



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

**Carie A. Crone, RMC**  
**Municipal Clerk**

**Phone (609) 641-0663 x101**  
**Fax (609) 645-5098**

**CITY COUNCIL**

**December 17, 2015**

**REGULAR MEETING - 7:00 PM**

**AGENDA**

**FLAG SALUTE**

**INVOCATION – Supply Priest Terry O’Connor**  
**Saint Mark and All Saints Episcopal Church, Galloway**

**ROLL CALL**

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

**NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED**

**PUBLIC PORTION**

**REPORTS** Council Committees  
Mayor  
Administrator/CFO  
Engineer  
Clerk

## **REGULAR MEETING AGENDA**

### **CONSENT AGENDA**

- 194** Appointing a part-time Police Department Records Clerk, namely Chris Weaver.
- 195** Authorizing the transfer of appropriations in the 2015 local municipal budget per N.J.S.A. 40A:4-58.
- 196** Authorizing the Chief Financial Officer to cancel grant receivables and appropriations not needed.
- 197** Authorizing the release of a maintenance guarantee posted by Oceanic Holdings, LLC
- 198** Accepting responsibility for maintenance of a sanitary sewer force main and sewer laterals located within the City right of way along Fourth Avenue and Weiler's Lane.
- 199** Authorizing participation by the City of Absecon in the United States Department of Defense Program for release of military surplus equipment to local law enforcement agencies as administered through the New Jersey Office of Emergency Management and authorizing the Mayor and/or Chief of Police to execute such agreements and related documents required for such participation.
- 200** Accepting a Performance Guarantee and Engineer's Escrow for improvement on property known as Clayton Mill Run (Block 289, Lots 2, 3 & 11)

### **APPROVAL OF BILL LIST - \$**

### **APPROVAL OF MINUTES**

Regular Meeting Minutes – 12/03/2015

### **PUBLIC PORTION**

### **ADJOURNMENT**

**CITY OF ABSECON**

**RESOLUTION 194-2015**

**A RESOLUTION APPOINTING A PART-TIME  
POLICE DEPARTMENT RECORDS CLERK**

**WHEREAS**, there is a need to fill a vacancy for a part-time Records Clerk in the Police Department of the City of Absecon; and

**WHEREAS**, interviews have been conducted and the person named below has indicated a willingness to serve as a part-time Records Clerk for the City of Absecon.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Absecon that an appointment be made as follows:

1. Chris Weaver, Part-Time Records Clerk at \$27,000 a year, effective January 4, 2015.

**Dated: December 17, 2015**

**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 December 17<sup>th</sup>, 2015.**

**Attest:** \_\_\_\_\_  
**Carie A. Crone, RMC, Municipal Clerk**

**CITY OF ABSECON**

**RESOLUTION 195-2015**

**A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS  
IN THE 2015 LOCAL MUNICIPAL BUDGET PER N.J.S.A. 40A: 4-58**

**WHEREAS**, N.J.S.A. 40A: 4-58 allows transfers to be made from unexpended balances to balances, which are expected to be insufficient during the final (2) months of the budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Absecon that transfers are made in the amount of \$48,000.00 and that said transfers be made in the 2015 budget as follows:

	<u>TO</u>	<u>FROM</u>
Engineering	10,000.00	
Police OE	38,000.00	
Police S&W		48,000.00
	<u>\$ 48,000.00</u>	<u>\$ 48,000.00</u>

**Dated: December 17, 2015**

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**Attest:** \_\_\_\_\_  
**Carie A. Crone, RMC, Municipal Clerk**

**CITY OF ABSECON**  
**RESOLUTION 196-2015**

**A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL  
GRANT RECEIVABLES AND APPROPRIATIONS NOT NEEDED**

**WHEREAS**, the Chief Financial Officer is authorized to Municipal Grant Receivables and Appropriations that will not be utilized; and

**WHEREAS**, these funds represent grant receivables and appropriations which are reflected on ledgers of the City of Absecon.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Absecon that the Chief Financial Officer is hereby authorized to cancel the Grant Receivables and Appropriations for Grant programs that will not be utilized:

**Cancelled Receivables**

Municipal Alliance/County	838.31
Drive Sober	<u>150.00</u>
	\$ 314.70

**Cancelled Appropriations**

Municipal Alliance/County	1,553.22
Drive Sober	150.00
DOT 2013	<u>7,825.61</u>
	\$ 9,528.83

**BE IT FURTHER RESOLVED**, this Resolution shall take effect immediately.

**Dated: December 17, 2015**

**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 December 17<sup>th</sup>, 2015.**

**Attest:** \_\_\_\_\_  
**Carie A. Crone, RMC, Municipal Clerk**

**CITY OF ABSECON**  
**RESOLUTION 197-2015**

**A RESOLUTION AUTHORIZING THE RELEASE OF A MAINTENANCE  
GUARANTEE POSTED BY OCEANIC HOLDINGS, LLC**

**WHEREAS**, Oceanic Holdings, LLC has posted a Maintenance Guarantee for improvements on property known as, Block 259, Lot 4, 133 Pleasant Avenue in the City of Absecon in accordance with the provisions of the Municipal Land Use law; and

**WHEREAS**, the City Engineer has indicated to the Municipal Council that the improvements covered by the Maintenance Guarantee have been satisfactorily completed and that the Maintenance Guarantee may be released.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Absecon as follows:

1. The Chief Financial Officer is hereby authorized to release the Maintenance Guarantee previously posted in the amount of \$26,607.00

**Dated: December 17, 2015**

**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 December 17, 2015.**

**ATTEST:** \_\_\_\_\_  
**Carie A. Crone, RMC, Municipal Clerk**

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

EXECUTIVE VICE PRESIDENTS  
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November 30, 2015

Tina M. Lawler  
Planning and Zoning Secretary  
City of Absecon  
500 Mill Road  
Absecon, New Jersey 08201

RE: **Oceanic Holdings LLC – Phase 1**  
**Pleasant Avenue – Block 259, Lot 4**  
**City of Absecon**  
**Atlantic County, New Jersey**  
**RVW File No. 01-01-I-046**

Dear Ms. Lawler:

As you are aware, pursuant to Ordinance §224-177 of the City of Absecon, and in accordance with NJSA 40:55D-53a(2) of the Municipal Land Use Law, a maintenance guarantee was required for the above-referenced development for a period of two (2) years after final acceptance of the completed site improvements.

We recently inspected the site in order to address any defects in function, materials, or quality of work prior to the expiration of the maintenance period. Based on our observations, it appears that the completed site improvements remain in substantial accordance with the approvals granted for this project. **At your discretion, no further action is required prior to the expiration of the maintenance period.**

Should you have any questions, comments, or require additional information, please feel free to contact me in our Pleasantville office by phone via (609) 645-7110 x1303 or by email via [edward.dennis@rve.com](mailto:edward.dennis@rve.com).

Very truly yours,

REMINGTON, VERNICK & WALBERG ENGINEERS



Edward D. Dennis Jr., PE, PP, CPWM, CME

Original to be hand-delivered, advance service via email: [tlawler@abseconnj.org](mailto:tlawler@abseconnj.org)

Copy service:  
Councilman Chris Seher – City of Absecon (via email: [cseher@abseconnj.org](mailto:cseher@abseconnj.org))  
Mayor John R. Armstrong – City of Absecon (via email: [jamstrong@abseconnj.org](mailto:jamstrong@abseconnj.org))  
Jessica Thompson, Administrator/CFO – City of Absecon (via email: [jthompson@abseconnj.org](mailto:jthompson@abseconnj.org))  
Michael G. O'Hagan, Construction Official – City of Absecon (via email: [mohagan@abseconnj.org](mailto:mohagan@abseconnj.org))  
Joseph C. McMillian, Chief Inspector – RV&W (via email: [joseph.mcmillian@rve.com](mailto:joseph.mcmillian@rve.com))  
Correspondence File (City of Absecon)  
Project File (01-01-I-046)

**CITY OF ABSECON**

**RESOLUTION 198-2015**

**A RESOLUTION ACCEPTING RESPONSIBILITY FOR MAINTENANCE OF A  
SANITARY SEWER FORCE MAIN AND SEWER LATERALS LOCATED WITHIN THE  
CITY RIGHT OF WAY ALONG FOURTH AVENUE AND WEILER'S LANE**

**WHEREAS**, a certain force main and sewer laterals are located within the City right of way along Fourth Avenue and Weiler's Lane; and

**WHEREAS**, all of the same were constructed and placed in association with a development commonly known as Bay View Landing; and

**WHEREAS**, the development is located at Block 96, Lots 13.02 through 13.08 as shown on the tax map of the City of Absecon; and

**WHEREAS**, The City of Absecon maintains other such force mains and sewer laterals within the municipality.

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

The City of Absecon accepts responsibility for the maintenance of the sanitary sewer force main and sewer laterals located within the City right of way along Fourth Avenue and Weiler's Lane.

The City does not accept responsibility for maintenance of the sanitary sewer grinder pumps or sewer laterals constructed on private property in association of the development of Bay View Landing or any subdivision thereof.

The City engineer and Public Works Department are authorized to take any action consistent with this resolution.

**Dated: December 17, 2015**

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Council of the City of Absecon at a  
regular meeting held December 17, 2015.**

**Attest: \_\_\_\_\_  
Carie A. Crone, RMC, Municipal Clerk**

**CITY OF ABSECON**

**RESOLUTION 199-2015**

**A RESOLUTION AUTHORIZING PARTICIPATION BY THE CITY OF ABSECON IN THE UNITED STATES DEPARTMENT OF DEFENSE PROGRAM FOR RELEASE OF MILITARY SURPLUS EQUIPMENT TO LOCAL LAW ENFORCEMENT AGENCIES AS ADMINISTERED THROUGH THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND AUTHORIZING THE MAYOR AND/OR CHIEF OF POLICE TO EXECUTE SUCH AGREEMENTS AND RELATED DOCUMENTS REQUIRED FOR SUCH PARTICIPATION**

**WHEREAS**, the United States Department of Defense conducts a program through the New Jersey Office of Emergency Management through which local law enforcement agencies may receive requested surplus military equipment, including watercraft and vehicles for use in law enforcement activities, including response to local weather and other public emergencies; and

**WHEREAS**, participants in the program are given the opportunity to request the use of only such equipment as is deemed necessary and useful for the conduct of local law enforcement activities, at no expense to the participant other than the cost of transporting, maintaining and insuring the selected equipment; and

**WHEREAS**, upon the advice of the Chief of Police, the City of Absecon could benefit from the use of certain available watercraft or vehicles for local law enforcement activities, including response to potential weather or other public emergencies; and

**WHEREAS**, the City's participation in the program does not involve the commitment of any City funds, unless and until the City requests and receives any watercraft or vehicle deemed useful for law enforcement activities, in which event the City's only expense shall be the cost of transportation, maintenance and insurance of the accepted equipment;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Absecon, in the County of Atlantic and State of New Jersey that the City is authorized to participate in the program for release of surplus military equipment conducted by the United States Department of Defense through the New Jersey Office of Emergency Management and the Mayor and/or Chief of Police are hereby authorized to execute such agreements and related documents required for such participation.

**Dated: December 17, 2015**

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**Attest:** \_\_\_\_\_  
**Carie A. Crone, RMC, Municipal Clerk**

**CITY OF ABSECON**

**RESOLUTION 200-2015**

**A RESOLUTION ACCEPTING A PERFORMANCE GUARANTY  
AND ENGINEER'S ESCROW FOR IMPROVEMENTS ON PROPERTY  
KNOWN AS CLAYTON MILL RUN (BLOCK 289, LOTS 2,3 & 11)**

**WHEREAS**, Clayton Mill Run, has posted a Performance Guaranty in the amount of \$1,714,360.00, for improvements at the Visions at the Shore on Pitney Road; and

**WHEREAS**, Clayton Mill Run, has posted Engineer's Escrow funds in the amount of \$71,430.00 for periodic and final inspections of the project; and

**WHEREAS**, the City Attorney has approved the Performance Guaranty as to form and content.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Absecon as follows:

1. The Performance Guaranty in the amount of \$1,714,360.00, as posted by Clayton Mill Run, is hereby accepted. Ten percent of this Performance Guaranty, \$171,436.00, is to be in cash, is hereby accepted and shall be deposited into the appropriate bank account.
2. The Engineer's Escrow funds in the amount of \$71,430.00.00 is hereby accepted and shall be maintained by an account established by the Chief Financial Officer.

**Dated: December 17, 2015**

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(201) 624-2136 (fax)

December 14, 2015

Tina M. Lawler  
Planning and Zoning Secretary  
City of Absecon  
500 Mill Road  
Absecon, New Jersey 08201

RE: **Clayton Mill Run**  
**New Rd & California Ave (Block 289, Lots 2, 3 & 11)**  
**City of Absecon**  
**Atlantic County, New Jersey**  
**RVW File No. 01-01-P-034**

Dear Ms. Lawler:

We have received and reviewed the following information pertaining to the above-referenced development.

1. **Decision and Resolution** approved by the City of Absecon Planning Board for Application 7-2014; prepared by the firm Fitzgerald, McGroarty & Malinsky PA, acting in the capacity of Board Solicitor; minor subdivision, preliminary and final major site plan, and variance approval; dated July 22, 2014.
2. **Development Plans** prepared by Jason T. Sciuillo, PE of the firm Marathon Engineering & Environmental Services, acting as the developer's engineer; consisting of eighteen (18) total sheets; originally dated May 16, 2014, most recently revised October 12, 2015; signed by the Board Engineer, not signed by the Board Chairperson, or the Board Secretary.
3. **Review Letter** prepared by Andrew A. Previti, PE of the firm Maser Consulting PA, acting in the capacity of Board Engineer; approving the development plans identified by item 2 above for determining the performance guarantee and initial inspection escrow amounts; dated December 4, 2015.
4. **Estimated Cost of Site Improvements** deemed necessary or appropriate for the development; prepared by Jason T. Sciuillo, PE; dated November 16, 2015.

Pursuant to NJSA 40:55D-53 et seq. of the Municipal Land Use Law, we have estimated the cost of site improvements deemed necessary or appropriate for the subject development. Based on documented construction costs for public improvements prevailing in the general area of the municipality, we recommend that the developer furnishes a performance guarantee in the amount of **\$1,714,360.00** and an initial inspection escrow of **\$71,430.00**. Copies of our estimate and the estimate submitted by the developer have been attached for your review.

Pursuant to Section 176 of the Land Use and Development Ordinance (Chapter 224), 10% of the total performance guarantee shall be in cash, deposited with the Chief Financial Officer of the City, and the remaining amount shall be in the form of a bond or other security. Performance guaranties shall be submitted in favor of the City of Absecon, and shall run for a period of 18 months. The form and content of the bond must be acceptable to the City Attorney. For your reference, we have attached a transcript of Ordinance Sections 224-176 and 224-177.

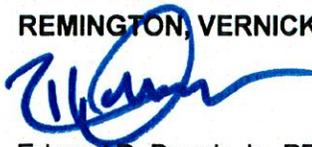
During construction the developer may request a reduction in the amount of the performance guarantee required for the subject development upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, pursuant to NJSA 40:55D-53d et seq. (where applicable).

**Please note that the developer must schedule a preconstruction meeting with our office prior to receiving the necessary construction permits.**

Should you have any questions, comments, or require additional information, please feel free to contact me in our Pleasantville office at (609) 645-7110 x1303 or via [edward.dennis@rve.com](mailto:edward.dennis@rve.com).

Very truly yours,

**REMINGTON, VERNICK & WALBERG ENGINEERS**



Edward D. Dennis Jr., PE, PP, CPWM, CME

Original to be hand-delivered, advance service via email: [tawler@abseconnj.org](mailto:tawler@abseconnj.org)

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Councilman Chris Seher, President – City of Absecon (via email: [cseher@abseconnj.org](mailto:cseher@abseconnj.org))  
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Mayor John R. Armstrong – City of Absecon (via email: [jarmstrong@abseconnj.org](mailto:jarmstrong@abseconnj.org))  
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Thomas E. Hart, PE, PP, CME – Applicant's Engineer (via email: [tom.hart@marathonconsultants.com](mailto:tom.hart@marathonconsultants.com))  
Janine Owens, Project Coordinator – Conifer Realty (via email: [jowens@coniferllc.com](mailto:jowens@coniferllc.com))  
Correspondence File (City of Absecon)  
Project File (01-01-P-034)