



**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**

**May 15, 2014**

**REGULAR MEETING - 7:00 PM**

**AGENDA**

**FLAG SALUTE**

**INVOCATION – Barbara Sabath, Lay Ready**  
**Absecon United Methodist Church**

**ROLL CALL**

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

**NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED**

**PRESENTATION – Barbara Sabath – Family Promises**

**PUBLIC PORTION**

**REPORTS** Council Committees  
Mayor  
Administrator  
Chief Financial Officer  
Clerk  
Engineer

**PUBLIC PORTION**

## **REGULAR MEETING AGENDA**

### **2014 ORDINANCES FOR SECOND READING AND FINAL ADOPTION**

- 02** Amending Chapter 224 (Land Use and Development) of the Absecon City Code to provide for the design of an Inclusionary Village Development Zone and to provide for the regulation of development therein.
- 05** Authorizing Criminal History Record Background Checks for Employees and Volunteers involved with City Programs or Services that can/will have contact with minors.

### **CONSENT AGENDA**

- 106** Granting 50-50 Licenses to the Charles A. Hammell American Legion Post #28 for the Concerts in the Park.
- 107** Re-Appointing a Part-Time Boat Ramp Monitor, namely James Smith.
- 108** Allowing for the Absecon Education Foundation's annual City-Wide Yard Sale.
- 109** Authorizing the release of a Performance Guarantee posted by Dunkin Donuts and accepting the posting of an approved Maintenance Guaranty.
- 110** Authorizing the Mayor to provide written consent to the transfer of ownership of Block 161, Lot 1 known as "Absecon Gardens" from PB Pinnacle Club, LLC and Boardwalk Development Design Company, LLC as Co-Developers, to One Mechanic Street, LLC.
- 111** Authorizing the release of escrow posted by Mike Martin.

### **APPROVAL OF BILL LIST - \$ 2,390,718.61**

### **APPROVAL OF MINUTES**

Regular Meeting Minutes – 5/1/14

Closed Session as to form and content only – 5/1/2014

### **PUBLIC PORTION**

### **CLOSED SESSION**

### **ADJOURNMENT**

**CITY OF ABSECON**

**ORDINANCE 02-2014**

**AN ORDINANCE AMENDING CHAPTER 224 (LAND USE AND DEVELOPMENT) OF THE ABSECON CITY CODE TO PROVIDE FOR THE DESIGNATION OF AN INCLUSIONARY VILLAGE DEVELOPMENT ZONE AND TO PROVIDE FOR THE REGULATION OF DEVELOPMENT THEREIN.**

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY** that Chapter 224 (Land Use and Development) of the Absecon City Code be amended and supplemented as follows:

**Article XXXIV Inclusionary Village Development (IVD) Zone**

It is the intent of this article to create a realistic opportunity for the construction of a portion of the low-and moderate-income housing obligation of the City of Absecon under New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; the rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1 et seq.; and the Mt. Laurel doctrine, as well as to settle litigation entitled "AB visions at Absecon LLC v. The City of Absecon, the City Council of the City of Absecon, and the Planning Board of the City of Absecon." Docket No.ATL-L-2636-12.

Furthermore, the purpose of the Inclusionary Village Development Zone (hereinafter "IVD") is to create the opportunity to increase the production and supply of workforce housing to meet the needs of citizens who require smaller, more reasonably priced accommodations such as one and two bedroom living facilities. The IVD is designed to facilitate the development of affordable housing for low-and moderate-income households by establishing design controls for development within Block 9.02, Lot 3.02, while continuing to encourage innovations in residential development that promotes a sense of community for the benefit of the development's residents, minimizes the proliferation of roadways by utilizing the existing infrastructure, and at the same time, encourages land development that is fiscally responsive to the community and environmentally sound.

**224- 287 GENERAL PROVISION.**

- A. Because this article provides specialized regulations for housing types, land uses, improvements, site planning, and building design within the IVD, the standards and requirements of this article supersede and replace all conflicting provisions in the City of Absecon Developmental Ordinance and Zoning Ordinance, including those found at Article XIX, 224-111 through 116 and Article XXXI, 224-240 through 251. All ordinances of the City of Absecon that are inconsistent with the provisions of this article are superseded by the provisions of this article.

**224-288 DEFINITIONS.**

As used in this article, the following terms shall have the meanings indicated and shall supplement or supersede the definitions in Section 224-4.

**AFFORDABLE UNIT**

Means a housing unit proposed or created pursuant to the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et. seq.), credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund, or other available funding source

**AGE-RESTRICTED UNIT**

For the purpose of the IVD, an age-restricted unit shall mean occupancy of a unit by at least one (1) person of the age of fifty five (55) years or over, except that any children, nineteen (19) years of age and over may reside with an age qualified parent.

**APARTMENT UNIT**

One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units, and sharing a common entry.

**FLAT**

A unit in a multistory structure that contains the entirety of its living space on a single floor.

**MANOR HOME**

A dwelling unit that has privileged use of a ground level garage.

**MARKET-RATE UNIT**

Dwelling units that are not restricted to low-and moderate-income households that may rent, or sell, at any price determined by the developer.

**STACKED TOWNHOMES**

For the purpose of the IVD, a stacked townhome shall mean a residential structure, consisting of a multistory residential unit located on top of, in part or whole, either a single-story residential unit (a.k.a. a flat unit) or another multistory residential unit each with an entrance on the first floor, each intended for occupancy as separate living quarters for two or more families for sale or rental.

**TOWNHOME**

For the purpose of the IVD, a townhome shall mean a single story or multistory dwelling unit in a residential structure, containing not fewer than three one-family dwelling units each with an independent entrance on the first floor and having no dwelling units above or below and each dwelling unit intended for separate sale or rental. Townhomes may, or may not, include garages.

**224-289 PERMITTED USES.**

The following uses are permitted in the IVD.

- A. Residential development, limited to:
  - (1) Manor Homes.
  - (2) Townhomes, including stacked townhomes.

- (3) Apartments.
- (4) Flats.
- B. Community buildings, pools, and similar recreation facilities designed as part of the IVD.
- C. Community Commercial:

Community Commercial uses shall be confined to the interior of the existing Clubhouse building, and may include retail uses for the purpose of serving the immediate surrounding development including, but not limited to: convenience grocery store, bakery, child care facility, adult care facility, coffee shop/ café, newspaper/magazines, and similar uses. The above Community Commercial uses are permitted, but are not required, as accessory and /or incidental to the principal residential use with the understanding that actually providing the community commercial uses are subject to market conditions.

**224-290 Housing Mix.**

The following housing requirements are designed to encourage a mix of housing types to promote diversified population and housing.

- A. Required housing mixes.
  - (1) This article acknowledges that there are 42 existing units within the IVD; 12 Townhomes and 30 Manor Homes.
  - (2) The maximum number of new units permissible in the zone is 400 units. The total maximum number of all units shall be no greater than 442 units.
  - (3) Fifteen percent (15%) of all new units constructed shall be affordable units.
  - (4) A minimum of 99 new units shall be age restricted. Said age-restricted units shall be a separate and distinct development in accordance with applicable federal regulations. In the event that the total number of new units developed is reduced twenty five percent (25%) of the total number of newly constructed units shall be age restricted.
- B. Affordable housing set asides.
  - (1) Fifteen percent (15%) of the total new units developed in the IVD shall be set aside for occupancy by low-and moderate-

income households. All of the affordable housing units are to be offered for rent.

- (2) Affordable housing units may be age-restricted, provided that the number of age restricted affordable units does not exceed sixty percent (60%) of the total affordable units in the IVD.
- (3) Affordable units shall comply with the New Jersey Barrier-Free Subcode accessibility requirements, N.J.A.C.5.23.7, as required by the state Fair Housing Act, as amended by P.L. 2005, c.350.
- (4) The affordable housing shall be developed and rented in accordance with the current applicable COAH rules, including requirements on: split between low-and moderate-income housing, bedroom distribution, range of affordability, pricing and rents of units, affirmative marketing, and affordability controls.
- (5) Affordable housing may be developed in accordance with construction phasing pursuant to applicable ordinance , or alternatively a developer shall have the ability to modify the phasing requirements so long as it posts a bond or other guaranty that at the completion of the development, the development will meet the required percentages of different unit types described herein.
- (6) Affordable housing units may be grouped in a building or location if necessary for financing, ownership or management. Alternatively, affordable housing units may be integrated throughout the site.

#### **224-291 OPEN SPACE REQUIREMENTS.**

Open space shall be designed as an integral part of the IVD and shall provide a range of opportunities for active and passive recreation as well as protect and preserve the natural environment.

- A. The minimum area of total open space in the IVD shall be 10% of the gross land within the site.
- B. Linkage of developed open space shall, to the maximum extent practicable, be provided as a system of pathways (walkways, bikeways, etc.) which connect developed open spaces.

#### **224-292 DENSITY.**

- A. The maximum residential density shall be 17 dwelling units per gross acre.

#### **224-293 AREA AND BULK REQUIREMENTS.**

Bulk and area requirements

- A. Lot area: 25 acre minimum
- B. Impervious coverage: 65% max.
- C. Front yard setback: 100 feet min.
- D. Side yard setback: 50 feet min.
- E. Rear yard setback: 50 feet min.
- F. Parking setback: 15 ft. min. between buildings and parking areas.
- G. Building height: 35 feet max. with minimum fifty-foot setback  
 45 feet max. with minimum one hundred-foot setback  
 55 feet max. with minimum one hundred twenty-five foot setback.  
 65 feet max. with minimum one hundred fifty-foot setback.
- H. Lot width: 100 feet min.
- I. Buffer strip is required along all side and rear lot lines that adjoin an existing residential use. The purpose of this buffer is to screen the view of automobiles in parking areas and reduce the glare of the automobile headlights and reduce noise. The buffer strip adjoining parking areas shall be at least 25 feet in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, fencing, and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner.
- J. Parking space perimeter setback: twenty-five-foot minimum adjoining residential uses. Parking is permitted in the front yard area provided that there is a minimum fifty-foot landscaped area between the public R.O.W. and the parking area.
- K. Physical characteristics of residential buildings. A Building shall not exceed 150 feet in length in an unbroken line measured at the foundation. Buildings of between 150 and 200 feet in length shall have an offset of eight feet along the building face. Up to 3 such one- hundred-fifty-foot maximum length buildings may be attached, provided that an angle of at least 30°exists between adjacent buildings. However, there can be no continuous roofline of more than 80 linear feet. It is the purpose of this section to provide for both broken rooflines and different setbacks and to break up a straight linear configuration. Buildings connected by party or common walls shall not be considered separate buildings for the purposes of this section. Buildings

connected by open walkways may be considered separate buildings for the purposes of Subsection M dealing with space between buildings.

- L. Bedroom content. The applicant shall furnish, as part of the project, submittal data indicating the proposed mix of bedrooms included within the development.
- M. Space between buildings. No building shall be closer than 30 feet to any other building.
- N. The architectural design of all new buildings shall be consistent with the architectural design of the existing buildings within the IVD.
- O. Laundry facilities, either located in individual units or in common areas, shall be provided for the use of residents.

#### **224-294 OFF-STREET AND ON-SITE PARKING.**

The following parking standards shall be required.

- A. Parking for the residential component of the IVD shall be regulated by New Jersey Residential Site Improvement Standards (RSIS).

Should the applicant believe the RSIS parking requirements for the residential development are greater than actually needed the applicant has the option to request a reduction of the required parking as stipulated in RSIS. The Board, upon adequate demonstration by the applicant, may grant up to a 20% reduction in the RSIS required parking, without the requirement of variance approval, provided an area is reserved for the construction of the remaining (Remnant Spaces) RSIS required spaces. The Remnant Spaces may be constructed at a future date in the event those parking spaces are determined to be necessary by the applicant, or by the Board.

The Remnant Spaces are to be shown on the plan and engineered for review by the Board and the Board's professionals at the time the original approval is granted. The Remnant Spaces can be constructed when deemed necessary without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to the actual construction taking place.

- B. Off-street on-site parking facilities shall be limited to passenger vehicles of permanent residents, and their guests. Storage of trucks, boats, trailers, etc., shall be prohibited.
- C. Design controls applicable for off-street parking facilities are set forth in the site plan and subdivision regulations found in §224-128.
- D. Bike racks permanently in place shall be provided at all recreational facilities based upon estimated user demand.

**224-295 LANDSCAPING.**

Landscaping shall conform to §224-78 and §224-129

**224-296 LIGHTING.**

Lighting shall conform to §224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

This ordinance shall take effect upon final adoption and publication as required by law.

**Dated: May 15, 2014**

**SIGNED:** \_\_\_\_\_  
**John R. 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 January 16, 2014. Laid over and advertised for public hearing and final adoption on May 15, 2014.**

**CITY OF ABSECON**

**ORDINANCE NO. 05-2014**

**AN ORDINANCE OF THE CITY OF ABSECON AUTHORIZING CRIMINAL HISTORY RECORD BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS INVOLVED WITH CITY PROGRAMS OR SERVICES THAT CAN/WILL HAVE CONTACT WITH MINORS.**

**WHEREAS**, the City Council of the City of Absecon is aware that numerous programs and services are offered through and with the support of the City Government to minor residents of the City; and

**WHEREAS**, the City Council wishes to ensure that the City of Absecon is providing the safest possible recreational and other programs for the minors involved; and

**WHEREAS**, an enacted law of the State of New Jersey, N.J.S.A. 15A:3A-1 et seq. permits the City to request that the New Jersey State Police conduct a criminal history record background check on each prospective and current employee or volunteer participating in any City endorsed or sponsored programs which will provide recreational, cultural, charitable, social or other activities for persons younger than 18 years of age; and

**WHEREAS**, the City of Absecon requires that all such current and prospective employees and volunteers involved with youth programs or services be required to submit to such criminal history record background checks at a cost to be borne by the volunteer and/or the volunteer organization at the current program fee established by the New Jersey State Police's Volunteer Review Operation Program paid directly to the contracted vendor at time of scheduling; and

**WHEREAS**, City employees participating in such a program for minors as a part of the employee's employment duties shall be reimbursed by the City for the cost of the criminal history background check from a fund established by the City; and

**WHEREAS**, the City Council of the City of Absecon requires that all youth programs or services sponsored or supported by the City be required to have criminal history record background checks performed on their employees and volunteers, as a condition of City sponsorship or support; and

**WHEREAS**, such employees and volunteers shall include, but not be limited to, those that shall be on, or in close proximity to the field of play located at any City property whether it be for training, score keeping or in any other capacity. Those individuals shall be required to complete the fingerprinting and background check process; and

**WHEREAS**, identification cards will be issued to volunteers and employees who have successfully completed the criminal history record background check. These cards must be worn and visible at all times when on the field of play, no exceptions.

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

### **SECTION 1. DEFINITIONS.**

As used in this Ordinance:

- A. "Criminal history record background check" means a determination of whether a person has a criminal record by cross-referencing that person's name, fingerprints, social security number and date of birth, with those on file with the Federal Bureau of Investigation, Identification (SBI) Division and the State Bureau of Identification in the New Jersey State Police.
- B. "Criminal history record information" or "CHRI" means information collected by criminal justice agencies concerning persons and stored in the computerized databases of the New Jersey State Police SBI Criminal History Information System, the National Law Enforcement Telecommunications Systems or other state computerized repositories containing criminal history record information consisting of identifiable descriptions and notations of arrests, indictments, or other formal criminal charges, and any dispositions, arising there from, including convictions, dismissals, correctional supervision and release.
- C. "City Administrator" means the City of Absecon City Administrator and his/her designee.
- D. "Employee" means an individual sixteen (16) years of age or older who receives compensation from the City or a youth program to perform services for a youth program and has the potential for unsupervised direct access to youth.
- E. "Notification" means the response provided by the Department of Law and Public Safety, Division of State Police, to the request for a criminal history background check pursuant to N.J.S.A. 15A:3a-1 et seq.
- F. "Qualified Participant" means an employee or volunteer who has completed a criminal history background check revealing no disqualifying information.

G. "Sponsored Program" means any youth program which receives authorized benefits, either directly or indirectly, including but not limited to the provision of funding, or equipment from the City.

H. "Supported Programs" means any program which, while not directly sponsored by the City with funding, the providing of equipment or other benefit, uses City facilities, including but not limited to sports fields and City buildings. Supported programs include both teams all of whose participants are residents of Absecon as well as non-resident teams which may or may not include resident participants. It specifically excludes teams from other municipalities which are invited by the sponsored programs to compete on City facilities.

I. "Unsupervised Direct Access to Minors" means the ability to have interaction with a person who is younger than eighteen (18) years of age without the constant and uninterrupted observation of a parent or guardian of the youth or without the constant and uninterrupted observation of a representative of law enforcement or a supervising qualified participant.

J. "Volunteer" means any individual sixteen (16) years of age or older who on an uncompensated basis performs services for a youth program or service and has the potential for unsupervised direct access to youth.

K. "Volunteer Review Operation" or "VRO" means the unit located within the State Bureau of Investigation in the New Jersey State Police that is responsible for administering criminal background checks for volunteers and employees for youth programs as specified in this Chapter.

L. "Youth" means any individual less than eighteen (18) years of age.

M. "Youth Programs" means any program which allows for participation in activities or services by persons under eighteen (18) years of age, including but not limited to, sporting activities, passive recreation groups, clubs, camps, field trips, cultural organizations, social groups and other activities or services. Specifically included are such organizations as volunteer fire companies, emergency management and medical organizations and ambulance squads. Specifically excluded are public and non public schools.

**SECTION 2. CRIMINAL BACKGROUND CHECK COSTS.** The cost of the background checks are to be borne by the volunteer or employee or by the youth organization unless otherwise agreed upon. The cost is the current program fee. City employees who require such a criminal background check as a part of the employee's employment duties shall be reimbursed by the City for the cost of the background check

from a fund established by the City. Only a qualified participant may serve as an employee or volunteer of a City sponsored or City supported youth program or service.

**SECTION 3. DISQUALIFICATION.** A person shall be disqualified from serving as an employee or volunteer of a youth program or service if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:

**A. 2C:11 HOMICIDE**

-All offenses

**2C:12 ASSAULT; ENDANGERING; THREATS**

-All offenses

**2C:13 KIDNAPPING**

-All offenses

**2C:14 SEXUAL OFFENSES**

-All offenses

**2C:15 ROBBERY**

-All offenses

**2C:20 THEFT**

-All offenses

**2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETANTS**

-All offenses

**2C:35 CONTROLLED DANGEROUS SUBSTANCES**

-All offenses except paragraph (4) of subsection a. of N.J.S.2C:35-10

- B. Conduct in any other state or jurisdiction which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection A of this section.
- C. Nothing herein shall be construed to authorize an excluded sex offender as defined in N.J.S.A. 2C:7-22 to serve as an employee or volunteer in a youth organization or any other entity from which the excluded sex offender is otherwise statutorily disqualified.
- D. Any person convicted of a disorderly persons offense or petty disorderly persons offense under the laws of this State who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, or of another three disorderly or petty disorderly offenses, and the disorderly or petty disorderly offense conviction occurred at least five (5) years from the date that said individual will be a volunteer for, or employee of a youth organization, shall not be considered disqualified.

#### **SECTION 4. REQUEST FOR CRIMINAL BACKGROUND CHECKS.**

- A. The City requires that all employees and volunteers of youth programs and certain services, either sponsored by the City or supported by the City, submit a written consent to the obtaining of a criminal history background check together with any other information deemed necessary by the City Administrator. The submission to City Administrator shall be pursuant to procedures established by the City Administrator. No person shall be permitted to act as an employee or volunteer of a youth program, until the results of the criminal history background check has been received and approved by the City Administrator.
- B. Any person who through prior compliance with the background check requirements of this Chapter or who by virtue of such person's occupation has been required by statute or otherwise to undergo a criminal history background check that is as comprehensive as the check required by this chapter may, in the discretion of the City Administrator, be exempt from the requirements of this Chapter. However, such prior criminal history background check must have been completed within the preceding five (5) years in order to be exempt.
- C. Notwithstanding prior compliance with the requirements of this Chapter, no individual shall be permitted to continue as an employee or volunteer of a City sponsored or City supported youth program unless the latest criminal history background check provided to Absecon was performed within the preceding five (5) year period.

- D. Current members of the volunteer fire company, emergency management, emergency medical organization or ambulance squad who are subject to this Chapter, who have not complied with the requirement for a criminal history background check voluntarily shall immediately apply for a background check and have a 60 day grace period to comply.

#### **SECTION 5. CRIMINAL HISTORY BACKGROUND CHECK PROCEDURES.**

- A. All City sponsored or City supported youth organizations shall submit a complete list of names and addresses for all employees or volunteers subject to this Chapter. In addition, each such organization shall provide such additional information as may be required by the City Administrator. Each individual shall, through the organization, submit an executed consent form authorizing the required criminal history background check.
- B. The City Administrator shall coordinate the required background checks, including the fingerprinting through the State's approved live scan electronic fingerprinting vendor and the taking of photographs for identification cards for qualified participants.
- C. It is the responsibility of each youth organization and its management, including officers, directors and coaches, to ensure that all individuals who serve as employees or volunteers of such youth program submit and obtain a criminal history background check and are approved as a qualified participant. Refusal or failure by any individual required to submit to such a background check shall result in immediate dismissal from any City sponsored youth program and/or service and the refusal or failure of any City supported youth program to comply with the requirements of this Chapter shall result in a denial of the use of City facilities.
- D. All, or any portion of the requirements of this Ordinance may be performed by another municipality or entity pursuant to an Inter Local Services Agreement.
- E. The City Administrator shall be responsible for the maintenance of all records generated as a result of this Chapter. All such information shall be deemed confidential and maintained in a secure location. Such records shall only be retained for such period of time as is necessary to ensure compliance with this Chapter and the laws of the State of New Jersey.

**SECTION 6. NOTIFICATION.**

- A. The individual applying for the criminal history background check shall authorize the City Administrator to be the recipient of the affirmative or negative response from the State Police Bureau of Investigation. If appropriate, the City Administrator shall then proceed to process the individual's identification card. If the individual wishes to obtain a copy of the criminal history record, a request must be submitted to the New Jersey State Police.
- B. If the individual believes that the result of the criminal history background check is factually inaccurate the individual must contact the New Jersey State Police directly.
- C. The individual employee or volunteer may obtain a copy of the actual criminal history background check from the New Jersey State Police and may confidentially provide it to the City Administrator.
- D. Every individual issued an identification card must surrender the same to the City of Absecon upon revocation of the same pursuant to this Chapter or when said individual no longer serves as an employee or volunteer of a youth organization.

**BE IT FURTHER ORDAINED** that:

- 1. This ordinance shall take effect upon final adoption and publication as required 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: May 15, 2014**

**SIGNED:** \_\_\_\_\_  
**John R. 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 May 1, 2014. Laid over and advertised for public hearing and final adoption on May 15, 2014.

## **SECTION 6. NOTIFICATION.**

- A. The individual applying for the criminal history background check shall authorize the City Administrator to be the recipient of the affirmative or negative response from the State Police Bureau of Investigation. If appropriate, the City Administrator shall then proceed to process the individual's identification card. If the individual wishes to obtain a copy of the criminal history record, a request must be submitted to the New Jersey State Police.
- B. If the individual believes that the result of the criminal history background check is factually inaccurate the individual must contact the New Jersey State Police directly.
- C. The individual employee or volunteer may obtain a copy of the actual criminal history background check from the New Jersey State Police and may confidentially provide it to the City Administrator.
- D. Every individual issued an identification card must surrender the same to the City of Absecon upon revocation of the same pursuant to this Chapter or when said individual no longer serves as an employee or volunteer of a youth organization.

**SECTION 7.** This Ordinance shall take effect upon final passage, approval and publication as provided by law.

**SECTION 8.** 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.

**SECTION 9.** Any ordinances or parts thereof inconsistent herewith are hereby repealed.

**CITY OF ABSECON**

**RESOLUTION 106-2014**

**A RESOLUTION GRANTING 50-50 LICENSES TO THE CHARLES A. HAMMELL AMERICAN LEGION POST 28 FOR THE CONCERTS IN THE PARK**

**WHEREAS**, The Charles A. Hammell American Legion Post 28 has applied for a license to conduct 50-50's at Heritage Park in Absecon on several Sundays as follows: 6/29, 7/6, 7/13, 7/20, 7/27, 8/3.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ABSECON**, that

1. The following facts are hereby found and determined:
  - (a) The Applicant is qualified.
  - (b) The members designated to conduct the 50-50's are bona-fide active members.
  - (c) The members designated to conduct the 50-50's are of good moral character and have never been convicted of a crime.
  - (d) The 50-50's will be conducted according the Raffles Licensing Law and the Rules of the Legalized Games of Chance Control Commission.
  - (e) The proceeds are to be disposed of for a purpose permitted by the Raffles Licensing Law.
  - (f) There is satisfactory proof that no payment will be made for conducting the 50-50's or assisting therein except to the extent allowed by the law.
  - (g) There is satisfactory proof that the award is of the nature and amount allowed by the Raffles Licensing Law.
  - (h) The rental to be paid for equipment, if applicable, does conform to the schedule of authorized rental prescribed by the Rules of the Control Commission.
  - (i) The license is granted.
2. The Municipal City Clerk is hereby authorized and directed to execute and deliver the proper certificates of the aforesaid Findings and Determinations in the Form prescribed and specified by the Legalized Games of Chance Control Commission.

**Dated: May 15, 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 May 15, 2014**

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

**CITY OF ABSECON**

**RESOLUTION 107-2014**

**A RESOLUTION RE-APPOINTING A PART-TIME BOAT RAMP MONITOR**

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

**WHEREAS**, the person named below has indicated a willingness to continue serving as a Boat Ramp Monitor for the City of Absecon.

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

1. James Smith, Part-time Boat ramp Monitor at \$12.24 per hour, effective May 16, 2014.

**Dated: May 15, 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 May 15, 2014**

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

**CITY OF ABSECON**

**RESOLUTION 108-2014**

**A RESOLUTION TO ALLOW FOR THE ABSECON EDUCATION  
FOUNDATION'S ANNUAL CITY-WIDE YARD SALE**

**WHEREAS**, The City Council of the City of Absecon is supportive of the Absecon Education Foundation and its events; and

**WHEREAS**, the Absecon Education Foundation's Annual City-wide Yard Sale will be held on Saturday, June 7<sup>th</sup>, 2014 (rain date Sunday, June 8<sup>th</sup>, 2014); and

**WHEREAS**, certain waivers and permissions need to be granted.

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

- 1) Any and all ordinance regulations which would prohibit The Absecon Education Foundation's annual city-wide yard sale from occurring are hereby temporarily waived for June 7<sup>th</sup>, 2014 (rain date June 8<sup>th</sup>, 2014); and
- 2) Any and all mercantile licenses, which would be required for all participants of this annual city-wide yard sale, are hereby waived and no yard sale permits will be sold for Friday, Saturday or Sunday through City Hall. All permits for June 7<sup>th</sup>, 2014, (rain date June 8<sup>th</sup>, 2014) must be obtained through the Absecon Education Foundation.

**Dated: May 15, 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 May 15, 2014**

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

**CITY OF ABSECON**  
**RESOLUTION 109-2014**

**A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE  
GUARANTEE POSTED BY DUNKIN DONUTS AND ACCEPTING THE POSTING  
OF AN APPROVED MAINTENANCE GUARANTY.**

**WHEREAS**, Dunkin Donuts has posted a Performance Guarantee, on improvements to 467 White Horse Pike, Block 207, Lot 7.02 with the City of Absecon in accordance with the provisions of the Municipal Land Use law; and

**WHEREAS**, the City Engineer and the Zoning Board have indicated to the Municipal Council that the improvements covered by the Performance Guarantee have been satisfactorily completed and that the performance guarantee may be released; and

**WHEREAS**, Dunkin Donuts has posted a Maintenance Guaranty in the amount of \$14,540.25 (Fourteen Thousand Five Hundred Forty Dollars and twenty-five cents).

**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 performance guarantee previously posted in the amount of \$96,935.00.
2. The Chief Financial Officer is hereby authorized to release the cash portion of the performance guarantee previously posted with any interest in the amount of \$9,719.59.
3. The Chief Financial Officer hereby authorizes the acceptance of the maintenance guarantee in the amount of \$14,540.25.

**Dated: May 15, 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 May 15, 2014**

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

**CITY OF ABSECON**

**RESOLUTION 110-2014**

**A RESOLUTION AUTHORIZING THE MAYOR TO PROVIDE WRITTEN CONSENT TO THE TRANSFER OF OWNERSHIP OF BLOCK 161, LOT 1, KNOWN AS "ABSECON GARDENS" FROM PB PINNACLE CLUB,LLC AND BOARDWALK DEVELOPMENT DESIGN COMPANY, LLC AS CO-DEVELOPERS, TO ONE MECHANIC STREET,LLC.**

**WHEREAS**, by Resolution 104-2013, the City Council of the City of Absecon authorized the Mayor to execute a Redeveloper's Agreement with PB Pinnacle Club, LLC and Boardwalk Development and Design Company, LLC (collectively, the "Redeveloper") as Co-Developers of a project commonly known as "Absecon Gardens" and located at Block 161, Lot 1 on the tax map of the City of Absecon (the "Project"); and

**WHEREAS**, paragraph 12q(iii) of that Redeveloper's Agreement requires the Redeveloper to obtain the written consent of the City to sell or otherwise transfer the Project; and

**WHEREAS**, the Redeveloper desires to transfer ownership of the Project to an entity known as One Mechanic Street, LLC (the "Assignee") which the Redeveloper has represented has as its sole Member, Parke Bank with all profit and loss to be allocated to that sole Member; and

**WHEREAS**, Parke Bank presently holds the construction mortgage for the Project, and in that capacity, has had a direct involvement in the development of the Project and a knowledge and understanding of the representations and commitments which the Redeveloper has made to the City; and

**WHEREAS**, based upon the Redeveloper's representations, City Council finds and determines that transfer of ownership to the Assignee will facilitate the development of the Project in accordance with the Redeveloper's Agreement and the other representations and commitments made by the Redeveloper in that connection;

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Absecon hereby authorizes the Mayor to provide written consent to the transfer of ownership of Block 161, Lot 1, known as "Absecon Gardens" from PB Pinnacle Club, LLC and Boardwalk Development Design Company, LLC, as Co-Developers to One Mechanic Street, LLC.

**Dated: May 15, 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 May 15, 2014**

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

**CITY OF ABSECON**

**RESOLUTION 111-2014**

**A RESOLUTION AUTHORIZING THE RELEASE OF ESCROWS  
POSTED BY MIKE MARTIN**

**WHEREAS**, Mike Martin has posted Zoning Escrows for approvals on property known as, Block 93, Lot 14, 200 E. Faunce Landing Road in the City of Absecon in accordance with the provisions of the Municipal Land Use law; and

**WHEREAS**, the Zoning Board Engineer has indicated that the approvals have been satisfactorily completed and that they 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 remaining Zoning Escrow in the amount of \$467.50.

**Dated: May 15, 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 May 15, 2014**

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

Carie

REPORT ID : TFC5337  
RUN DATE : 05/03/2014  
RUN TIME : 21:45

NJ AUTOMATED MUNICIPAL SYSTEM  
MONTHLY CASHBOOK REPORT  
ABSECON MUNICIPAL COURT  
FOR THE MONTH OF APRIL 2014

PART 4 - DISBURSEMENT CHECKS

MAKE CHECK PAYABLE TO:	CHECK AMOUNT	ADDRESS	CHECK NUMBER	CROSS-REF W/BANKSTMT
2 - TREASURER, STATE OF NEW JERSEY RE: AUTOMATION FEE - AF ATS MODERNIZATION FUND - AM	\$276.00 \$411.00	AOC ATS SURCHARGE SECTION P.O. BOX 980 TRENTON, NJ 08625	DO NOT SEND CHECK- SENT VIA ACH	
TOTAL ATS SURCHARGES	\$687.00			
3 - TREASURER, COUNTY OF <u>Atlantic</u> RE: TITLE 39 SPLIT	\$5,043.50	COUNTY TREASURER	<u>1160</u>	
4 - TREASURER, CITY OF <u>Absecon</u> RE: TITLE 39 SPLIT, CRIMINAL FINES, COSTS, LOCAL PARKING, CONTEMPT, CRIMINAL BAIL FORFEITURE, ADDITIONAL PENALTIES, GENERAL FEES, UNREFUNDED OVERPAYMENTS, PUBLIC DEFENDER, PLAINTIFF COSTS, SPINAL MUNICIPAL, DWI SURCHARGE & UC CODE	<u>\$11,082.86</u>	CITY OF <u>Absecon</u>	<u>1161</u>	
5 - TREASURER, CITY OF <u>Absecon</u> RE: PARKING OFFENSES ADJUDICATION ACT (\$2.00 FTA FEE - FA)	\$4.00	CITY OF <u>Absecon</u>	<u>1162</u>	
6 - TREASURER, STATE OF NEW JERSEY RE: VCCB, VAF, CF	\$385.00	VICTIMS OF CRIME COMPENSATION BOARD P.O. BOX 34090 NEWARK, NJ 07189-0090	DO NOT SEND CHECK- SENT VIA ACH	
7 - TREASURER, STATE OF NEW JERSEY RE: DEDR	\$132.00	GOVERNOR'S COUNCIL ON ALCOHOLISM/ DRUG ABUSE P.O. BOX 345 TRENTON, NJ 08625	DO NOT SEND CHECK- SENT VIA ACH	
8 - TREASURER, STATE OF NEW JERSEY RE: STATE LAB FEES - FLF (SL)	\$50.00	GOVERNOR'S COUNCIL ON ALCOHOLISM/ DRUG ABUSE P.O. BOX 345 TRENTON, NJ 08625	DO NOT SEND CHECK- SENT VIA ACH	
9 - TREASURER, COUNTY OF _____ RE: COUNTY LAB FEES - (CL)	\$0.00	N/A		

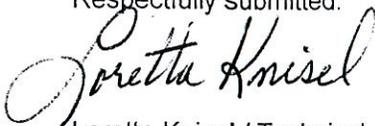
**CITY OF ABSECON CITY**  
**CONSTRUCTION OFFICE & CODE ENFORCEMENT**  
**MONTHLY REPORT**

April, 2014

	Month		Year to Date	
	# permits	Fees	# permits	Fees
BUILDING PERMITS	17	\$2,230.00	53	7,493.00
PLUMBING PERMITS	12	639.00	35	1,638.00
ELECTRIC PERMITS	14	947.00	52	3,437.00
FIRE PERMITS	6	413.00	24	1,345.00
ELEVATOR PERMITS	0	-	0	-
CERT OCCUPANCY	0	-	2	170.00
DCA FEES	32	302.00	99	1,053.00
CONTRACTOR LIC	2	50.00	5	125.00
ZONING PERMITS	8	120.00	14	210.00
CERT CONT OCCUP	15	650.00	54	2,040.00
CERT OF COMP	0	-	0	-
PENALTY	0	-	0	-
ADMIN FEES	0	-	1	49.00
ELEVATOR INSPECTION	0	-	0	-

Total Fees	\$5,351.00	\$ 17,560.00
Total Paid Out	\$302.00	\$ 1,053.00
Total Net Fees	\$5,049.00	\$ 16,507.00
Total Construction Cost	\$177,164.00	\$ 610,833.00

Respectfully submitted:



Loretta Knisel / Technical Asst.

cc: T.Henshaw, C.Crone, J.Thompson, M.O'Hagan

Range: Block: First to Last  
 Lot:  
 Qual:  
 Range of Codes: 001 to 043  
 Range of Batch Ids: First to Last  
 Range of Sections: First to Last  
 Range of Spec Tax Codes: First to Last  
 Payment Type Includes: Tax: Y Sp Charges: Y  
 Animal: N Misc: Y  
 Payment Method Includes: Cash: Y Check: Y  
 Print Miscellaneous w/Block/Lot/Qual: N

Range of Accounts: First to Last  
 Range of Years: First to 2015  
 Range of Periods: 1 to 12  
 Range of Dates: 04/01/14 to 04/30/14  
 Name to Print: Bill To  
 Print Ref Num: N Print Utility w/Block/Lot/Qual: N  
 Lien: Y Sp Assmnt: Y Sewer: Y  
 Credit: Y Range of Installment Due Dates: First to Last  
 Print Only Miscellaneous w/Block/Lot/Qual: N

Code Description	Count	Arrears/Other	Principal			Pnlty/Intr	Total
			2012	2013	2014		
001 Property Taxes	1342	0.00	0.00	0.00	1,984,002.51	995.17	1,984,997.68
038 Taxes - Subsequent	6	0.00	0.00	0.00	19,871.55	570.56	20,442.11
Tax Payments	1348	0.00	0.00	0.00	2,003,874.06	1,565.73	2,005,439.79
008 Redemption M. Liens	4	2,608.14	0.00	0.00	0.00	106.34	2,714.48
035 OUTSIDE LIEN REDEMPT	68	42,293.22	0.00	0.00	0.00	7,980.33	50,273.55
036 OUTSIDE LIEN FEES	16	744.00	0.00	0.00	0.00	0.00	744.00
Lien Payments	88	45,645.36	0.00	0.00	0.00	8,086.67	53,732.03
002 Sewer Rental	1688	125.00	0.00	0.00	197,270.01	1,700.00	199,095.01
037 Sewer - Subsequent	12	0.00	0.00	0.00	5,742.00	120.00	5,862.00
Sewer Payments	1700	125.00	0.00	0.00	203,012.01	1,820.00	204,957.01
014 Duplicate Bill	4	20.00	0.00	0.00	0.00	0.00	20.00
015 Sewer Bad Check Fee	1	20.00	0.00	0.00	0.00	0.00	20.00
016 Tax Search	3	30.00	0.00	0.00	0.00	0.00	30.00
Misc Payments	8	70.00	0.00	0.00	0.00	0.00	70.00
025 NSF CHECK - SEWER	1	0.00	0.00	0.00	99.00-	0.00	99.00-
Sewer NSF	1	0.00	0.00	0.00	99.00-	0.00	99.00-
Payments Total:	3144	45,840.36	0.00	0.00	2,206,886.07	11,472.40	2,264,198.83
NSF Reversals Total:	1	0.00	0.00	0.00	99.00-	0.00	99.00-
Total:	3145	45,840.36	0.00	0.00	2,206,787.07	11,472.40	2,264,099.83

Total Cash: 32,882.03

Total Check: 2,231,217.80

Total Credit: 0.00

Sewer Overpayments 125.00  
 Total Overpayments 125.00



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
C0015 CHRIS CAVILEER	14-00529	05/13/14	PARKING REIMBURSEMENT )	Open	5.00	0.00		
C0190 CAMDEN COUNTY POLICE ACADEMY	14-00438	04/22/14	RECORD MGT FJOR LAW ENF. )	Open	25.00	0.00		
C0201 COMCAST	14-00514	05/08/14	3 INVOICES - MAY	Open	416.36	0.00		
D0003 DELTRONICS CORP.	14-00464	04/28/14	CONTROL PANEL FOR PUMP STA	Open	2,688.05	0.00		
D0081 THE DAILY JOURNAL	14-00522	05/08/14	ADVERTISING	Open	2,481.12	0.00		
	14-00533	05/13/14	ADVERTISING	Open	<u>47.50</u>	0.00		
					2,528.62			
D0090 JOHN DEERE LANDSCAPES	14-00468	04/28/14	FERTELIZER, SEED & SPREADER	Open	2,224.85	0.00		
D0100 DIRECTV	14-00483	05/06/14	MAY BILLING	Open	87.99	0.00		
E0070 ED & GENE'S KING TIRE LLC	14-00528	05/13/14	VEHICLE MAINTENANCE	Open	778.75	0.00		
F0007 FORD, SCOTT & ASSOC	14-00501	05/06/14	AUDIT SERVICES	Open	2,400.00	0.00		
F0093 KRISTOPHER J. FACENDA	14-00495	05/06/14	PROSECUTOR SERVICES	Open	1,700.00	0.00		
	14-00523	05/13/14	PROSECUTOR/NON-RETAINER MATTER	Open	<u>1,737.50</u>	0.00		
					3,437.50			
H0070 HUTCHINSON HEATING AIR/COND	14-00470	04/28/14	REPLACE 2 HEAT PUMPS/PAST DUE	Open	13,640.75	0.00		
H0091 HESS CORPORATION	14-00531	05/13/14	MONTHLY ELECTRIC	Open	2,583.93	0.00		
H0098 HANDI-HUT	14-00228	02/25/14	TRANSIT SHELTER	Open	5,455.00	0.00		
L0013 LITWORNIA ASSOCIATES, INC	14-00526	05/13/14	REVIEW D&R	Open	31.25	0.00		
L0064 LINCOLN FINANCIAL ADVISORS	14-00385	04/03/14	2013 LOSAP FIRE DEPT	Open	14,998.43	0.00		
M0069 MCMANIMON SCOTLAND BAUMANN LLC	14-00443	04/22/14	BOND ORDINANCE PREPARATION	Open	600.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
M0172 MC CARTHY TIRE SERVICE	14-00527	05/13/14	TIRES	Open	712.82	0.00		
M0190 MAGUIRE & MAGUIRE P.C.	14-00509	05/08/14	APRIL LEGAL	Open	3,040.80	0.00		
M0193 MASER CONSULTING P.A.	14-00489	05/06/14	PROFESSIONAL SERVICES	Open	412.50	0.00		
N0002 NJ AMERICAN WATER CO.	14-00515	05/08/14	MAY BILLING	Open	7,257.66	0.00		
N0003 STATE OF NJ HEALTH BENEFITS PR	14-00511	05/08/14	MARCH HEALTH BENEFITS	Open	73,726.14	0.00		
N0091 NETWORK CONNECTIVITY, INC.	14-00490	05/06/14	MONTHLY MAINTENANCE	Open	150.00	0.00		
P0011 CITY OF PLEASANTVILLE	14-00505	05/06/14	QUARTERLY BILLING	Open	26,765.00	0.00		
	14-00510	05/08/14	APRIL SERVICE	Open	<u>3,353.33</u>	0.00		
					30,118.33			
P0014 PEDRONI FUEL CO	14-00506	05/06/14	DIESEL FUEL	Open	560.63	0.00		
R0051 ROSENBERGER & WOLF	14-00502	05/06/14	ZONING SERVICES	Open	75.00	0.00		
R0079 V. E. RALPH	14-00507	05/06/14	GLOVES	Open	69.12	0.00		
S0244 JEFFREY R SURENIAN & ASSOC LLC	14-00455	04/24/14	MARCH LEGAL SERVICES	Open	8,368.55	0.00		
S0246 JAMES P SWIFT	14-00494	05/06/14	PUBLIC DEFENDER SERVICES	Open	500.00	0.00		
T0044 TREASURER	14-00450	04/22/14	RENEW NJ UNIFORM CONST. CODE	Open	50.00	0.00		
T0073 JESSICA THOMPSON	14-00492	05/06/14	REIMB FOR VIDEO CABLE	Open	22.12	0.00		
T0096 TOSHIBA AMERICA BUSINSESS	14-00484	05/06/14	JUNE BILLING	Open	340.00	0.00		
U0021 UNITED METHODIST CHURCH	14-00488	05/06/14	SENIOR SERVICES MARCH	Open	2,613.61	0.00		
V0001 VITAL COMMUNICATIONS INC	14-00486	05/06/14	JUNE BILLING	Open	306.00	0.00		

---

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
V0022 VERIZON	14-00482	05/06/14	MAY BILLING	Open	115.46	0.00		

---

Total Purchase Orders: 55 Total P.O. Line Items: 105 Total List Amount: 2,390,718.61 Total Void Amount: 0.00

---