



CITY OF ABSECON
Municipal Complex
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CITY COUNCIL

DECEMBER 2, 2021

REGULAR MEETING MINUTES

The meeting was called to order by Council President Howell at 5:30 p.m.

FLAG SALUTE

STATEMENT OF THE SUNSHINE LAW
NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

ROLL CALL

PRESENT: Don Burroughs, Sandy Cain, Caleb Cavileer, Nick Larotonda, Steve Light, Donna Poley, Betty Howell

ALSO PRESENT: Mayor Kim Horton; City Attorney, Fred Scerni; Jessica Thompson, Administrator/CFO; Carie Crone, City Clerk; Ed Dennis, City Engineer

RECOGNITION – Steve Fiedler was recognized for putting together the “Friends Along the Mullica film and his work on the Sustainability Project”. Steve then said a few words about the project and how it came about. He hopes to do more projects in the future together.

REGULAR MEETING AGENDA

2021 ORDINANCES FOR INTRODUCTION

- 17** Amending the Code of the City of Absecon, Chapter 69 – Police Department, adding Section 8 – Police Chaplin.

Motion for introduction – Councilman Larotonda – second – Councilman Burroughs

Chief Laughlin – this is to have a chaplain, which will benefit the residents as well as the officers with some moral support and he will be engaged in our community events as well.

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Larotonda, yes; Light, yes; Poley, yes; Howell, yes

18 Amending the Code of the City of Absecon, Chapter 118 – Alcoholic Beverage Control, Section 16 – Hours.

Motion for introduction – Councilman Burroughs – second – Councilman Cavileer

Councilman Larotonda – asked if the owners who hold liquor licenses have been notified of this Council President Howell – they wouldn't until it's passed

Chief Laughlin – this is just a quality of life for the residents of Absecon and we are mirroring our neighboring towns with the same ordinance.

Councilman Larotonda – is the 2:00 a.m. to close or the serving of alcohol?

Council President Howell – read the ordinance.

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Larotonda, yes; Light, yes; Poley, yes; Howell, yes

2021 RESOLUTIONS

- 145** Approving the insertion of a Special Item of Revenue into the 2021 Municipal Budget to allow for the receipt of \$2,880.00 from the State of New Jersey Highway Traffic Safety.

Jessica Thompson – this is a grant we received and they do a year-end holiday crack down with it

- 146** Supporting the Drive Sober or Get Pulled Over 2021 Year End Holiday Crackdown.

Jessica – this supports the above campaign

- 147** Authorizing the sale of personal property not needed for public use under N.J.S.A. 40A: 11- 36.

Jessica – there are four vehicles we are putting up for sale on gov deals where people can bid on

- 148** Authorizing the Chief Financial Officer to cancel escrow accounts of completed projects with a balance of twenty-five dollars or less.

Jessica – this is to close out our small accounts and clean things up by the end of the year

- 149** Authorizing the Chief Financial Officer to refund escrow accounts of completed projects with a balance above twenty-five dollars.

Jessica – same as above basically and we return these monies

- 150** Supporting to join with Atlantic County Government in applying for a LEAP Implementation Grant.

Jessica – the county wants to apply for this grant. It's a device that attaches to a back of a vehicle that is performing road work and it protects the vehicle and work crew. They want to purchase three and they would be lent out to municipalities at no cost as well. This resolution needs to be approved if you want to show your support.

- 151** Certifying the Qualified Participants in the Length of Services Award Program (LOSAP) for the Absecon Volunteer Fire Department for the calendar year 2020.

Jessica – this is done annually; and this one includes some financial corrections

- 152** Appointing a Part Time Regular Crossing Guard, namely Cherie Spragan.

PUBLIC PORTION (for agenda items)

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

Greg Seher – 625 Yarmouth Ave. – he thinks it's a great idea to regulate the alcohol sales, but he asked for some background on it. The ordinance wasn't clear. Are they to close at 2:00 a.m.?

Betty – said yes.

Greg – asked why this is being changed and were the bars asked?

Chief Laughlin – this is a quality-of-life issue for our residents, which includes the nature of noise, parking issues, traffic safety, etc. We were trying to mirror our neighboring towns with the same rules.

Council President Howell – there have been problems with the parking, noise issues, police being called and so for the city and protection of residents, including the emergency responders, we are changing the ordinance.

Joel Schwartz – attorney for the Hi Point Pub owners. He feels the council did not consider everything and then spoke about inverse condemnation. He feels the amended ordinance is an attack on his client. They are the only one that serves alcohol past 2:00 a.m., so it's clearly an attack on them and not any other establishment. He asked his client to get in touch with all of you and the police chief, but nothing has come back as to what you what to happen or see. Instead, this is the response and result. Rather than work with your business owners, you will attack them and create an adversarial relationship. The inverse condemnation concept happens when a government agency takes an action that adversely effects the business of the business, piece of real estate, etc. His client makes money from 2:00 a.m. to 9:00 a.m. and they are taking that away from him by this ordinance. Governments compensate when they are taking something from individuals; that's the concept of eminent domain and inverse condemnation. This amendment will adversely affect his business. You are welcome to do it, but there will be consequences. We won't just accept this; it is unacceptable. His clients have reached out to members of council, the mayor's office and the police department and there have been changes and if there is more that needs to be done, his client is willing to do it. This is a direct attack to a single business. There is a well-established body of law on this concept.

Motion to close to the public – Councilman Cavileer – second – Councilman Burroughs
All were in favor.

CONSENT AGENDA – Resolutions were read again.

Motion to approve – Councilman Cavileer – second – Councilman Burroughs

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Larotonda, yes; Light, yes; Poley, yes; Howell, yes

APPROVAL OF BILL LIST - \$3,058,111.74

Motion to approve – Councilman Cavileer – second – Councilwoman Cain

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Larotonda, yes; Light, yes; Poley, yes; Howell, yes

APPROVAL OF MINUTES

Regular Meeting Minutes – 11/04/2021

Closed Session as to form and content only – 10/21/21

Motion to approve – Councilman Light – second – Councilman Burroughs

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Larotonda, abstain on 11/4 yes for 10/21; Light, yes; Poley, yes; Howell, yes

REPORTS

Councilman Light – he did not have a meeting, but we worked on the Veteran's Park and had the sign painted and prepared for Veteran's Day. He met with the city engineer and talked about ideas for an expansion of the concession stand at Heritage Park, with a possible bathroom upgrade. Another phase of Pitney Road has been completed from Woodcrest Ave. to the entrance of the public works yard.

Councilwoman Poley – EMS calls are still up; the city hired a class 2 officer and 3 new firefighters.

Councilwoman Cain – they met today and talked about the scarecrow stroll in the park, which went well. Santa in the Park is tomorrow night and next Tuesday is the tree lighting downtown. They will be having the senior dinner in March.

Councilman Cavileer – the budget is 89% at this point and the budget requests were sent out. We do know that the pension is increasing \$79,000; our ACUA tipping fees and sewer rates are increasing by 5% and insurance rates will increase 5.68%. With the ACUA delays for the yard waste pickup, we asked about any recourse and they said they would credit us \$19,000 for next year.

Councilman Burroughs – no meeting in November, but his next one is 12/21.

Councilman Larotonda – they met yesterday and discussed the possibility of forming a committee to assist potential business owners who are looking to come to town so they know what they have to do and help streamline things. He welcomed Free Style Fitness to town as well.

Jessica Thompson, Admin/CFO – the curbside leaf pickup is going on now and go until the end of the year. With the role out of the recycling carts, there has been an increase of 11 tons of recycled materials, which is an 8% increase. She stated some statistics on the library since they took over. In October, they had 5254 visitors and 3956 items were checked out; 163 computer logins and 241 wireless logins.

Eddie Dennis, City Engineer – the 2021 road program is complete and the contractor had some corrective work on Hobart Avenue. On the next agenda, there should be a resolution to start working on the 2022 program. He met with the county regarding flooding on Shore Road and they will allow us to take the lead, so it should go quicker. There are still some easements that they will need to be involved in, but it may go quicker than we thought. There's been a lot of utility work done around town and owners were concerned how their properties were left and it's down to a handful left to address and he will meet with the gas company next week to have them completed. He will begin the budgeting sheet for capital projects soon. The dredging is completed but they left our park in need of repair and they need to be addressed. We received the second appraisal for the potential open space acquisition next to Turner Cove and will review tomorrow. We will then reach out to the county for the next step. We need to know how much they will provide and then decide what we do.

MONTHLY REPORTS – Carie

For October:

Construction Office - \$7972.00

Tax Collection - \$3,804,011.42

Clerk's Office - \$2,966.45

Municipal Court - \$6,809.06

Mayor Horton – thanked the Historical Society for inviting her on 11/13 to their event. She attended the National Honor Society ceremony, where 21 students were inducted into it. It was well planned and the students seriously took their oaths. She thanked the community who worked on the Scarecrow stroll. She visited the senior center today, which was the first day it was open since the pandemic and about 15-20 people attended.

PUBLIC PORTION

Motion to open to the public – Councilman Light – second – Councilman Larotonda
All were in favor.

Bob Wenz – 711 15th St. – he inquired if there was anything to report on the NY Ave. subdivision.

Eddie – at the last meeting, he announced they were starting the engineering on it. The direction we've been given is to have the street continue out to Highland Ave and have a 3 way stop at NY & 15th St. It will be a little bit of time to get a preliminary plan ready.

Bob – what happened to the cul de sac idea?

Eddie – we looked at a couple of ideas and different factors were considered and cul de sacs aren't proper planning; you don't want to have dead end streets.

Bob – really is in favor of having a cul de sac, due to the number of children that use the bike path. He's been lucky not to have it developed all these years, but he feels it should be done right. He heard that they're planning a 300 ft. above ground retention basin. Water does not flow up hill.

Eddie – that is not true. We don't know how large the basin will be yet. You are referring to area that was available for basins that was shown on the preliminary plans. We are still designing it and the drainage rules have changed since that was first designed.

Kevin Sedlak, American Legion Commander – wanted to let everyone know of all the improvements being done to the building. There was almost 40 people at last night's fundraiser for Toys for Tots. They are coming up with events to get people involved and a lot of things are beginning to happen. He invited council to come down on Wednesdays if they can and he invited them to the Christmas party next week. He appreciates council for their support and help.

Motion to close public – Councilman Larotonda - second – Councilman Light
All were in favor.


Councilman Light – thanked the residents for their support during the election and support of our businesses too and the people who voted.

Councilman Cavileer – announced the Teachers of the Year

ADJOURNMENT

Motion to adjourn – Councilman Larotonda – second – Councilman Burroughs
All were in favor.

Respectfully submitted,


Carie A. Crone, City Clerk

Approved: 12-16-21