



CITY OF ABSECON
Municipal Complex
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Absecon, New Jersey 08201

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CITY COUNCIL

JULY 15, 2021

REGULAR MEETING MINUTES

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

FLAG SALUTE

ROLL CALL

PRESENT: Burroughs, Cain, Cavileer, Howell, Larotonda, Light, Bennett

ABSENT:

ALSO PRESENT: Mayor Horton; Attorney, Fred Scerni; Jessica Thompson; Carie Crone & Ed Dennis

STATEMENT OF THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

REGULAR MEETING AGENDA

2021 RESOLUTIONS OUT OF CONSENT

- 91** Land offer Resolution to sell property known as Block 142, Lot 4.01, 711 Chelsea Road, in the City of Absecon, County of Atlantic at a Public Auction.

Fred – read the resolution and the rules of bidding. Minimum bid is \$60,000.00.

1st bidder – Jerry Falivene – 202 Park Ave. – Absecon - bid \$60,000.00

2nd bidder – Stan Kolbe, Jr. – 11 Cortez Ave. – Absecon – bid \$62,000

Jerry - \$65,000 – John Iaconelli - \$66,000 – Jerry - \$67,000 – John - \$68,000 – Jerry - \$68,500

No other bids – Final Purchase - \$68,500.00.

Motion to approve – Councilwoman Howell – second – Councilman Larotonda

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

- 92** Land offer Resolution to sell property known as Block 142, Lot 4.02, 690 Blenheim Avenue, in the City of Absecon, County of Atlantic at a Public Auction.

Fred – read the resolution and the rules of bidding. Minimum bid is \$60,000.00
Jerry Falivene – bid \$60,000 – no other bidders so final price is \$60,000.00

Motion to approve – Councilman Light – second – Councilman Larotonda
ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Larotonda, yes; Light, yes; Howell, yes;
Bennett, yes

Eddie – confirmed that this address doesn't fall under the five-year moratorium of road openings since it was done by the gas company and not under the city's road program

2021 ORDINANCES FOR INTRODUCTION

- 13** Creating Chapter 152 of the Code of the City of Absecon to implement provisions of the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act.

Motion to introduce – Councilman Light – second – Councilman Burroughs

Fred – explained it allows the city to license certain types of cannabis uses and facilities. There are 6 types. We can pass an ordinance to pass all of them and make licensing available. This does not supersede state jurisdiction because they also need to be licensed by the State of NJ. This ordinance does cover all 6 categories and they all would be allowed but in certain zones. We need to do have a final decision made by August 21st. If we did nothing, the market would be open to state licensees without input from the city.

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

- 14** Amending the Code of the City of Absecon, Chapter 297- Smoking Restrictions in Recreation Areas.

Motion to introduce – Councilman Larotonda – second – Councilwoman Howell

Jessica – we currently have an ordinance that covers smoking in the parks and we are amending certain sections of that ordinance to add the other municipal parks, since Heritage and Pitney Parks are only included in the original ordinance and it doesn't include cannabis, so we are adding that and penalties have been increased and allowed to be paid in person out of court.

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

2021 ORDINANCES FOR ADOPTION

- 09** Repealing and Replacing Chapter 134 of the Code of the City of Absecon concerning the removal and destruction of brush, weeds, trash, debris and solid waste from private property within the municipality.

Motion for second reading – Councilman Burroughs – second – Councilman Cavileer

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

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

Jessica – this is updating a very old ordinance from 1997. Certain sections are being revised to assist code enforcement; get compliance in a timelier fashion and allow the penalties to be paid without a mandatory court appearance.

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

Motion for final reading and adoption – Councilman Cavileer – second – Councilwoman Horton
ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes; Larotonda, yes; Light, yes; Bennett, yes

10 Amending Chapter 224 of the Code of the City of Absecon to establish Cannabis Land Use Regulations.

Motion for second reading – Councilman Burroughs – second – Councilman Cavileer
ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes; Larotonda, no; Light, yes; Bennett, yes

Eddie – his explanation applied to all three resolutions: 10, 11 and 12. The first ordinance was introduced tonight and the second is a zoning ordinance amendment that decides where specific classes of cannabis establishments would be permissible within the city. We have to cover three ordinances, which is why we have three to vote on. One is the overall zoning ordinance; and then we have two redevelopment areas that are impacted by this proposed change. Ordinance 11 amends the development plan for the old Memorial Field and firehouse site. Ordinance 12 covers the area where the Absecon Gardens redevelopment plan covers. He described Ordinance 10 and how it's structured. The committee developed areas within specific zones for certain classes of establishments to be permitted. We would be adding in conditional permitted uses and they'd be approved only if the conditions are satisfied. The conditions are all the same in each ordinance: 1. the proposed use must be located within the designated area shown on the cannabis class location map and 2. In order to be approved for that conditional use, you would need to obtain a municipal cannabis license and that is where the ordinance being introduced tonight comes into play. At the end of Ord. 10, there is an amendment to a section of the land use code entitled "prohibited uses in all districts" and its 224-107. There are 14 items prohibited and this will add #15 and it will say "the following uses are prohibited in all districts" and that is on premises consumption of cannabis in connection with any licensed cannabis establishment. He then referred to the colored map showing the three different areas (A, B and C) and the classes that would be allowed in each area. He attended the Planning Board meeting last night because these are amendments to the zoning of the city and they need to review them for consistency with the Master Plan. He tried to answer their questions as best he could and the board did vote unanimously that the proposed ordinance amendments were not inconsistent with the Master Plan and a letter was sent to the mayor this morning from their solicitor memorializing that vote.

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

Bob Preston – 601 Sooy Lane – Absecon – Planning Board Chairman – he agrees with everything Ed said and commended the committee that tackled this problem, as well as the consultant who pulled it all together and documented it. From a land use standpoint, it's certainly consistent with what our Master Plan is now. We did give it some deliberation, not only at the meeting, but prior to it. The planning board was thankful for all the work that went into doing it.

Greg Seher – 625 Yarmouth Ave. – he believes that it is inconsistent with the Master Plan with regards to the use downtown. The idea for downtown redevelopment is to make it a place where people are drawn in to socialize and spend time. As this ordinance is written, you'd go to the store, make your purchase and leave. The highway commercial zone has plenty of locations and feels it is more appropriate there.

Chris Seher – 707 Chelsea Road – asked if there was a limit of the number of locations that could be in any of the zones?

Eddie – our ordinance allows three, but we don't know what the state is going to do yet.

Chris – wanted to know the reason why council believes it is a positive thing for marijuana sales.

What's the reason we are doing it and not postponing it and just saying no for now, since we can revisit it later?

Keith – 67% of the voters were in favor of it was one reason. If we did say no and then the state issued licenses and then we changed our minds about allowing it, the licenses may all be gone.

Chris – has anyone done a financial analysis as to what financial benefit the city would generate?

Keith – no we haven't. We know there is a percentage for each classification.

Eddie – there would also be the licensing fees and renewal fees

Steve – told Chris he felt like him at first. He compared it to the casinos and how he wasn't in favor of them at first, but changed his mind after seeing the jobs they brought in and helping the communities. The revenue factor also helped him change his mind and come on board with this.

Nick – would like it not to be allowed in the downtown area and would like it limited to the highway commercial district. Feels it does not fit the downtown area. He's not against the retail altogether.

Chris Seher – asked if council and the mayor received a letter from the Knights of Columbus expressing their adamant opposition?

Keith – yes, we did.

Sandy – with the restriction of being within 200 ft. of schools, churches, etc. and you think of what is along NJ Avenue, she feels a retailer might find a hard time finding a space that meets the criteria. You might not be able to get three along there.

Keith – he respects the opinions and comments of Nick and Greg regarding NJ Avenue, but for many, many years we've been trying to rehab and come up with different ideas and nothing has come along. If a location does open, maybe the people would visit the other stores down there hopefully. He understands and respects your opinions.

Greg – the Planning Board put a letter out over a year ago reminding council that there are potential parking easing ideas and uses to help downtown.

Keith – as soon as this is completed, we will get on that.

Christina Seel – 115 W. Faunce Landing – she wanted to give her support for this initiative. She moved back from Colorado after 6 years, and she drove 40 minutes to a town, so it was made a trip out of it. They'd do yoga next door, go to the restaurants and stay in that area and visit all the parts of the town. It will also help out people who need it due to illness, but can't afford the medical card. She thinks it will be a great thing.

Motion to close public – Councilman Cavileer – second – Councilman Burroughs

All were in favor.

Motion for final reading and adoption – Councilman Light – second – Councilman Cavileer

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes; Larotonda, no; Light, yes; Bennett, yes

11 Amending the Redevelopment Plan for the Block 203 Redevelopment Area.

Motion for second reading – Councilman Burroughs – second – Councilwoman Cain

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

Motion to open to the public – Councilman Burroughs – second – Councilman Cavileer

All were in favor.

Motion to close public – Councilman Burroughs – second – Councilwoman Cain

All were in favor.

Motion for final reading and adoption – Councilman Cavileer – second – Councilman Burroughs

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

12 Amending the Redevelopment Plan for Redevelopment Area 1: Central Business District Redevelopment Area.

Motion for second reading – Councilman Burroughs – second – Councilwoman Cavileer

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes; Larotonda, no; Light, yes; Bennett, yes

Motion to open to the public – Councilman Light – second – Councilman Burroughs

All were in favor.

Motion to close public – Councilman Cavileer – second – Councilman Burroughs

All were in favor.

Motion for final reading and adoption – Councilman Light – second – Councilman Burroughs

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes; Larotonda, no; Light, yes; Bennett, yes

2021 RESOLUTIONS

- 108** Authorizing the Tax Collector to cancel taxes for the 3rd and 4th quarter of 2020 and the 1st and 2nd quarter of 2021 on the property located at Block 4, lot 8.01 (Vermont Ave.)

Jessica – this is a property that was donated to the city. It's a very tiny parcel of land.

- 109** Authorizing the release of Planning Board Escrow Fees posted by Tim Robb.

Jessica – this project was rescinded, so we need to return the fees

- 110** Authorizing a refund of Mercantile Fee for Geiger Limousine.

Jessica – they are not operating in Absecon anymore

- 111** Accepting Volunteer Firefighters into the Absecon City Fire Department, namely Joseph Kelly, Jr. and Angela Nichols.

Keith – thanked both of them for their service to our city and wished them the best of luck

- 112** Permitting Charitable Organization to Solicit Funds, namely the Absecon 9-11 Memorial Founders Committee Inc.

- 113** Renewing Alcoholic Beverage Licenses within the City of Absecon.

- 114** Authorizing a Shared Services Agreement with the Township of Galloway for Dispatch Services.

Chief Laughlin – we had to make a hard decision with entering into shared service with Galloway.

We've had personnel issues over the years with people coming and going and we only had one reply to a recent job posting and they weren't even certified. We don't always have two dispatchers on at one time, so overnight there is only one. When things go wrong and to prevent any kind of litigation, we were going to have to go two people 24/7. In order to do that we would have had to hire two more full timers as well as the one we were doing without. In our talks with Galloway, there will be 4 dispatchers in the center and both towns will benefit from it. Over the course of years, there will be a substantial savings to the taxpayer with salaries and the upgrade of equipment. The state is looking for towns to do shared services and this was the time to do this. Our employees will have the opportunity to go to Galloway too.

Jessica – the first year was a savings of \$120,000, based on our current level. With additional employees it would be higher and when the equipment would be needed to be purchased too.

Keith – Jenn Harvey put together a question and answer on the website if there are any questions and said there are some good points on it and people should read it.

Steve – is this a yearly arrangement or a multi-year agreement?

Jessica – the agreement runs until the end of 2024. It will begin on September 1st and the residents should not see any difference in service or response.

PUBLIC PORTION (for agenda items)

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

Chris Seher - 707 Chelsea Rd. – so this is a 3-year, 3-month contract and what is the cost per year?
Will we need an officer in city hall at all times if there is no dispatcher?

J.R. – there will be a phone that will be mounted out in the hallway for when no one is here that will be dispatched to the Galloway center. Had we done this six months ago, we wouldn't have had to raise taxes.

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

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

Motion to approve – Councilman Light – second – Councilman Larotonda

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

APPROVAL OF BILL LIST - \$ 2,034,185.72

Motion to approve – Councilman Cavileer – second – Councilman Burroughs

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

APPROVAL OF MINUTES

Regular Meeting Minutes – 6/17/2021

Special Meeting Minutes – 6/29/2021

Motion to approve – Councilman Light – second – Councilman Larotonda

ROLL CALL: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes & abstain on 6/29); Larotonda, yes;
Light, abstain on 6/17 and yes 6/29; Bennett, yes 6/17, abstain 6/29

REPORTS

Steve – Parks and Playgrounds - he couldn't attend the meeting, but the Blue Devils are having their palooza. Nick was there so he reported and they did discuss that and some lighting issues with the rec director. The next meeting is Tuesday, July 20th at 7:00 p.m.

Nick – Economic Development – they are still working on with property tax card initiative.

Betty – Public Safety – acknowledged John Kolb's passing. They received reports on the Christmas in the Park and Elf Movie, which was a success, however it had to end early because of a storm. She thanked the police department who got everyone out just before the storm hit. Everything is running fine with the ambulance squad. The services for the 20-year anniversary of Sept. 11th will be held on Sat. 9/11 at our monument. The new fire truck has arrived and everyone loves it. The next meeting is 8/2 at 6:00 p.m.

Keith – he has heard many good reviews and he received two gracious phone calls from different firemen who are very appreciative and thanked all of the city and council.

Eddie – explained the progress with the county regarding parking at the memorial. He suggested the mayor do a letter to the county executive, since he hasn't received any responses back.

Caleb – Finance – we have gone through 64% of the budget, which is on track and he reported that our Moody's bond rating continues to be A3 and quoted some statements from the report.

Sandy – Community Affairs – the movie in the park was a success and they are hoping to do it again next year a little later in the month with a rain date. They did collect 3 bins full of toys. Some of the upcoming events are: Blue Devils Palooza; the St. Elizabeth chicken bar-b-que; the concert in the park; Dairy Queen on 7/22 is having a fund raiser for CHOP; HSHS football is having a dine out for charity at Santucci's in Ventnor on 8/4 at 4:00 p.m.; the firehouse dedication will be 10/23rd and more details will follow. The next meeting will be 8/5 at 4:30 p.m.

Keith – thanked the community affairs team for all they do in making our town more attractive to live here with all the events that they plan.

Butch – Public Works – hasn't had a meeting in some time. The next one is 7/20 and the Firestone business is making progress and Royal Farms has a sign for hiring. **Keith** – he mentioned a letter that was sent to Lloyd Jones, the public works supervisor for some of the great work they did on a bench placement. Those little things like that add to this town. They often get complaints, but they do a heck of a job. He thanked Bill Hoch who was in the audience.

Jessica – the tax bills are expected to be mailed out the first week in August and there will be a 25--day grace period once they go out. The newsletter will be put in the bill as well and on the website. Another shred day is scheduled for October 9th from 9 to 12. An additional concert was added for 8/29, the SJ Wind Ensemble, which will be at 4:00 p.m. We did receive a grant for \$46,400 towards the recycling cards and they should be arriving in September. She's hoping to introduce an ordinance at

the next council meeting with regulations for that program, so everyone has a set of rules to follow. We have received the first half of our American Rescue Funds in the amount of \$461,483. Some of those funds will be available to be added to our fund balance for next year for revenue replacement. There is a worksheet and the State is still working on all the guidelines and another notice should come soon. They are still saying the funds must be used for revenue replacement or sewer or water infrastructure. The funds will be put into reserve and used in the manner that we are allowed to do so.

Eddie – the State's dredging project is moving along. We were able to get them to extend the project passed the boat ramp up to where E. Church St. is. They need to do a survey and get together with Eddie and see what we will do, so our project is in a holding pattern.

MONTHLY REPORTS – Carie

Construction - \$7,568

Municipal Court - \$7,560.23

Tax Collection - \$292,697.24

Clerk's Office - \$10,099.05

Mayor – thanked the police officers, especially Officer Keith Epstein for planning such a wonderful event for providing toys for our kids at Christmas time. The movie in the park was a great success and is looking forward to next time. She read from a letter from AC Electric regarding storms, clean energy choices and smart energy options.

PUBLIC PORTION

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

Chris Seher – agrees with Keith's comments and the mayor's report regarding what the Community Affairs committee does for this town and thanked them. Confirmed what Jessica said because the mike didn't work, regarding the relief fund money going into the reserve account. It sounded like it could only be used for water and sewer infrastructure.

Jessica – the revenue replacement has a worksheet. You can't use it all for that, and that is what has been given in all the presentations and information she received so far, unless they do anything new. It's earmarked for utility type infrastructure.

Motion to close – Councilman Larotonda – second – Councilwoman Howell
All were in favor.

CLOSED SESSION - #115 – Contract Negotiations

Attorney, Fred Scerni – the closed session discussion is with regards to joint municipal services and it is anticipated that no action will be taken at the conclusion.

Motion to enter closed session – Councilman Larotonda – second – Councilwoman Cain
All were in favor.

Fred - it's now 7:42 p.m. and we are out of closed session. Discussion was held on potential joint governmental services with Atlantic County. No specific decision was made and the administrator will pursue further discussions and get additional information.

ADJOURNMENT

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

Respectfully submitted,



Carie A. Crone, City Clerk

Approved: 8-12-2021