



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

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

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**DECEMBER 4, 2014  
COUNCIL MEETING  
MINUTES**

The meeting was called to order by Council Pro Tem, Jim Vizthum at 7:00 p.m.

**FLAG SALUTE**

**INVOCATION** – Rev. Mantella Bradley, St. Mark and All Saints Episcopal Church, Galloway

**ROLL CALL**

**PRESENT:** Vizthum, Horton, Cain, Phillips, Ring

**ABSENT:** Camp, Seher

**ALSO PRESENT:** Mayor Armstrong, City Solicitor, Tim Maguire; Jessica Thompson; Carie Crone, City Engineer, Ed Dennis

**PRESIDENT'S STATEMENT OF SUNSHINE LAW** – Council Pro Tem Vizthum  
**NOTIFICATION OF MEETING**

**REPORTS**

**Councilwoman Cain – Public Works** – her next meeting will be 12/18 @3:30.

**Eddie Dennis** – the work at the tennis courts is on-going and one has been paved and temporary striping will be done and sit through the winter and then color coding will be done when weather warms up. Paving work will be done Shore Rd. near Summit, Colorado and Lee Avenues and Miami Avenue due to a water main project. The Street Opening Resolution is routine business tonight.

**Councilman Phillips – Parks & Playgrounds** – background checks are well underway and should be complete by the end of the year. He received a letter from a young resident Anthony Coleman and his friends who are asking for the city to look into getting some basketball courts. They might even have a donation for the rims. They will be meeting in February and will discuss it.

**Sandy** – years ago there were some at Franklin Field.

**Councilwoman Horton – Economic Development** - met tonight and they discussed land donations, land sales to promote growth and they are still working with the County for low interest loans for the businesses.

**Councilman Ring – Community Affairs** – thanked ABCD and Bart Richter for all their hard work for the holiday fair this past weekend. It was very successful. He announced all the upcoming events in town.

**Council Pro Tem Vizthum – Public Safety** - they met Tuesday and Emergency Mgmt attended. They decided their meetings will be quarterly after the County has theirs.

**Mayor** – he has made a selection of Police Chief since Chief Risley is retiring Feb. 1<sup>st</sup>. He had interviewed four candidates and has chosen Lt. John DeRitis to begin 2/1/15. He asked for Council to consider a resolution for their next meeting and with that he has discussed his contract with an annual salary of \$114,000 increasing over a 5 year term to a final salary of \$139,000, which is the salary of Chief Risley now.

### **PUBLIC PORTION**

Motion to open to the public – Councilman Phillips – second – Councilman Ring  
All were in favor.

**Marc Catona - 22 New Jersey Ave.** – pot hole out front on New Jersey still hasn't been addressed and it seems to be getting worse.

**Eddie** – it's a state right-of-way and he has reached out to them and he will follow up again.

**Marc** – he received a letter dated 10/7/14 from Jessica, the Administrator regarding Cross Fit gym and the continual vibrations at his building. He understands that Tim Maguire was the negotiator and he was never asked to be involved. You requested them to do work but nothing to test that work.

**Tim** – we did that work in conjunction with the engineers and there was an indication from them that the work would alleviate the problem and we discussed potential testing but it was every expensive. From an economic standpoint, it was not going to be feasible and not included in the agreement. If we insisted on that, there would have been no agreement at all.

**Marc** – what about his economic standpoint? How about his business that has continual issues with vibration from this business next door? Obviously it doesn't matter to you?

**Mayor** – A complaint was filed by the city and in an effort to resolve the matter instead of just imposing a fine, an agreement was made with them to provide additional floor cuts to further reduce the potential for vibrations to travel to your property. They also agreed to do the weight lifting activities on the west side of the building only. You have made complaints that it is still going on now.

**Marc** – the ordinance states that vibrations can't exceed the building limits, but it is going to my property. Every time that happens, they should be issued a citation because they are breaking the ordinance requirements.

**Tim** – explained what the city has required the neighbors to do, so for him to say we have done nothing it's inaccurate. He told Marc in the past that he has the right to file a complaint on his own or hire someone to do the testing.

**Marc** – feels all this should have been tested to see if it solved the problem and it hasn't

**Mayor** – it makes good sense for our construction official to make a determination in his judgment if any vibration is felt at such a level that it would reasonably interfere with the person's use of his property, before we as public officials, responsible for the expenditure of tax dollars, go out and hire a seismic engineer to conduct testing, which would cost thousands of dollars. We have already spent thousands of dollars in legal and engineering fees over the last year in this effort because we do feel a responsibility to you as a business owner, just as we would any business owner. We are also responsible to tax payers too and we go off and spend much more. If you feel we are misinterpreting this, you can hire your own professionals.

Motion to close public portion – Councilman Ring – second – Councilman Phillips  
All were in favor.

## REGULAR MEETING AGENDA

**Jim** – asked for a motion to add Resolution 180-2014 – Accepting a Volunteer Firefighter into the Department  
Motion was made by Councilman Ring – second- Councilwoman Horton  
All were in favor.

### CONSENT AGENDA

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

- 176 Authorizing the Mayor to enter into an agreement with Local 107, International Brotherhood of Teamsters for a four year Labor Agreement.
- 177 Authorizing the acceptance of, and when authorized, the release of various street opening permit security deposits.
- 178 Approving the site for the 911 Memorial.
- 179 Approving the insertion of a Special Item of Revenue into the 2014 Municipal Budget to allow for the receipt of \$7,500.00 from the State of New Jersey Highway Traffic Safety.
- 180 Accepting a Volunteer Firefighter into the Absecon Fire Department

Resolutions 176 to 180 will be included in the consent agenda.

Motion to approve consent agenda – Councilman Phillips – second – Councilwoman Cain

ROLL CALL: Vizthum, yes; Horton, yes; Cain, yes; Phillips, yes; Ring, yes

### **APPROVAL OF BILL LIST - \$445,707.38**

Motion to approve – Councilwoman Cain – second – Councilman Ring

ROLL CALL: Vizthum, yes; Horton, yes; Cain, yes; Phillips, yes; Ring, yes, abstain on A0036, A0054, C0023 and L0063

### **APPROVAL OF MINUTES**

Regular Meeting Minutes – 11/20/14 and 11/20/14 Closed session

Motion to approve – Councilman Phillips – second – Councilman Ring

ROLL CALL: Vizthum, abstain; Horton, yes; Cain, yes; Phillips, yes; Ring, yes

## PUBLIC PORTION

Motion to open to the public – Councilman Phillips – second – Councilwoman Cain  
All were in favor.

**Jerry Hoenes – 740 Shelburne Ave.** – wanted to know about people who live in the hotels in our town. He's heard that there is a state law that they can't stay more than 30 days in one place. Doesn't know if that's true or not. How does the city monitor it? If the zoning officer does it, he will be very busy.

**Jim** - it's been an issue since Sandy hit and it's a complex situation, so we probably won't be able to answer your question fully. Mr. Maguire has been working on it if he wants to comment on it.

**Tim** – under the hotel and motel dwellings act, the standard is 90 days. How it relates to what is happening in Absecon, he is not sure. Mr. O'Hagan is aware of it and to the extent of enforcement, he would be the one in charge. However, they might be able to change units in the same hotel after 89 days and that might start the clock over again. It's very difficult to enforce provisions like that.

Motion to close public – Councilman Ring – second – Councilwoman Horton  
All were in favor.

## ADJOURNMENT

Motion to adjourn meeting – Councilman Phillips – second – Councilman Ring  
All were in favor.

Respectfully,

  
Carie A. Crone, City Clerk

Approved: 12-18-14