



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

Carie A. Crone, RMC
Municipal Clerk

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CITY COUNCIL

October 3rd, 2019

REGULAR MEETING - 7:00 PM

AGENDA

FLAG SALUTE

INVOCATION – Pastor Richard Younger
Living Water Wesleyan Church, Pleasantville

ROLL CALL

PRESIDENT’S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

REGULAR MEETING AGENDA

2019 ORDINANCES FOR INTRODUCTION

- 13** Amending Chapter 330 to designate a multi-way stop intersection at Highland Boulevard and Morton Avenue.
- 14** An Ordinance amending the Code of the City of Absecon, Chapter 330 – Solid Waste and Chapter 305 – Stormwater Management.

2019 ORDINANCES FOR ADOPTION

- 12 Amending the Code of the City of Absecon to add a new Chapter to prohibit short term (30 days or less) Residential Rentals and repealing all Ordinances heretofore adopted, the provisions of which are inconsistent herewith.

2019 RESOLUTIONS

- 136 Approving the insertion of a special item of revenue into the 2019 Municipal budget to allow for the receipt of \$3,471.95 from the Federal Body Armor Fund.
- 137 Authorizing a refund of construction fees for the United Methodist Church of Absecon.
- 138 Urging voters to support the referendum on the election ballot in November, so that veterans or widowed spouses of veterans who reside in Continuing Care Retirement communities (CCRC) will be eligible for property tax deductions.

PUBLIC PORTION (Agenda Items Only)

CONSENT AGENDA - Resolutions read by title that have been moved to consent.

APPROVAL OF BILL LIST - \$ 380,111.83

APPROVAL OF MINUTES

Regular Meeting Minutes – 9/19/2019

REPORTS Administrator/CFO
Engineer
Mayor

PUBLIC PORTION

ADJOURNMENT

CITY OF ABSECON

ORDINANCE 12-2019

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON TO ADD A NEW CHAPTER TO PROHIBIT SHORT TERM (30 DAYS OR LESS) RESIDENTIAL RENTALS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

WHEREAS, pursuant to N.J.S.A. 40:52-1 (d) and (n), municipal corporations have been specifically authorized to regulate “furnished and unfurnished housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof” and the “rental of real property for a term of less than one hundred and seventy-five consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising, often on websites, dedicated to the rental of dwelling units for short terms; and

WHEREAS, short term rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within residential neighborhoods; and

WHEREAS, the City of Absecon desires to amend and supplement the Code of the City of Absecon to provide for the regulation of “Short Term (30 days or less) Residential Rentals, as further defined below, and for the enforcement of said regulations; and

WHEREAS, the City of Absecon desires to impose penalties as permitted pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29 for violations of the provisions established herein for Short Term Rental Prohibitions:

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

SECTION 1: Short Term Rentals Prohibited.

- A. It shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use rights in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other persons or entities acting in concert, or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit or portion of the property, as defined herein, for a period of 30 days or less.
- B. Nothing in this Chapter will prevent the otherwise lawful occupancy of an entire dwelling unit for a rental period of more than 30 days. However, rental of a room or a portion of the premises for any term is not permitted.

SECTION 2: Definitions.

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of the provisions of this Chapter, as same may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this Chapter.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, house, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking sleeping, gathering and /or entertaining of occupants and/or guests, for consideration, for a period of 30 days or less.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the new Jersey Superior Court.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory rights within a dwelling unit.

OWNER

Any person or entity, association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity and any person and/or entity acting in concert or any combination thereof.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by one or more occupants.

SECTION 3: Permitted Uses.

The residential occupancy of an otherwise lawful occupied dwelling unit for a period of 30 days or less by a person who is a member of the housekeeping unit of the owner, without consideration, such as houseguests, is permitted.

SECTION 4: Advertising Prohibited.

It shall be unlawful to advertise, solicit or promote by any means or actions in violation of this Chapter.

SECTION 5: Enforcement; Violations and Penalties.

- A. The provision of this Chapter shall be enforced by the Zoning Official, Building Code or Sub-Code official or by any other City Official or employee so designated by the Mayor and/or Council.
- B. A violation of this Chapter is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this Chapter, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,000.00. Each day of such violation, after receiving written notice of same, shall be a new and separate violation of this Chapter.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law.

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: October 3rd, 2019

**SIGNED: _____
Kimberly Horton, Mayor**

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

Passed on first reading at a regular meeting of the Municipal Council held on September 19th, 2019. Laid over and advertised for public hearing and final adoption on October 3rd, 2019.

CITY OF ABSECON

ORDINANCE 13-2019

**AN ORDINANCE OF THE CITY OF ABSECON AMENDING
CHAPTER 330 TO DESIGNATE A MULTI-WAY STOP INTERSECTION
AT HIGHLAND BOULEVARD AND MORTON AVENUE**

WHEREAS, Title 39 of the New Jersey Statutes permits a municipality to pass an ordinance to regulate the passage or stopping of traffic at certain street corners or other designated points, including the establishment of multi-way stop controls, without the need for approval from the New Jersey Department of Transportation, provided it is consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, pursuant to the MUTCD, the City Engineer has determined that multi-way stop control at the intersection of Highland Boulevard and Morton Avenue would improve traffic operational characteristics of the intersection.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON, NEW JERSEY THAT ARTICLE VII OF CHAPTER 330 OF THE CITY OF ABSECON SHALL BE AMENDED TO ADD THE FOLLOWING:

330-30 Multi-Way stop intersections.

Pursuant to the provisions of NJSA 39:4-140, the intersections herein described are designated as Multi-Way Stop intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Sign(s) On
Highland Boulevard and Morton Avenue	All

SIGNED: _____
Kimberly Horton, Mayor

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

CITY OF ABSECON

ORDINANCE 14-2019

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,
CHAPTER 330–SOLID WASTE AND CHAPTER 305–STORMWATER MANAGEMENT**

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 300-Solid Waste and Chapter 305-Stormwater Management, be amended to as follows:

§ 300-8. Time of Collection and placement of refuse for curbside collection.

Amend – 24 hours for container removal be amended to 12 hours.

Add – All Containers must be stored on side or rear of the premises.

§ 300-36 – Separation and placement of for disposal.

F. Add – All containers must be stored on side or rear of the premises.

§ 305-30 Yard Waste Collection

Add – All Containers must be stored on side or rear of the premises.

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: _____
Kimberly Horton, Mayor

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

CITY OF ABSECON

RESOLUTION 136-2019

A RESOLUTION APPROVING THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2019 MUNICIPAL BUDGET TO ALLOW FOR THE RECEIPT OF \$3,471.95 FROM THE FEDERAL BODY ARMOR 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 \$3,471.95 from the Federal Body Armor Fund and wishes to amend its 2019 Budget to include this amount as revenue. The funds will be used for the purchase of Bulletproof Vests.

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 2019 in the sum of \$3,471.95, 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:
Federal Body Armor Fund; and

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

Dated: October 3rd, 2019

**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 October 3, 2019**

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

CITY OF ABSECON
RESOLUTION 137-2019

**A RESOLUTION AUTHORIZING A REFUND OF CONSTRUCTION
FEES FOR THE UNITED METHODIST CHURCH OF ABSECON**

WHEREAS, the Construction Official, by letter attached, has notified City Council of a need to refund a permit fee in the amount of \$150.00, to the United Methodist Church of Absecon; and

WHEREAS, payment was received for a Fire Protection Subcode permit which was not needed for the scope of work being done.

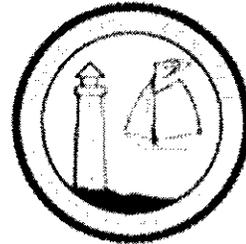
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Absecon that:

1. The Chief Financial Officer be authorized and directed to refund the amount of \$150.00 to United Methodist Church at Absecon, 100 Pitney Road, Absecon, NJ 08201.
2. This Resolution shall take effect immediately.

Dated: October 3rd, 2019

**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 October 3, 2019**

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



Memo

To: Jessica Thompson
From: Construction Office
cc: Michael O'Hagan
Date: September 27, 2019
Re: Refund

Hello Jessica,

Absecon United Methodist Church was issued a permit to replace 2 A/C units. In error they were issued and charged for a Fire Protection Subcode which was not needed for the scope of work being done.

We are requesting that United Methodist Church be refunded \$150.00. This is the amount they were over charged.

Thank you,

A handwritten signature in black ink, appearing to read "Kimberly Kollman".

Kimberly Kollman

Technical Assistant

CITY OF ABSECON

RESOLUTION 138-2019

RESOLUTION TO URGE VOTERS TO SUPPORT THE REFERENDUM ON THE ELECTION BALLOT IN NOVEMBER, SO THAT VETERANS OR WIDOWED SPOUSES OF VETERANS WHO RESIDE IN CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) WILL BE ELIGIBLE FOR PROPERTY TAX DEDUCTIONS

WHEREAS, the State Constitution for New Jersey authorizes veterans and widowed spouses of veterans who served in active duty during war and other times of emergency to receive a property tax deduction, in the amount of \$250 per year, in well-deserved recognition of their services to our country; and

WHEREAS, veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities (CCRC) have been unfairly denied eligibility for the \$250 property tax deduction because they do not own their units, even though they instead contribute to property taxes through a monthly payment, and even though they have made the same sacrifices as all veterans in our great country; and

WHEREAS, there are twenty-five CCRCs in the State which collectively house approximately 2,500 veterans or widowed spouses who are being denied the property tax deduction; and

WHEREAS, Senator Vin Gopal has sponsored legislation (S1331), that has been approved by the Senate and General Assembly, to extend the deduction to veterans and their widowed spouses in CCRCs; and

WHEREAS, the extension of the deduction, because it requires an amendment to the State Constitution, must be approved by the voters at the ballot in November before it will become valid and effective; and

WHEREAS, the Mayor and City Council now desire to memorialize their support of the referendum on the ballot in November 2019, so that veterans and widowed spouses of veterans can reside in Continuing Care Retirement Communities ("CCRC") will be eligible for the \$250 property tax deduction.

BE IT FURTHER RESOLVED, that the City Council believes that this small benefit to our veterans and widowed spouses of veterans who reside in CCRCs is a proper and warranted acknowledgment of the tremendous sacrifices that veterans have given to protect and serve our great nation.

Dated: October 3, 2019

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 October 3, 2019.

ATTEST: _____
Carie A Crone, RMC, Municipal Clerk

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
H0089 MITCHELL HUMPHREY & CO.	19-00918	09/17/19	MAINT. FEE 11/1/19-10/31/20	Open	1,965.00	0.00		
I0041 INSTANT VERIFICATION, INC.	19-00977	10/01/19	BACKGROUND CHECKS	Open	124.20	0.00		
J0001 JAN-PRO CLEANING SYSTEMS	19-00975	09/30/19	PROFESSIONAL SERVICES	Open	1,446.12	0.00		
J0021 JESCO, INC	19-00914	09/16/19	SERVICE 524 LOADER	Open	1,836.82	0.00		
L0008 N.J. LEAGUE OF MUNICIPALITIES	19-00967	09/27/19	2019 CONFERENCE	Open	385.00	0.00		
L0013 LITWORNIA ASSOCIATES, INC	19-00936	09/19/19	PROFESSIONAL SERVICES	Open	1,733.75	0.00		
L0064 LINCOLN FINANCIAL ADVISORS	19-00922	09/17/19	LOSAP CONTRIBUTION FOR 2018	Open	12,877.78	0.00		
M0193 MASER CONSULTING P.A.	19-00934	09/19/19	PROFESSIONAL SERVICES	Open	1,710.00	0.00		
M0196 MUNICIPAL MAINTENANCE CO.	19-00963	09/26/19	WORK ON PUMP STATIONS	Open	12,794.53	0.00		
N0003 STATE OF NJ HEALTH BENEFITS PR	19-00968	09/27/19	AUGUST 2019 HEALTH BENEFITS	Open	79,457.23	0.00		
N0037 NJ PLANNING OFFICIALS	19-00929	09/19/19	MANDATORY TRAINING CLASS	Open	50.00	0.00		
N0116 NICHOLAS & PARTNERS	19-00933	09/19/19	ACCIDENT TOW FORMS	Open	140.00	0.00		
O0031 MICHAEL G. O'HAGAN	19-00949	09/24/19	REIMB. FLOODPLAIN MGMT CONF.	Open	350.00	0.00		
O0034 OFFICE BASICS INC	19-00944	09/23/19	OFFICE SUPPLIES	Open	66.84	0.00		
R0007 REMINGTON & VERNICK ENGINEERS	19-00091	01/23/19	EMERGENCY GENERATOR SERVICES	Open	3,300.00	0.00		B
	19-00140	02/11/19	FIRE HOUSE PRE-DESIGN SERVICES	Open	6,151.10	0.00		B
	19-00495	05/20/19	NEW FIREHOUSE DESIGN/SERVICES	Open	11,250.00	0.00		B
	19-00742	07/30/19	STREETSCAPE IMPROVEMENTS PH 3	Open	15,200.00	0.00		B
	19-00958	09/26/19	PROFESSIONAL SERVICES	Open	12,804.60	0.00		
					<u>48,705.70</u>			
R0033 NEW JERSEY REGISTRARS' ASSOC.	19-00930	09/19/19	NJRA 2019 FALL CONFERENCE	Open	80.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
R0033	NEW JERSEY REGISTRARS' ASSOC. Continued							
	19-00948	09/23/19	2019 FALL CONFERENCE	Open	<u>80.00</u>	0.00		
					160.00			
R0097	FRANK J RASO, JMC							
	19-00965	09/27/19	COURT SESSION 09/23/19	Open	350.00	0.00		
S0003	STC WATER TREATMENT SERVICE							
	19-00962	09/26/19	SEPTEMBER 2019 WATER TREATMENT	Open	104.00	0.00		
S0019	SOUTH JERSEY GAS CO.							
	19-00961	09/26/19	MONTHLY BILLING	Open	6,428.89	0.00		
T0045	THIS & THAT							
	19-00943	09/20/19	BADGE	Open	65.00	0.00		
	19-00970	09/27/19	CROSSING GUARD HAT	Open	<u>15.00</u>	0.00		
					80.00			
T0096	TOSHIBA FINANCIAL SERVICES							
	19-00950	09/24/19	COPIER LEASE	Open	337.00	0.00		
T0360	360 AUTO WORKS, LLC							
	19-00403	04/25/19	VEHICLE MAINTENANCE	Open	250.00	0.00		
U0005	UGI ENERGY SERVICES, LLC							
	19-00973	09/30/19	SEPTEMBER 2019 BILLING	Open	45.33	0.00		
U0021	UNITED METHODIST CHURCH							
	19-00938	09/19/19	AUGUST 2019 SENIOR SERVICES	Open	2,587.37	0.00		
V0001	VITAL COMMUNICATIONS INC							
	19-00979	10/01/19	CAMA & TAX ASSESSMENT SYSTEMS	Open	315.00	0.00		
V0012	VISION SERVICE PLAN (EA)							
	19-00945	09/23/19	OCTOBER 2019 VISION PLAN	Open	255.92	0.00		
V0022	VERIZON							
	19-00960	09/26/19	MONTHLY BILLING	Open	146.97	0.00		
V0039	DAVID V. VEDRAL							
	19-00941	09/19/19	ELECTRICAL INSPECTIONS	Open	90.00	0.00		
W0044	WASZEN BROTHERS							
	19-00964	09/27/19	BRACKETS & RAILS @ PUMP STA.	Open	3,131.97	0.00		
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Total Purchase Orders:	51	Total P.O. Line Items:	0	Total List Amount:	380,111.83	Total Void Amount:		0.00