



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

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

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**CITY COUNCIL**

**MAY 6, 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

**STATEMENT OF THE SUNSHINE LAW**

**NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED**

**2021 ORDINANCE FOR ADOPTION**

**08** Creating Chapter 313 – Shopping Carts in the Code of the City of Absecon

Motion for second reading – Councilman Light – second – Councilman Larotonda

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 Larotonda

All were in favor.

**Keith** – this will allow for enforcement of shopping carts that have been removed from the stores and also a public safety hazard

**Sandy** – from her meeting, it allows the police to give the summons to people who take them, because it's actually shop lifting

No public comment.

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

All were in favor.

Motion for final reading and adoption – Councilman Cavileer – second – Councilwoman Cain

Roll Call: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes; Larotonda, yes; Light, yes; Bennett, yes

## 2021 RESOLUTIONS

- 81** Authorizing a refund of an overpayment of taxes on the property located at 814 Chelsea Road (Blk. 130, Lot 2.03).

Jessica – this is due to a veteran's exemption

- 82** Authorizing a refund of an overpayment of taxes for the 2nd quarter of 2021 on the property located at 24 Delray Lane (Blk. 258.02, Lot 1.71).

Jessica – this is due to a sale

- 83** Accepting a Performance Guaranty and Engineer's Escrow funds for improvements on property known as Block 177, Lot 4.

Eddie – it's across from the Home Depot. It was purchased and new businesses are going in.

- 84** Approving the insertion of a Special Item of Revenue into the 2021 Municipal Budget to allow for the receipt of \$4,439.30 from the State of New Jersey Drunk Driving Enforcement Fund.

Jessica – this is a grant we are adding to the budget and we didn't get it last year

- 85** Authorizing the City's participation in the Sourcewell Cooperative for Contract #022818, Acquisition of Fire Apparatus.

Jessica – this is for the fire truck purchase through the coop and the total price is \$898,318.56. The fire department will be paying \$15,000.00 of that. Once we do the purchase order, the truck should arrive in a few weeks.

Nick – when trucks are purchased, they allow committee members to do a full final inspection to make sure everything that is specked on the speck sheet, is up to par and installed and we can train on it. There will be four members going. It will be a good asset for the City.

- 86** Authorizing the execution of a First Amendment to Redevelopment Agreement with Absecon Urban Renewal, LLC, the Redeveloper for the Block 203 Redevelopment Area.

Fred – you had previously approved a change in the redevelopment plan and this amendment is an amendment to the agreement that tracks that change that you previously approved. It will let them do a transfer to one of their subsidiaries, which is going to be the entity actually doing the building.

- 87** Accepting a donation of land known as Block 4, Lot 8.01 and 8.02.

Jessica – this is a small sliver of land in an otherwise fully city owned tract, which is on Vermont Avenue, which is a paper street near Crestview. We decided it didn't make sense to put it on the tax sale and then possibly having difficulty getting it back if we ever needed it in the future. There are no plans to develop this area at this time.

- 88** Authorizing Remington & Vernick, City Engineers, to provide professional services for the Shore Road Flood Mitigation Improvements.

Eddie – this is the project on Shore Road by the train bridge. The County is putting up \$1,000,000 and our end is to pay for the engineering and inspections. We can start on the design and it should get built this year.

- 89** Authorizing Remington & Vernick, City Engineers, to provide permitting and analysis for the dredging of Absecon Creek.

Eddie – this is for us to proceed with the engineering for the City's portion of Absecon Creek. The first phase was the survey and face plans that were done last year. This is the next phase of it.

## **PUBLIC PORTION (Agenda Items Only)**

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

All were in favor. No public comment.

Motion to close public portion – Councilman Larotonda – second – Councilwoman Howell

All were in favor.

## **CONSENT AGENDA**

**Keith** – read the resolutions again

Motion to move consent agenda – Councilman Light – second – Councilwoman Cain

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

## **APPROVAL OF BILL LIST - \$1,618,090.28**

Motion to approve – Councilman Larotonda – 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 – 4/15/2021

Motion to approve – Councilman Light - second – Councilman Burroughs

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

## **REPORTS**

**Eddie** – the NY Ave. subdivision concepts are being worked on. The long-awaited State project for the dredging is scheduled to begin in June. The State's dredging will start around the boat ramp and make its way out into the channel and they have been planning this for a couple of years and will dispose of their materials at the gateway site off the expressway in Pleasantville. They need a staging area and asked us to coordinate with them to find a spot. They will need the boat ramp area, but won't do it during a peak time. We are talking about possibly extending their project a little further in to try and do more into our area. It would help us out sooner and lower the costs some. We should be prepared to see them out there all summer and fall. If any of the private owners of the boat slips want to apply, at their cost under our permit, can do so. The road program is out to bid and the bid opening is next week and the contract awarded at the following meeting, so it can begin in the summer months. We are working on the gas station at Turner Ave and possibly acquiring it using Green Acres Open Space funding and expanding Turner Park. An appraisal will be done, and see if the owner will sell. We need to do diligence too on the environment end of it. Green Acres will pay for the acquisition, but not the demolition of the old structure. There is a Recreational Grant that could pay for those types of activities, so depending on how things go, we may want to apply.

**Steve** – he's been asked by a resident about the corner of Faunce Landing and Shore Road, which is private property, and what it would take to possibly take that down to have a better sight line. Another question was about Mill Road and five corners and Mill Road and Wescoat Road and all the potholes that are there. He went down Crestview to get a different perspective and asked if we could try to add speed limit signs. He brought up the property at Morton and Crestview Avenue that has a new owner recently and thought maybe they could be asked if they'd be willing to install sidewalks for pedestrian safety issues.

**Betty** – she spoke with Mr. Gates on Crestview Avenue and the thing with that street is many residents have increased their properties. If you stand on Crestview and look straight down, they've allowed their grass and plantings to come into the street, so pedestrians have to walk in the street.

**Jessica** – curbside leaf pickup ends tomorrow. The original shred day was cancelled due to the vendor issue, so it has been rescheduled for 5/8 from 9 to 1 with a new company. The new website is taking a little longer, but it should be up and running in the next couple of weeks.

Betty asked her about the yard waste pickup being delayed and Jessica said she wrote to the ACUA today. Every yard waste time has been late and we're not happy with that. It causes problem with our code enforcement as well.

**Mayor** – thanked Butch for helping get our channel 97 sound working. The library board met and there are two new board members and are doing a good job and Linda Weisbecker is the new board chairman. She thanked the Earth Day attendees and Bob Battista. She thanked Caleb and Butch for their help on the shred day. On 5/5 she and Officer Huenke attended the school's early childhood advisory meeting where they had a presentation of the new preschool program.

**Keith** – thanked Kim for helping with getting the dredging moved along. When he goes out in his boat, the tide has to be at a medium level. He then reported on the committee meeting held on 4/29 regarding the cannabis issue. Caleb, Nick, Chief Laughlin, Jessica, Ed Dennis and City Solicitor, Fred Scerni were all in attendance. There are 6 different potential uses that the State allows: the manufacturing, the production, the distribution, the delivery, retail and the cultivation. According to the State, we can't stop delivery into our town, but we can opt out any one of the other five uses. If we opt out and say no to anyone of the five, we could opt back in at any time afterwards. If we opt in, we are for at least five years. If we do opt out, we are out of the tax incentive as well, which is 1% for manufacturing and everything else is 2%. The State hasn't explained full guidelines and our fear is if that were to issue a certain number of licenses and we were to opt out of any of the six classes, we might not be able to opt back in if those licenses have been picked up by someone else. We discussed the vote at the last election, which was 67% were in favor, which kind of gives us a feeling of the city.

**Fred** – the 1% is actually on wholesale, all of the other five classes are at 2%. We talked about how that would work and the revenue stream and the flow of the cash and things of that nature, all things you need to be aware of as you go forward. If any municipality does not take specific action between now and the middle of August, then that municipality is open for these uses to come in uncontrolled by you. If you formally opt out, then they can't come in. If you formally adopt, then you have control over whatever classes you formally adopt. If you are going to opt in, two ordinances are needed: one for the policing powers; the creation of these categories within the municipality and as to what you do to control those particular uses. The other ordinance would be a Land Use Ordinance, to create permitted uses in various zones or even in portion of various zones.

**Keith** – we need a consensus of Council on how we want to move forward or not. He then called on each councilperson: Burroughs, yes; Cain, yes; Cavileer, yes; Howell, yes; Larotonda, yes, with more discussion on maybe restricting certain classes; Light, yes, but he has concerns and he wants to see how and where we use it; Bennett, yes, and with more due diligence on it. He wants everyone to know that we will be looking into the smoking in public and what we can do and not do. We will be meeting further and reporting back at each council meeting.

## **PUBLIC PORTION**

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

**Chris Seher – 707 Chelsea Road** – it's a little confusing. The consensus was to go forward and continue to research and study and decide what to do; so, Council has not decided whether there's a consensus to opt out or opt in yet? That is to be determined. In this committee work so far, do you know how many municipalities have already voted to opt out?

**Keith** – no we don't.

**Chris** – wouldn't that be one of the first things you look at? Plagiarism is the best form of flattery; so, a lot of other Councils and Mayors ahead of us in terms of studying it and making a decision. You may not agree with their decision, but I didn't do my homework but I'm not being paid like you guys now. X number of 23 communities have voted to opt out.

**Keith** – Chris I could care less what other communities do.

**Chris** - isn't that a way of learning?

**Keith** - I'm going to go back to what Galloway did when they bum rushed an ordinance regarding the people living in the hotels. They did it wrong. We took our time and we did it right. They were spanked by the State and Absecon was not. I don't know if spanked is the correct word.

**Chris** – I know it's a figure of speech, but I don't remember the specific details, but I don't think any people from Atlantic City got moved into the Galloway motels. Did they? So, what were they spanked for? I'll use the reverse analogy. I've come to these meetings and heard from our auditor and our CFO that we had to move on the budget and we didn't know what was going to happen with the money and yet, just yesterday another municipality just passed their budget and Galloway waited and the sky didn't fall. I don't even know if they even passed theirs yet, because they are waiting to see what they can do with the Federal funds. Again, it seems to me we are missing an opportunity if we don't research what other lawyers, no offense Fred, have already opined about this. We always seem to be here thinking we don't know. I would really respectfully think you should look into what other towns have done and you may not agree with them, but you learn from other people's mistakes or whatever.

**Tom Gates – 144 Crestview Ave.** – thanked the police department and the chief because they have been actively patrolling the street and writing tickets. He appreciates it, but it's still not a solution. Thanked Betty Howell for stopping over and talking to him. He brought up the double yellow line and if anyone considered getting rid of it because cars won't cross over it. There is no room for pedestrian traffic. Could we add police officers to the department for traffic safety issues. Construction is going to begin and a lot of cars are going to be detoured down that street as well as Highland, Woodland and Morton. We need safe pedestrian walkways. Steve had suggested putting up more speed limit signs, but it's painted on the street and that isn't solving anything. There should also be sidewalk installed at the corner of Crestview and Morton for people to be able to walk safely.

**Gary Gandolfi – 138C Crestview Ave.** – he has lived on that street for 35 years and he's always working on his property. He constantly takes his life in his hands with people driving down the street. He is the person that the police questioned and he told them he did and will continue to yell at them to slow down. Two school buses come down every morning doing at least 45 mph. He feels the only way to control it is to have a physical barrier or some sort of speed bump in. He works for SJ Gas and you don't need many, maybe three.

**Chief Laughlin** – he has been taking complaints for months and has been warning people. It's a product of our society; people don't care. When we make the stops, they give us a hard time saying why you are harassing them because they live on the street and are tax payers and don't, we have anything better to do. The answer to that is that we are doing our job and we are going to continue to do our job all around town. Last week in 4 hours, 4 officers from Absecon and 4 from AC wrote over 80 speeding tickets. There is total disregard to everybody. We have residents who are speeding and complaining that they are getting yelled at. We can't be on every street all of the time. The hiring of additional officers may not even solve the problem. He asked if anyone needs a job, the city is in need of crossing guards. He also warned people that a permit is needed to use the boat ramp. It's been in place for many years and he's still getting complaints.

**Betty** – she will be meeting with Ed Dennis to discuss the installation of sidewalk at Crestview and Morton, but it might have to be by eminent domain, which might not be favorable.

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

### **GOOD AND WELFARE**

**Betty** – she was contacted by two of our local churches who had some elderly people that still needed vaccines and they couldn't go to the mega center and we got them their shots in two weeks. If anyone is still in need, you can reach out to her.

**Butch** – announced Mrs. Reilly who passed away who was a long time resident and the Mom of Mike and Debbie who are on our boards.

**Sandy** – tomorrow night is the Tour de Lights bike ride that had to be postponed from earlier. The Memorial Day parade is May 31 and the Legion Clam Bake is June 19.

**Steve** – mentioned to the residents and the public that we have been waiting for the dredging a long time and he's a boater and knows it will be daunting, but we need to understand and be patient. We will get through it, and we need it done. Thanked everyone who was involved in getting it done.

**Caleb** – he was on Woodcrest Ave. last night and a resident wanted to park something in their street to slow traffic down, but they shouldn't be doing that. The resident suggested having police presence from 7 a.m. to 9:00 a.m. and then 3:00 p.m. to 5:00 p.m. when it's really bad. Since Mi Place has opened, it has gotten worse. Community Affairs have signs donated by Omega Publishing that say "Thank You Blue". If anyone wants one, they will be sold for \$10 and the proceeds donated to the police department for the Toys for Tots Christmas toy drive. It started has a thank you to our police department and it's our hope to have them all over town.

**Chief Laughlin** – thanked everyone on behalf of the department

### **CLOSED SESSION – Res. #90-2021**

**Fred** – announced the purpose of the closed session is to discuss litigation. When we come out of closed session there may be a brief summary when we return to open session.

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

**Fred** – it's now 7:11 p.m. and Mayor and Council discussed a matter of litigation, specifically the case of Lee v. City of Absecon et als. Council received an update on this matter from Chief James Laughlin and additional information will be made available to the public as this matter progresses.

### **ADJOURNMENT**

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

Respectfully submitted,

  
Carie A. Crone, City Clerk

Approved: 5-20-21