



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

Carie A. Crone, RMC
Municipal Clerk

Phone (609) 641-0663 x101
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CITY COUNCIL

February 19, 2015

REGULAR MEETING - 7:00 PM

AGENDA

FLAG SALUTE

INVOCATION – Rev. Tom Douglass
Highland Community Church

ROLL CALL

PRESIDENT’S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

PRESENTATION – Assemblyman Chris Brown

REPORTS Council Committees
Mayor
Administrator
Chief Financial Officer
Clerk

PUBLIC PORTION

REGULAR MEETING AGENDA

2015 ORDINANCES FOR INTRODUCTION

- 02** Amending Ordinance 05-2014 – Authorizing criminal history background checks for employees and volunteers involved with City programs or services that can/will have contact with minors.

2015 ORDINANCES FOR FINAL ADOPTION

- 01** An Ordinance creating Chapter 150 of the Code of the City of Absecon entitled Vacant and Abandoned Residential Properties.

CONSENT AGENDA

- 45** Authorizing the Mayor to enter into an Inter-local Agreement with Atlantic County for Aerial Mosquito Spraying.
- 46** Permitting a Charitable Organization to solicit funds, namely the Absecon Blue Devils.
- 47** Granting a Raffle License to Holy Spirit High School, Inc.
- 48** Authorizing the City Administrator to advertise for Part-Time Tele-Communicators.

CLOSED SESSION - #49-2015

PROPOSED RESOLUTION DEPENDING ON CLOSED SESSION

- 50** Authorizing a contract for maintenance services and layoff of a maintenance worker.

APPROVAL OF BILL LIST - \$ 1,569,559.84

APPROVAL OF MINUTES

Regular Meeting Minutes – 2/5/2015

PUBLIC PORTION

ADJOURNMENT

CITY OF ABSECON

ORDINANCE 01-2015

AN ORDINANCE CREATING CHAPTER 150 OF THE CODE OF THE CITY OF ABSECON ENTITLED VACANT AND ABANDONED RESIDENTIAL PROPERTIES

WHEREAS, many New Jersey homeowners are at risk of losing their homes as a result of mortgage foreclosures; and

WHEREAS, foreclosure of a family home often represents the loss of the family's most valuable financial asset; and

WHEREAS, foreclosures result in the loss of millions of dollars in assets, not only for the homeowners but also in terms of property values of homes located in the vicinity of the foreclosed properties and the associated loss for local governments such as the City of Absecon of property tax revenue; and

WHEREAS, defaults and foreclosures have a significant economic impact and effect on residential neighborhoods; and

WHEREAS, there is a compelling need for the City of Absecon to address properties that are abandoned and vacant and subject of a foreclosure; and

WHEREAS, the City Council of Absecon wishes to protect neighborhoods and address the condition of vacant and abandoned property and the social, economic, health, safety and welfare issues associated therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON, NEW JERSEY AS FOLLOWS:

Section 1. Definition - The following terms shall have the following meaning unless stated otherwise:

- a. Creditor - means a State chartered bank, savings bank, savings and loan association, credit union, or any other person or institution required to be licensed under the provisions of the New Jersey Residential Mortgage Lending Act and any entity acting on behalf of the Creditor including, but not limited to, Servicers.

Section 2. Required Notice To Municipal Clerk - a Creditor serving a summons and complaint in an action to foreclose on a mortgage for residential property located within the jurisdictional boundaries of the City of Absecon shall, within ten (10) days of serving the summons and complaint notify the Absecon Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the Creditor who is responsible for receiving complaints of property maintenance and Code violations and shall be provided by mail or electronic communication at the discretion of the Municipal Clerk. Upon receipt of the same, the Municipal Clerk shall forward a copy of said notice to the Construction Official.

The Notice shall also indicate whether the property being foreclosed upon is subject to the provisions of the Fair Housing Act.

In addition, the Notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the Creditor.

Section 3. Creditor's Responsibility For Maintenance Of Property - If an owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the Creditor filing a summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any third party, and the property is found to be a nuisance or in violation of any applicable State or local Code, the Municipal Clerk, Construction Official, or other authorized agent of the City of Absecon shall notify the Creditor, in writing, of the property address and the violations. Upon such notice being forwarded, the Creditor shall have the responsibility to abate the nuisance and correct all violations in the same manner and to the same extent as the title owner of the property would have as required by State law or the Code of the City of Absecon.

Section 4. Determination of Vacant and Abandoned - When considering whether a property is vacant and abandoned, officials acting on behalf of the City of Absecon may consider the property vacant and abandoned if at least two of the following conditions exist:

- a. Overgrown or neglected vegetation;
- b. The accumulation of newspapers, circulars, fliers or mail on the property;
- c. Disconnected gas, electric or water utility services to the property;
- d. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- e. The accumulation of junk, litter, trash or debris on the property;
- f. The absence of window treatments such as blinds, curtains or shutters;
- g. The absence of furnishings and personal items;
- h. Statements of neighbors, delivery persons, or Government employees indicating that the residence is vacant and abandoned;
- i. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- j. Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
- k. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exist due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- l. An uncorrected violation of the Municipal Building, Housing, or similar Code during the preceding year, or an Order by Municipal authorities declaring the property to be unfit for occupancy or to remain vacant and unoccupied;

- m. The Mortgagee or other authorized party has secured or winterized the property due to the property being vacant and unprotected or in danger of freezing;
- n. A written statement issued by any Mortgagor expressing the clear intent of all Mortgagors to abandon the property;
- o. Any other reasonable indicia of abandonment.

For the purpose of this Section, a residential property shall not be considered vacant and abandoned if, on the property:

- a. There is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to conclusion, and the building is in compliance with all applicable ordinances, codes, regulations and statutes;
- b. There is a building occupied on a seasonal basis, but otherwise secure; or
- c. There is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

Section 5. Time To Comply - Once Representatives of the City of Absecon forward notice pursuant to this Chapter that a property is not compliant, the Creditor shall be responsible for the care, maintenance, security and upkeep of the exterior of the property. Such notice shall specify all violations and the Creditor shall have thirty (30) days from the receipt of the notice, or ten (10) days of receipt of the notice if any violations present an imminent threat to the public health and safety, to correct the same. Any Creditor who fails to correct the violations at the property within the time parameters set forth herein shall be considered in violation of the same and each day that a violation exists shall be considered a separate offense.

Section 6. Subsection A. Penalties - Any Creditor who has failed to supply notice as required herein shall be subject to a fine of One Thousand Five Hundred Dollars (\$1,500.00) for each day of the violation. This includes if the notice is defective or, if the Creditor is from outside of the State of New Jersey and does not designate a representative within the State of New Jersey including name, address and telephone number thereof, who will act on behalf of the Creditor.

Subsection B - A Creditor who is found to be in violation of the requirement to correct violations and provide for the care, maintenance, security and upkeep of the exterior of the property may be subject to a fine of One Thousand Five Hundred Dollars (\$1,500.00) for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Subsection C - Any action alleging violations of this Article of the Code shall be filed in the Municipal Court of the City of Absecon.

Fines or costs associated therewith shall be as determined by the Municipal Court Judge.

Section 7. Lien Against The Property - If the City of Absecon expends public funds in order to abate a nuisance or correct a violation on the residential property in situations where the Creditor was given notice pursuant to the provisions of this Article but failed to abate the nuisance or correct the violations directed, the municipality shall have the same recourse against the Creditor as it would have against the title owner of the property, including the placement of a lien against the property for any work performed. Said lien must be authorized by a Resolution of the Governing Body of the City Council of the City of Absecon.

Severability

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

This ordinance shall become effective upon passage and publication pursuant to law.

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

DATED: February 19, 2015

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 February 5th, 2015. Laid over and advertised for public hearing and final adoption on February 19th, 2015.

CITY OF ABSECON
RESOLUTION 45-2015

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO AN INTERLOCAL AGREEMENT WITH ATLANTIC
COUNTY FOR AERIAL MOSQUITO SPRAYING**

WHEREAS, the City desires to continue to allow Atlantic County Department of Public Works to provide aerial mosquito spraying under an Interlocal agreement; and

WHEREAS, Atlantic County Department of Public Works agrees to provide aerial mosquito spraying to the City of Absecon.

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

1. The Mayor is hereby authorized to enter into an Interlocal Agreement with Atlantic County Department of Public Works for aerial mosquito spraying.
2. The Agreement shall be in effect from January 1, 2015 to December 31, 2015.
3. This resolution shall take effect immediately.

Dated: February 19, 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 February 19, 2015.**

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

CITY OF ABSECON

RESOLUTION 46-2015

A RESOLUTION OF THE CITY OF ABSECON PERMITTING A CHARITABLE ORGANIZATION TO SOLICIT FUNDS, NAMELY THE ABSECON BLUE DEVILS

WHEREAS, the above mentioned charitable organization meets the definition as defined by N.J.S.A.45: 17A-20 and has made application for a permit to solicit funds on roadways situated in the City of Absecon on Saturday, March 28th between the hours of 8:00 am and 2:00 pm and Sunday, March 29th, between the hours of 8:00 am and 12:00 pm, and has met the requirements as specified in the City of Absecon Ordinance 8 of 1998; and

WHEREAS, the application as filed with the Municipal Clerk by the organization, Absecon Blue Devils has been reviewed and the information on it found satisfactory by the Absecon Police Department.

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

1. Permission is granted based upon conditions set forth in the applicant's application for the Absecon Blue Devils to conduct a coin drop on Saturday, March 28th, between the hours of 8:00 am and 2:00 pm and on Sunday, between the hours of 8:00 am and 12:00 pm at the intersection of Mill Road and New Jersey Avenue in the City of Absecon.

Dated: February 19, 2015

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regular meeting held February 19, 2015.**

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

CITY OF ABSECON

RESOLUTION 47-2015

**A RESOLUTION GRANTING A RAFFLE LICENSE
TO THE HOLY SPIRIT HIGH SCHOOL, INC.**

WHEREAS, Holy Spirit High School, Inc. has applied for a license to conduct a raffle at the high school on Tuesday, April, 21st, 2015.

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 raffle are bona-fide active members.
- (c) The members designated to conduct the raffle are of good moral character and have never been convicted of a crime.
- (d) The Raffle 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 Raffle 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.
- (l) The license is granted.

2. The 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: February 19, 2015

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regular meeting held February 19, 2015.**

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

CITY OF ABSECON

RESOLUTION 48-2015

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR
TO ADVERTISE FOR PART-TIME TELE-COMMUNICATORS**

WHEREAS, there is a need to fill vacancies for the position of Part Time Tele-Communicators in the City of Absecon; and

WHEREAS, consent of Council is required prior to advertisement of personnel positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Absecon, County of Atlantic, that the City Administrator is hereby authorized to place the appropriate advertisement for the positions of Part Time Tele-Communicators in an official newspaper of the Municipality as soon as practicable.

Dated: February 19, 2015

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Council of the City of Absecon at a
regular meeting held February 19, 2015.**

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

PROPOSED RESOLUTION DEPENDING ON CLOSED SESSION

CITY OF ABSECON

RESOLUTION 50-2015

A RESOLUTION AUTHORIZING A CONTRACT FOR MAINTENANCE SERVICES AND LAYOFF OF A MAINTENANCE WORKER

WHEREAS, City of Absecon is currently preparing its budget for 2015; and

WHEREAS, the City is considering methods to achieve economies and efficiencies in the provision of municipal services which can also result in economic benefits for the City; and **WHEREAS**, the City has determined that it can achieve certain economies and efficiencies by entering into a contract for the provision of maintenance services for the City's Municipal Complex; and

WHEREAS, the City has further determined that by contracting for the provision of maintenance services the City will no longer require the services of a maintenance worker, classified as custodian under the collective bargaining agreement between the City and the Government Workers Union; and

WHEREAS, the collective bargaining agreement between the City and the Government Workers Union provides that layoffs shall be on an inverse seniority basis within classification; and

WHEREAS, there is currently only one employee serving in the classification of custodian; and

WHEREAS, the City has determined that it would be in the best interests of the City to enter into a contract for the provision of maintenance services, to eliminate the position of custodian, and to layoff the employee serving in the position of custodian.

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

1. The assertions of the preamble are incorporated herein by reference.
2. The position of custodian is eliminated and the employee serving in the title of custodian shall be laid off; and.
3. The layoff shall be effective and the laid off employee shall be paid through February 20, 2015; provided however that the laid off employee shall immediately be relieved of his work responsibilities on February 20, 2015 and shall not report for work thereafter.

4. If the City hires any new employees during the six (6) month period following the layoff of the custodian, and the laid off employee will be offered that position provided he possesses the ability and qualifications for that position, as determined by the City.
5. The Administrator is hereby requested to solicit proposals and to take all other steps necessary for the City to contract with a vendor to provide maintenance services for the City's Municipal Complex.

Dated: February 19, 2015

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

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
C0201 COMCAST			Continued					
	15-00170	02/18/15	MONTHLY BILLING 2/2/15	Open	127.85	0.00		
	15-00171	02/18/15	MONTHLY BILLING 2/4/15	Open	153.59	0.00		
	15-00172	02/18/15	MONTH;Y BILLING 2/3/15	Open	<u>171.33</u>	0.00		
					528.96			
D0100 DIRECTV								
	15-00118	02/05/15	MONTHLY BILLING	Open	87.99	0.00		
E0002 EDMUNDS & ASSOCIATES INC								
	15-00117	02/05/15	2015 SOFTWARE MAINTENANCE	Open	9,299.00	0.00		
F0058 FITZGERALD,McGROARTY&MALINSKY								
	15-00120	02/05/15	PROFESSIONAL SERVICES	Open	988.00	0.00		
F0093 KRISTOPHER J. FACENDA								
	15-00125	02/05/15	MONTHLY PROSECUTOR	Open	1,350.00	0.00		
	15-00144	02/13/15	SPECIAL COURT SESSION 2/12/15	Open	<u>300.00</u>	0.00		
					1,650.00			
G0061 GRIMLEY LAW								
	15-00166	02/18/15	LEGAL WORK	Open	588.00	0.00		
G0099 GARDEN STATE HIGHWAY								
	15-00111	02/05/15	U-CHANNEL POSTS	Open	1,574.00	0.00		
H0070 HUTCHINSON HEATING AIR/COND								
	15-00112	02/05/15	REPAIR HUB ON COOLING TOWER	Open	712.60	0.00		
H0083 HORIZON BLUE CROSS								
	15-00153	02/17/15	MARCH DENTAL	Open	3,786.96	0.00		
H0090 HAMILTON FIRE & SAFETY EQUIP.								
	14-01250	11/17/14	FIRE EXTINGUISHER SERVICE	Open	172.50	0.00		
K0057 APRIL KOLAKOWSKI								
	15-00158	02/18/15	WINDSHIELD WASH FOR PATROL CAR	Open	10.66	0.00		
L0013 LITWORNIA ASSOCIATES, INC								
	15-00164	02/18/15	CONIFER	Open	1,291.25	0.00		
L0084 MITCH LEVIN								
	15-00157	02/18/15	SWAT GEAR	Open	198.19	0.00		
L0086 LINE SYSTEMS								
	15-00156	02/18/15	MONTHLY BILLING 2/15/15	Open	3,883.81	0.00		
M0172 MC CARTHY TIRE SERVICE								
	15-00107	02/05/15	TIRES	Open	445.33	0.00		
M0190 MAGUIRE & MAGUIRE P.C.								
	15-00161	02/18/15	JANUARY LEGAL	Open	2,118.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
M0193 MASER CONSULTING P.A.	15-00121	02/05/15	PROFESSIONAL SERVICES	Open	8,761.25	0.00		
N0002 NJ AMERICAN WATER CO.	15-00173	02/18/15	PUBLIC HYDRANTS	Open	6,670.80	0.00		
	15-00174	02/18/15	MONTHLY BILLING 2/5/15	Open	<u>560.46</u>	0.00		
					7,231.26			
N0056 G. NEIL COMPANIES	15-00114	02/05/15	2015 ATTENDANCE CALENDAR	Open	64.94	0.00		
N0091 NETWORK CONNECTIVITY, INC.	15-00150	02/17/15	MARCH 2015	Open	150.00	0.00		
O0001 OLD DOMINION BRUSH CO.	15-00113	02/05/15	PARTS FOR LEAF MACHINE	Open	1,290.00	0.00		
O0019 AL'S ON LINE AUTO PARTS	15-00105	02/05/15	AIR GAUGE	Open	55.35	0.00		
P0001 THE PRESS	14-01428	12/31/14	CITY AD	Open	318.00	0.00		
P0011 CITY OF PLEASANTVILLE	15-00151	02/17/15	SEWER BILL DUE 3/1/15	Open	26,765.00	0.00		
	15-00163	02/18/15	DEC HOUSE CALLS & PUMP STA.	Open	<u>3,228.33</u>	0.00		
					29,993.33			
P0014 PEDRONI FUEL CO	15-00106	02/05/15	DIESEL FUEL	Open	870.59	0.00		
	15-00134	02/12/15	DIESEL FUEL	Open	<u>493.01</u>	0.00		
					1,363.60			
P0063 P.W.A.N.J.	15-00051	01/21/15	2015 DUES	Open	50.00	0.00		
P0158 PENN JERSEY PAPER CO	15-00041	01/20/15	TRASH BAGS	Open	210.19	0.00		
R0007 REMINGTON, VERNICK & WALBERG	14-00828	07/24/14	BLANKET PURCHASE ORDER	Open	753.50	0.00		B
	14-00830	07/24/14	BLANKET PURCHASE ORDER	Open	1,804.00	0.00		B
	15-00092	01/29/15	PITNEY PARK ENGINEERING	Open	1,725.00	0.00		B
	15-00162	02/18/15	MISC ENGINEERING & PLANNING	Open	4,026.00	0.00		
	15-00167	02/18/15	JANUARY SERVICES	Open	<u>840.00</u>	0.00		
					9,148.50			
R0033 REGISTRARS ASSOC OF NJ	15-00136	02/12/15	2015 REGULAR MEMBERSHIPS	Open	50.00	0.00		
R0085 ROBERT L REID	15-00119	02/05/15	PROFESSIONAL SERVICES	Open	2,310.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
R0085 ROBERT L REID				Continued				
	15-00165	02/18/15	CONIFER	Open	<u>990.00</u>	0.00		
					3,300.00			
S0006 SPRINT								
	15-00155	02/18/15	JANUARY CELL PHONES	Open	1,252.93	0.00		
S0011 A E STONE INC								
	15-00110	02/05/15	COLD PATCH	Open	271.50	0.00		
S0246 JAMES P SWIFT								
	15-00124	02/05/15	MONTHLY PUBLIC DEFENDER	Open	450.00	0.00		
T0044 TREASURER								
	15-00104	02/05/15	WATER USE MODIFICATION PERMIT	Open	205.00	0.00		
	15-00148	02/17/15	JAN. DOG REPORT	Open	<u>45.00</u>	0.00		
					250.00			
T0105 TELVUE CORP.								
	15-00081	01/29/15	1ST Q. MONTHLY SUPPORT	Open	600.00	0.00		
V0001 VITAL COMMUNICATIONS INC								
	15-00135	02/12/15	TAX ASSESSMENT SYSTEMS	Open	306.00	0.00		
V0012 VISION SERVICE PLAN (EA)								
	15-00116	02/05/15	CLAIMS JANUARY	Open	72.00	0.00		
W0002 WEST PAYMENT CENTER								
	15-00058	01/21/15	NJ COURT RULES	Open	547.09	0.00		

Total Purchase Orders: 68 Total P.O. Line Items: 135 Total List Amount: 1,569,559.84 Total Void Amount: 0.00
