: November 6, 2014

This is to certify that this is a true copy of a Resolution adopted by the Council of the City of Absecon at a Regular Meeting held November 6, 2014

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON
RESOLUTION 170-2014

**A RESOLUTION AUTHORIZING A REFUND OF AN
OVERPAYMENT OF TAXES ON THE PROPERTY
LOCATED AT 122 DAVIS AVENUE (BLOCK 18, LOT 6.02)**

WHEREAS, the Tax Collector, by letter attached, has notified City Council of an overpayment of taxes in the amount of \$186.66, covering the property located at 122 Davis Avenue (Block 18, Lot 6.02) in the name of Peter and Kristy Frugoli.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Absecon that:

1. The Chief Financial Officer be authorized and directed to refund the amount of \$186.66 to Wells Fargo Real Estate Tax Services, MAC X2302-04D, 1 Home Campus, Des Moines, IA. 50328.
2. This Resolution shall take effect immediately.

Dated: November 6, 2014

**This is to certify this is a true copy
of a Resolution adopted by the
Council of the City of Absecon at a
regular meeting held November 6, 2014.**

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk



CITY OF ABSECON
RECEIVER of TAXES
500 Mill Rd.
ABSECON, NJ 08201

Agnes Bambrick, CTC
Tax Collector

Phone (609) 641-2762 ex.117
Fax (609) 645-5098

October 29, 2014

Mayor & City Council
City Hall
Absecon, N.J. 08201

Members of Council:

Please have a Resolution drawn to refund \$186.66 to Wells Fargo Real Estate Tax Services, MAC X2302-04D, 1 Home Campus, Des Moines, IA. 50328.

There was an overpayment of taxes on the property located in the City of Absecon, 122 Davis Avenue, Block 18, Lot 6.02, in the name of Peter & Kristy Frugoli.

A copy of the letter requesting this refund is attached.

Yours truly,

A handwritten signature in cursive script that reads "Agnes B. Bambrick CTC".

Agnes B. Bambrick, CTC
Tax Collector

CITY OF ABSECON

RESOLUTION 171-2014

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE UTILITY EASEMENT AGREEMENTS WITH ATLANTIC CITY ELECTRIC COMPANY FOR THE PURPOSE OF REBUILDING A PORTION OF ITS EXISTING TRANSMISSION AND DISTRIBUTION LINES ON CITY-OWNED LANDS IDENTIFIED HEREIN

WHEREAS, Atlantic City Electric Company ("Ace") proposes to rebuild a portion of its existing transmission and distribution lines running through the City of Absecon from Mill Road at Pleasant Avenue and continuing along Mill Road to its juncture with Stewart Lane where it continues to the Absecon-Galloway border; and

WHEREAS, the proposed improvements will include replacement of wooden poles with weathered steel poles of increased durability, elimination of certain existing poles and relocation of other pole locations farther from the roadway in order to reduce risk of accidents; and

WHEREAS, ACE has requested that the City of Absecon enter into certain Utility Easement Agreements to permit it to install, operate, maintain, add to, extend, relocate and remove the proposed improvements and to engage in certain other related activities on City-owned lands identified as Block 229, Lot 1, Block 262, Lot 11 and Block 263.02, Lot 1, subject to certain conditions set forth in such Agreements; and

WHEREAS, the Council of the City of Absecon deems it in the interest of its citizens that such improvements be undertaken by ACE in order to provide electrical utility service to its citizens in a safe and reliable manner.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ABSECON that the Mayor is hereby authorized to execute on behalf of the City of Absecon those Utility Easement Agreements with ACE governing the City-owned lands identified herein and for the above-stated purposes.

Dated: November 6, 2014

This is to certify that this is a true copy of a Resolution adopted by the Council of the City of Absecon at a Regular Meeting held November 6, 2014

ATTEST: _____

Carie A. Crone, RMC, Municipal Clerk

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
A0240 ASPHALT PAVING SYSTEMS INC	13-01374	11/21/13	BLANKET PURCHASE ORDER	Open	34,169.17	0.00		B
A0253 ATLANTIC CITY ELECTRIC	14-01212	11/03/14	OCT SEWER BILLING	Open	995.74	0.00		
	14-01213	11/03/14	OCT BILLING	Open	<u>15,457.47</u>	0.00		
					16,453.21			
A0283 JOHN R ARMSTRONG	14-01147	10/16/14	REIMBURSE MILEAGE TO TRENTON	Open	95.77	0.00		
C0044 CARDMEMBER SERVICE	14-01141	10/16/14	SUPPLIES FOR BOAT MONITOR	Open	139.00	0.00		
C0128 CLEGG'S GARAGE INC	14-01150	10/20/14	SERVICE TRUCKS/INSPECTION	Open	2,498.40	0.00		
C0201 COMCAST	14-01145	10/16/14	MONTHLY BILLING 10/8 FAUN LNDG	Open	118.76	0.00		
	14-01207	11/03/14	MONTHLY BILLING DTD 10/15	Open	<u>97.85</u>	0.00		
					216.61			
C0221 COOKE PLUMBING	14-00630	06/13/14	A/C INSTALLATION FIRE HOUSE	Open	7,100.00	0.00		
D0010 DELL MARKETING L.P.	14-00767	07/14/14	COMPUTER EQUIP FOR SURVELLANCE	Open	2,369.44	0.00		B
	14-01129	10/09/14	60" VIZIO TV	Open	<u>797.99</u>	0.00		
					3,167.43			
D0037 DIRECT ENERGY BUSINESS	14-01170	10/23/14	MONTHLY BILLING DTD 10/21	Open	753.55	0.00		
	14-01174	10/27/14	MONTHLY BILLING DTD 10/22	Open	<u>3,362.16</u>	0.00		
					4,115.71			
D0081 THE DAILY JOURNAL	14-01217	11/04/14	CITY ADS	Open	30.10	0.00		
D0090 JOHN DEERE LANDSCAPES	14-01151	10/20/14	FERTELIZER/SEED/LIQ FENCE	Open	1,172.22	0.00		
E0070 ED & GENE'S KING TIRE LLC	14-01208	11/03/14	VEHICLE REPAIR-POLICE	Open	585.30	0.00		
F0038 FARINELLI ELECTRIC	14-01152	10/20/14	ELECTRIC SERVICE-FOUNTAIN	Open	1,395.00	0.00		
F0095 FLEETMASTER TRUCK REPAIR	14-01179	10/27/14	MAINTENANCE TRUCK E-84 (FIRE)	Open	341.17	0.00		
G0041 GALLOWAY ACE HARDWARE, INC.	14-01153	10/20/14	MISC SUPPLIES-PUB WORKS	Open	361.35	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
G0125 GRUCCIO, PEPPER, DE SANTO &	14-01125	10/09/14	LEGAL SERVICE THRU 9/30	Open	502.50	0.00		
G0130 GUENTHER'S NAPA AUTO CARE CTR.	14-01123	10/09/14	TOWING POLICE CAR	Open	125.00	0.00		
H0066 THE HOME DEPOT CREDIT SERVICE	14-01181	10/27/14	MISC SUPPLIES	Open	85.30	0.00		
H0083 HORIZON BLUE CROSS	14-01189	10/30/14	NOV DENTAL BILLING	Open	4,159.76	0.00		
H0092 CLARKE CATON HINTZ	14-01146	10/16/14	LEGAL SERVICE THRU 8/29	Open	8,391.42	0.00		
L0063 LEE'S EMERGENCY EQUIPMENT INC	14-01138	10/14/14	KUSSMAUL AIR COMPRESSOR	Open	432.00	0.00		
M0197 MAGELLAN HILL TECHNOLOGIES LLC	14-01140	10/16/14	MONTHLY PHONE BILLING - 10/15	Open	3,884.95	0.00		
N0116 NICHOLAS & PARTNERS	14-01169	10/23/14	REQUEST FOR LEAVE FORMS	Open	176.00	0.00		
O0034 OFFICE BASICS INC	14-01044	09/19/14	OFFICE EQUIPMENT	Open	398.96	0.00		
	14-01119	10/07/14	OFFICE SUPPLIES	Open	<u>1,983.66</u>	0.00		
					2,382.62			
P0001 THE PRESS	14-01109	10/07/14	CITY ADS	Open	488.19	0.00		
P0014 PEDRONI FUEL CO	14-01156	10/21/14	DIESEL FUEL	Open	1,052.60	0.00		
	14-01191	10/30/14	UNLEADED & DIESEL FUEL	Open	<u>1,270.72</u>	0.00		
					2,323.32			
P0159 PLATINUM CAR WASH	14-01175	10/27/14	POLICE CAR WASHINGS	Open	258.00	0.00		
R0007 REMINGTON, VERNICK & WALBERG	14-00827	07/24/14	BLANKET PURCHASE ORDER	Open	9,300.00	0.00		B
	14-00828	07/24/14	BLANKET PURCHASE ORDER	Open	6,750.00	0.00		B
	14-00830	07/24/14	BLANKET PURCHASE ORDER	Open	3,470.00	0.00		B
	14-01144	10/16/14	PROFESSIONAL SERVICE	Open	<u>3,357.50</u>	0.00		
					22,877.50			
R0038 RUTGERS, THE STATE UNIVERSITY	14-01069	09/23/14	COAH EDUCATION MODULE II/III	Open	260.00	0.00		
R0051 ROSENBERGER & WOLF	14-01142	10/16/14	LEGAL SERVICE-COUNCIL MTG 10/2	Open	300.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
R0056 RENTAL COUNTRY INC	14-01157	10/21/14	AIR COMPRESSOR RENTAL	Open	168.66	0.00		
R0057 WAYNE RIFFLE	14-01202	11/03/14	REIMBURSE PRESCRIPTIONS	Open	60.00	0.00		
S0003 STC WATER TREATMENT SERVICE	14-01171	10/23/14	OCT WATER TREATMENT	Open	104.00	0.00		
S0006 SPRINT	14-01148	10/20/14	MONTHLY BILLING DTD 10/12	Open	1,151.49	0.00		
S0011 A E STONE INC	14-01198	10/30/14	COLD PATCH	Open	138.00	0.00		
S0019 SOUTH JERSEY GAS CO.	14-01182	10/27/14	OCT BILLING	Open	258.79	0.00		
S0082 BOB SHULTZ	14-01204	11/03/14	REIMBURSE MILEAGE	Open	197.75	0.00		
S0240 SPECIALTY CLEANING AND	14-01130	10/09/14	BIO-HAZARD CLEANING-9/27	Open	160.00	0.00		
T0002 TRI CITY PRODUCTS	14-01195	10/30/14	CLEANING SUPPLIES PW/CITY HALL	Open	180.11	0.00		
T0044 TREASURER	14-01216	11/04/14	ENVIRONMENTAL REG-NJPDES	Open	450.00	0.00		
T0092 TOSHIBA BUSINESS	14-01143	10/16/14	COUNTER READING-7/4 TO 10/3	Open	96.46	0.00		
T0096 TOSHIBA AMERICA BUSINESSESS	14-01209	11/03/14	MONTHLY INVOICE DTD 10/29	Open	340.00	0.00		
T0105 TELVUE CORP.	14-01149	10/20/14	QUARTERLY BILLING 10/1-12/31	Open	600.00	0.00		
	14-01199	10/30/14	TECH SUPPORT	Open	500.00	0.00		
					<u>1,100.00</u>			
T0114 SANDRA THOMPSON	14-01188	10/29/14	ABTV VIDEO/SLIDES AUG/SEP/OCT	Open	1,100.00	0.00		
U0021 UNITED METHODIST CHURCH	14-01200	11/03/14	REIMBURSEMENT FOR SEPT	Open	3,112.83	0.00		
V0001 VITAL COMMUNICATIONS INC	14-00838	07/24/14	2015 BINDERS	Open	208.00	0.00		
V0012 VISION SERVICE PLAN (EA)	14-01203	11/03/14	OCT & NOV ADMIN FEES	Open	1,171.24	0.00		

Vendor # Name		Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
V0015	VIDEO PIPE SERVICES					
14-00940	08/25/14 SEWER CAMERA WORK	Open	1,650.00	0.00		
V0022	VERIZON					
14-01180	10/27/14 10/16 BILLING-484-0421	Open	183.19	0.00		
14-01218	11/04/14 10/25 BILLING-646-0664	Open	<u>115.61</u>	0.00		
			298.80			
V0035	VAL-U AUTO PARTS					
14-01158	10/21/14 3 QUARTS OF OIL	Open	17.97	0.00		
W0044	WASZEN BROTHERS					
14-01159	10/21/14 SPOT A POT RENTAL-2 MONTHS	Open	170.00	0.00		
Total Purchase Orders: 79		Total P.O. Line Items: 128	Total List Amount: 1,314,366.56	Total Void Amount: 0.00		