



CITY OF ABSECON
Municipal Complex
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Absecon, New Jersey 08201

Carie A. Crone, RMC
Municipal Clerk

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CITY COUNCIL

April 18th, 2024

REGULAR MEETING - 6:30 PM

AGENDA

FLAG SALUTE

ROLL CALL

PRESIDENT'S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

REGULAR MEETING AGENDA

2024 RESOLUTIONS OUT OF CONSENT

- 72** Allowing the Budget to be read by title only.

PUBLIC HEARING – 2024 MUNICIPAL BUDGET

- 73** Authorizing Self-Examination of the 2024 Budget.
- 74** Adopting the 2024 Municipal Budget.

2024 ORDINANCES FOR INTRODUCTION

- 13** Bond Ordinance providing for the 2024 Road Improvement Program, appropriating \$1,000,000 therefor and authorizing the issuance of \$950,000 Bonds or Notes of the City to finance part of the cost thereof.

2024 ORDINANCES FOR ADOPTION

- 11** Amending the Code of the City of Absecon, Chapter 254 thereof titled Peace and Good Order.
- 12** Amending the Code of the City of Absecon, Chapter 230 thereof titled Loitering and Graffiti.

CONSENT AGENDA

- 75** Approving the Insertion of a Special Item of Revenue into the 2024 Municipal Budget to allow for the receipt of \$12,444.72 from the State of New Jersey Recycling Tonnage Grant.
- 76** Authorizing the Tax Collector to prorate a portion of the 2nd Quarter Taxes of 2024 and cancel the property taxes for 2024 Final/2025 Preliminary on the Property located at 225 W. Wyoming Ave.
- 77** Authorizing the City of Absecon to award a contract for CBD Streetscape Improvements – Phase IV

APPROVAL OF BILL LIST –

APPROVAL OF MINUTES

Closed Session as to form and content only – 2/8/2024

REPORTS Council Committees
Administrator/CFO
Clerk
Mayor
Engineer

PUBLIC PORTION

CLOSED SESSION - #78-2024: Contract Negotiation

ADJOURNMENT

CITY OF ABSECON
RESOLUTION 72-2024

A RESOLUTION TO READ BUDGET BY TITLE ONLY

WHEREAS, N.J.S. 40A:4-8, as amended by L.2015, provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection, and has been available to each person upon request; and

WHEREAS, these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Absecon that the budget shall be read by title only.

Dated: April 18th, 2024

**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 on April 18th, 2024**

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

CITY OF ABSECON
RESOLUTION 73-2024

A RESOLUTION AUTHORIZING SELF-EXAMINATION OF THE 2024 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the City of Absecon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2024 budget year.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the City of Absecon that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A: 4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A: 4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the Municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A: 4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

DATED: April 18TH, 2024

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 on April 18TH, 2024.

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

CITY OF ABSECON
RESOLUTION 74-2024

**A RESOLUTION ADOPTING THE
2024 MUNICIPAL BUDGET**

**Copies of the Budget are filed in the Clerk's Office,
Finance file drawer and available on the City's website.**

Dated: April 18th, 2024

**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 on April 18th, 2024.**

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

CITY OF ABSECON

ORDINANCE 13-2024

BOND ORDINANCE PROVIDING FOR 2024 ROAD IMPROVEMENT PROGRAM, BY AND IN THE CITY OF ABSECON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ABSECON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY AS FOLLOWS:

SECTION 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Absecon, in the County of Atlantic, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the amount of \$1,000,000, said amount being inclusive of \$50,000 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof, and to meet part of said \$1,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which said obligations are to be issued are for the 2024 Road Improvement Program as more fully referenced on a list on file in the office of the City Clerk, which list is hereby approved and incorporated herein. Such improvements or purposes are to include, as applicable, milling, construction, reconstruction, repairing and resurfacing, drainage improvements, inlet, manhole and water valve replacements, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways, the acquisition and installation of traffic signals and signage and including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$950,000.

(c) The estimated cost of said purpose is \$1,000,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Atlantic make a contribution or grant in aid to the City for the improvement and purpose authorized hereby and the same shall be received by the City *prior* to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be

reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Atlantic. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Atlantic shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the City. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the City upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer of the City is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the City is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised or temporary capital budget has been filed with the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the City may lawfully undertake as a general improvement, and no part of the cost thereof has been, or shall be, specially assessed on property specially benefited thereby.
- (b) The period of usefulness of said improvements within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.
- (c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided

for in this bond ordinance by \$950,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement herein before described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$950,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three years after the expenditure is paid.

SECTION 10. The City covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City, which are authorized herein, and to execute such disclosure document on behalf of the City. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof,

provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATED: April 18th, 2024

SIGNED: INTRODUCTION ONLY
Kimberly Horton, Mayor

ATTEST: INTRODUCTION ONLY
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

ORDINANCE 11-2024

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ABSECON,
CHAPTER 254 THEREOF TITLED PEACE AND GOOD ORDER**

BE IT ORDAINED by the MAYOR AND THE CITY COUNCIL, the governing body of the City of Absecon that Chapter 254 of the Revised General Ordinances of the City of Absecon be and is hereby amended as follows:

SECTION 1:

§ 254-1 Preemption.

- A. N.J.S.A. 2C:33-2(2)b makes it unlawful for a person to loiter in a public place with the purpose of unlawfully obtaining or distributing a controlled dangerous substance or controlled substance analog.
- B. N.J.S.A. 2C:14-4 it unlawful for a person if, in a public place, and with purpose to offend the sensibilities of a hearer or in reckless disregard of the probability of so doing, he or she addresses unreasonably loud and offensively coarse or abusive language, given the circumstances of the person present and the setting of the utterance, to any person present.
- C. N.J.S.A. 2C:34-1 makes it unlawful for a person to procure an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate, or for an actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18.
- D. N.J.S.A. 2C:33-12 makes it unlawful for a person to knowingly or recklessly create or maintain a condition which endangers the safety or health of a considerable number of persons, or knowingly conduct or maintain any premises, place or resort where persons gather for purposes of engaging in unlawful conduct, or knowingly conduct or maintain any premises, place or resort as a house of prostitution or as a place where obscene material, as defined in N.J.S. 2C:34-2 and N.J.S. 2C:34-3, is sold, photographed, manufactured, exhibited or otherwise prepared or shown, in violation of N.J.S. 2C:34-2, N.J.S. 2C:34-3, and N.J.S. 2C:34-4.
- E. The governing body of the City of Absecon finds and declares that the municipal regulations contained herein, where applicable, are not preempted by state law based on the following:
 - 1) The municipal regulations do not conflict with state law, either because of conflicting policies or operational effect;
 - 2) N.J.S.A. 2C:1-5d expresses an intent that the New Jersey Code of Criminal Justice is to be exclusive in the field, but that section alone does not preempt these regulations;
 - 3) The subject matter does not reflect the need for uniformity;
 - 4) The state scheme is not so comprehensive or pervasive that it precludes the coexistence of municipal regulations; and

- 5) The municipal regulations do not stand as an obstacle to the accomplishment and execution of the full purposes and objectives of the State Legislature.

§ 254-2 Houses of ill repute.

No person shall keep or maintain a disorderly house or a house of ill fame or allow or permit any house, shop, store or other building owned or occupied by him or her to be used as a disorderly house or house of ill fame or to be frequented or resorted to by riotous or disorderly persons, prostitutes, gamblers or vagrants, which negatively impacts the peacefulness and quiet enjoyment of a neighbor.

§ 254-3 Use of premises for gambling.

Unless properly licensed in accordance with the provisions of the Gaming Licensing Laws, no person shall set up, keep or maintain or permit to be set up, kept or maintained, in any house or premises, any faro table, faro bank, roulette wheel or other device or game of chance for the purpose of gaming, or any boxing ring, cockpit or other place for men, women or animals to fight, nor shall any person hold or permit to be held, in any house or premises, any dogfight, cockfight, prizefight or any sparring contest for a purse or money prize.

§ 254-4 Chance of games.

Subject to all of the provisions of N.J.S.A. 5:8-1-5:8.77 et seq., and N.J.A.C. 13:47-1.1-13:47-16.27, Games of Chance, including but not limited to Bingo and raffles, shall be permitted in the City of Absecon, seven days weekly, including Sunday, when properly licensed in accordance with the provisions of the Gaming Licensing Laws.

§ 254-5 Disturbance of Peace and Good Order.

No person shall commit any of the acts enumerated below, each of which if committed shall be deemed and considered a disturbance of peace and good order:

- A. It shall be unlawful and offensive conduct for any individual, either alone, or in the company of others, to revel, quarrel, brawl, disport or behave in a noisy, boisterous manner, emitting loud cries and other noises, or jostling those about them, or causing inconveniences to those about them, or to otherwise disrupt and disturb the public peace and dignity, in any public or quasi-public place, public rights-of-way, public sidewalk, public park, or in any building open for the accommodation of the public for entertainment, or for room accommodations.
- B. It shall be unlawful and offensive to enter upon any public or quasi-public place or private property without the consent of the owner or person in lawful control and possession thereof and to there picnic, change apparel, dress or undress or to urinate or defecate upon the premises or commit any other nuisance.
- C. It shall be unlawful and illegal to enter, without legitimate and reasonable errand or business, upon any private property, hotel, rooming house, lodging place or other place of public accommodation, and not having previously obtained express or implied permission of the owner or person in lawful control and possession of such places above described, to make use of the furniture, showers, toilets or other like facilities there installed, or wander or roam about the premises.

§ 254-6 Begging.

A. Definitions.

- 1) As used in this chapter, the following terms shall have the meanings indicated:

AGGRESSIVELY BEG

Speaking to or following a person in a manner that would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or upon property upon the person's immediate possession or would intimidate another person into giving money or goods.

ASK, BEG OR SOLICIT ALMS

To ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.

PEDESTRIAN OR VEHICULAR INTERFERENCE

To walk, stand, sit, lie or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized pursuant to the City's picketing and parade ordinances and regulations are exempt from this chapter.

PUBLIC PLACE

An area generally visible to public view and includes the Boardwalk, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets opened to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings, shops or dwellings and/or grounds enclosing them.

- B. No person may ask, beg or solicit alms, including money and other things of value, in an aggressive manner in any public place. Acts authorized as an exercise of one's constitutional right to picket, the right to legally protest, any acts authorized by permit or parades issued pursuant to the Code of the City of Absecon shall not constitute obstruction of pedestrian or vehicular traffic.
- 1) A person is guilty of pedestrian interference if, in a public place, that person intentionally obstructs pedestrian or vehicular traffic or if that person aggressively begs.
 - 2) No person may aggressively ask, beg or solicit alms in any public transportation vehicle or at any bus or train station or stop.
 - 3) No person may aggressively ask, beg or solicit alms within 100 feet of any automatic teller machine (ATM).
 - 4) No person may aggressively ask, beg or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.
 - 5) No person may aggressively ask, beg or solicit alms from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space or directing the operator or occupant to a public parking space.
 - 6) No person may aggressively ask, beg or solicit alms in exchange for cleaning motor vehicle windows while the vehicle is in traffic on a public street.
 - 7) No person may aggressively ask, beg or solicit alms in exchange for protecting, watching, washing, cleaning, repairing or painting a motor vehicle or bicycle while it is parked on a public street.

- 8) No person may aggressively ask, beg or solicit alms on private property or residential property without permission from the owner or occupant.
- 9) No person may aggressively ask, beg or solicit alms at any time.
- 10) No person may aggressively ask, beg or solicit alms within 25 feet of the entrance or exit of any business establishment where the express intent of such asking, begging or soliciting of alms is to solicit directly from the employees or patrons of such business establishment.
- 11) Nothing herein shall prohibit not-for-profit organizations from soliciting donations. Such organizations may seek written approval to solicit same from the Municipal Police Department.

§ 254-7 Violations and penalties.

A person found guilty of an offense under this article shall be subject to a fine up to and including \$2,000, or community service up to and including thirty (30) days or imprisonment up to and including ninety (90) days, in the discretion of the Municipal Court.

§ 254-8 Breach of the peace.

Violation of this Chapter 254 constitutes a breach of the peace.

SECTION 2: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4: This Ordinance shall become effective immediately upon final passage and publication, according to law.

DATED: April 18th, 2024

SIGNED:

Kimberly Horton, Mayor

ATTEST :

Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on April 4th, 2024. Laid over and advertised for public hearing and final adoption on April 18th, 2024.

CITY OF ABSECON

ORDINANCE 12-2024

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ABSECON,
CHAPTER 230 THEREOF TITLED LOITERING AND GRAFFITI**

BE IT ORDAINED by the MAYOR AND CITY COUNCIL, the governing body of the City of Absecon, that Chapter 230 of the Revised General Ordinances of the City of Absecon be and is hereby replaced in its entirety and amended as follows:

SECTION 1:

§ 254-1 Preemption.

- A. N.J.S.A. 2C:33-2(2)b makes it unlawful for a person to loiter in a public place with the purpose of unlawfully obtaining or distributing a controlled dangerous substance or controlled substance analog.
- B. N.J.S.A. 2C:14-4 it unlawful for a person if, in a public place, and with purpose to offend the sensibilities of a hearer or in reckless disregard of the probability of so doing, he or she addresses unreasonably loud and offensively coarse or abusive language, given the circumstances of the person present and the setting of the utterance, to any person present.
- C. N.J.S.A. 2C:34-1 makes it unlawful for a person to procure an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate, or for an actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18.
- D. N.J.S.A. 2C:33-12 makes it unlawful for a person to knowingly or recklessly create or maintain a condition which endangers the safety or health of a considerable number of persons, or knowingly conduct or maintain any premises, place or resort where persons gather for purposes of engaging in unlawful conduct, or knowingly conduct or maintain any premises, place or resort as a house of prostitution or as a place where obscene material, as defined in N.J.S. 2C:34-2 and N.J.S. 2C:34-3, is sold, photographed, manufactured, exhibited or otherwise prepared or shown, in violation of N.J.S. 2C:34-2, N.J.S. 2C:34-3, and N.J.S. 2C:34-4.
- E. The governing body of the City of Absecon finds and declares that the municipal regulations contained herein are not preempted by state law based on the following:
 - 1) The municipal regulations do not conflict with state law, either because of conflicting policies or operational effect;
 - 2) N.J.S.A. 2C:1-5d expresses an intent that the New Jersey Code of Criminal Justice is to be exclusive in the field, but that section alone does not preempt these regulations;
 - 3) The subject matter does not reflect the need for uniformity;

- 4) The state scheme is not so comprehensive or pervasive that it precludes the coexistence of municipal regulations; and
- 5) The municipal regulations do not stand as an obstacle to the accomplishment and execution of the full purposes and objectives of the State Legislature.

§ 230-2 Findings and Purpose.

- A. It is the responsibility of local government to adopt regulations designed to promote the public health, safety and welfare. Such authority has been delegated to municipalities by the Legislature of the State of New Jersey.
- B. The governing body of the City of Absecon finds and declares that the loitering of groups of people or gangs in public places with the purpose of engaging in criminal activity or unlawful conduct is a significant problem which threatens the public health, safety and welfare.
- C. The purpose of these regulations is to deter or reduce criminal activity and unlawful conduct and to maintain a quality of life within the community which reassures citizens that they are safe and secure in public places.

§ 230-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ATHLETIC EVENT

To include, for example, sporting contests such as baseball, basketball, field hockey, football, lacrosse, rowing, soccer, softball, tennis and track and field.

CULTURAL EVENT

To include, for example, artistic and intellectual events such as concerts, dance recitals, lectures, movies, plays, and artistic displays.

LOITERING

To prowl, remain or wander in one location, including sifting in or out of a motor vehicle.

PUBLIC PLACE

Any place to which the public has access, including but not limited to any alley, boardwalk, bridge, driveway, park, parking lot, plaza, public library, public street, sidewalk or transportation facility, or the doorways and entrance ways to any building which front on any of the aforesaid places, or a motor vehicle in or on any such place.

PURPOSE

A person is presumed to intend the reasonable and natural consequences of their actions. A person manifests the purpose to engage in unlawful conduct when a reasonable person would conclude that such an intent exists from an observation of the person's actions, conduct, demeanor and speech under the attendant circumstances.

RECREATIONAL EVENT

To include, for example, bicycle race, five-mile run, walkathon, and athletic activities available to the public at large.

SOCIAL EVENT

To include, for example, baby contests, air show, boat show, car show, dance, festival, Mardi gras and parade.

§ 230-4 Certain types of loitering prohibited.

- A. It is unlawful for a person to loiter in a public place with the purpose of interfering with or obstructing the free flow of pedestrian traffic or vehicular traffic.
- B. It is unlawful for a person to loiter in a public place with the purpose of engaging in an altercation with another person.
- C. It is unlawful for a person to loiter in a public place with the purpose of creating a disturbance or otherwise interfering with a school activity, such as an athletic event, cultural event, educational activity or a social event.
- D. It is unlawful for a person to loiter in a public place with the purpose of creating a disturbance or otherwise interfering with a public event, such as an athletic event, cultural event, recreational event, or a social event.
- E. It is unlawful for a person to loiter on private property that is customarily used for a commercial purpose by the public with the purpose of interfering with or obstructing the free flow of pedestrian traffic or vehicular traffic seeking the use of the commercial enterprise.
- F. Where five or more persons are participating in a course of unlawful conduct, as defined herein, a law enforcement officer engaged in executing or enforcing the law may order the participants and others in the immediate vicinity to disperse. Any person who fails, neglects, or refuses to obey this order commits a violation of these regulations.

§ 230-5 Graffiti.

No person shall write, print or place with ink, paint or chalk or other substances or otherwise mark, scratch, carve or etch graffiti on real or personal property of another, whether said personal or real property shall be publicly or privately owned, unless the owner of said property shall have, prior to the writing, printing or placing of graffiti, specifically consented to the same.

§ 230-6 Violation and Penalties.

A person found guilty of an offense under this article shall be subject to a fine up to and including \$2,000, or community service up to and including thirty (30) days or imprisonment up to and including ninety (90) days, in the discretion of the Municipal Court.

SECTION 2: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4: This Ordinance shall become effective immediately upon final passage and publication, according to law.

DATED: April 18th, 2024

SIGNED: _____
Kimberly Horton, Mayor

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

Passed on first reading at a regular meeting of the Municipal Council held on April 4th, 2024.
Laid over and advertised for public hearing and final adoption on April 18th, 2024.

CITY OF ABSECON

RESOLUTION 75-2024

**A RESOLUTION APPROVING THE INSERTION OF A SPECIAL ITEM OF REVENUE
INTO THE 2024 MUNICIPAL BUDGET TO ALLOW FOR THE RECEIPT OF \$12,444.72
FROM THE STATE OF NEW JERSEY RECYCLING TONNAGE GRANT**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Absecon will receive \$12,444.72 from the State of New Jersey Recycling Tonnage Grant and wishes to amend its 2024 Budget to include this amount as revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Absecon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$12,444.72, which is now available as revenue from:

Miscellaneous Revenue
Special Items of General Revenue Anticipated with Prior Written Consent of the
Director of Local Government Services:
State and Federal Revenues Offset with Appropriations:
Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

Dated: April 18th, 2024

**This is to certify this is a true copy of
a Resolution adopted by the Council
of the City of Absecon at a work and
regular meeting held on April 18th, 2024.**

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

CITY OF ABSECON

RESOLUTION 76-2024

**A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO PRORATE
A PORTION OF THE 2nd QUARTER TAXES OF 2024 AND CANCEL THE
PROPERTY TAXES FOR 2024 FINAL/2025 PRELIMINARY ON THE
PROPERTY LOCATED AT 225 W. WYOMING AVE. BLOCK 148, Lot 14**

WHEREAS, the Tax Collector, by letter attached, has notified City Council of a need to prorate taxes for 8 days for the 2nd Quarter of 2024 and to cancel property taxes for the 2024 Final/2025 Preliminary, for the property located at 225 W. Wyoming ave. (Block 148, Lot 14), in the name of Busch, William P., Jr.

WHEREAS, the property is owned by an Exempt Veteran.

WHEREAS, the remaining amount for the 2nd Quarter to be cancelled is \$1,033.00.

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

1. The remaining taxes of 2024 Final/2025 preliminary on the property located at 225 W. Wyoming Ave. (Blk 148, Lot 14) are hereby cancelled.
2. The Tax Collector is authorized to prorate 8 days for the 2nd Quarter of 2024 and to cancel the remaining amount of \$1,033.00 for the 2nd for the same property.

Dated: April 18th, 2024

**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 April 18th, 2024**

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

CITY OF ABSECON
Municipal Complex
500 Mill Rd.
ABSECON, NJ 08201



Absecon Absolutely!

Jessica A. Snyder, CTC
Tax Collector

Phone (609) 641-0663 ext. 116
Fax (609) 645-5098

April 10, 2024

Mayor & City Council
500 Mill Road
Absecon, NJ 08201

Dear Members of City Council,

Please have a resolution drawn up to prorate the property taxes for 8 days and cancel the remaining amount of **\$1,033.00 for the 2nd quarter. Please also cancel the property taxes for 2024 Final/2025 Preliminary** as well, at this point the exact amounts have not been calculated. The following property is owned by a recently Exempt Veteran.

Block	Lot	Qual.	Property Location	Property Owner
148	14		225 W. Wyoming Ave.	Busch, William P. Jr.

Thank you for your attention to this matter.

Sincerely,

Jessica A. Snyder, CTC

Jessica A. Snyder, CTC
Tax Collector

CITY OF ABSECON

RESOLUTION 77-2024

**A RESOLUTION AUTHORIZING THE CITY OF ABSECON TO AWARD
A CONTRACT FOR CBD STREETScape IMPROVEMENTS – PHASE IV**

WHEREAS, Bids were accepted on April 16th, at 11:00 AM at the Municipal Complex in the City of Absecon; and

WHEREAS, all bids were opened and announced to those in attendance; and

WHEREAS, Remington & Vernick Engineers, with the City Administrator, have determined the apparent lowest responsible bidder to be Charles Marandino, LLC., P.O. Box 20, Milmay, NJ 08340; and

WHEREAS, this resolution sets forth the certification of available funds of the maximum dollar value of the contract according to N.J.A.C. 5:30-5.4(a)3.

Account # G-02-41-735-022	\$ 422,000.00
# C-04-34-200-005	\$ 5,000.00
# C-04-34-200-015	\$ 95,000.00
# C-04-34-203-015	\$ 1,265.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Absecon, the contract is hereby awarded for the CBD Streetscape Improvements – Phase IV, Base Bid and Alternate Bid 1, in the amount of \$523,265.00 to Charles Marandino, LLC.

Dated: April 18, 2024

**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 April 18, 2024.**

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

April 16, 2024
02:34 PM

City of Absecon
Bill List By Vendor Id

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All

Include Project Line Items: Yes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Include Non-Budgeted: Y

Rcvd Batch Id Range: First to Last

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
9705	SAFELITE AUTO GLASS, INC.	24-00261	03/19/24	VEHICLE MAINTENANCE	Open	98.05	0.00		
9851	PORTER LEE CORPORATION	24-00363	04/16/24	SOFTWARE SUPPORT 5/24-4/25	Open	745.00	0.00		
A0003	ACUA	24-00353	04/16/24	MARCH 2024 TIP/RECYCLING/FUEL	Open	73,275.51	0.00		
A0009	ANIMAL CONTROL OF S.J.	24-00319	04/12/24	MARCH 2024 SERVICES	Open	700.00	0.00		
A0034	ABSECON CITY PAYROLL ACCOUNT	24-00323	04/11/24	PP8 4/11/24	Open	257,140.08	0.00		
A0063	ABSECON CULTURAL ARTS ALLIANCE	24-00331	04/16/24	REFUND DEPOSIT	Open	200.00	0.00		
A0253	ATLANTIC CITY ELECTRIC	24-00360	04/16/24	MARCH 2024 UTILITY	Open	13,609.21	0.00		
B0017	DA'ZHON BETHEA	24-00352	04/16/24	REIMBURSEMENT- ACTION UNIFORM	Open	124.00	0.00		
B0119	BLANEY, DONOHUE, ET AL	24-00347	04/16/24	PROFESSIONAL SERVICES MARCH 24	Open	4,905.80	0.00		
C0027	COLLIERS ENGINEERING	24-00336	04/16/24	PROFESSIONAL SERVICES	Open	3,707.25	0.00		
		24-00339	04/16/24	PROFESSIONAL SERVICES	Open	285.00	0.00		
						3,992.25			
C0044	CARDMEMBER SERVICE	24-00321	04/15/24	MARCH 2024 SUPPLIES	Open	1,811.80	0.00		
C0098	CROWN CASTLE FIBER LLC	24-00356	04/16/24	APRIL 2024 SERVICES	Open	1,150.00	0.00		
C0180	CASA PAYROLL SERVICES	24-00357	04/16/24	PAYROLL PROCESSING PP8 2024	Open	288.50	0.00		
C0201	COMCAST	24-00361	04/16/24	MONTHLY SERVICES MARCH/APRIL	Open	556.78	0.00		
E0070	ED & GENE'S KING TIRE LLC	24-00359	04/16/24	VEHICLE MAINTENANCE	Open	1,239.01	0.00		

April 16, 2024
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City of Absecon
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
F0042	FEDEX								
		24-00345	04/16/24	SHIPMENT TO STATE TOX	Open	64.11	0.00		
F0058	FITZGERALD MCGROARTY, P.A.								
		24-00335	04/16/24	PROFESSIONAL SERVICES	Open	572.00	0.00		
		24-00338	04/16/24	PROFESSIONAL SERVICES	Open	559.00	0.00		
						1,131.00			
F0091	HOWARD E. FREED, JMC								
		24-00301	04/02/24	CONFLICT COURT SESSION	Open	350.00	0.00		
G0061	GRIMLEY LAW								
		24-00337	04/16/24	LEGAL SERVICES	Open	780.00	0.00		
H0026	HD SUPPLY								
		24-00329	04/16/24	SOAP REFILLS	Open	427.20	0.00		
H0070	HUTCHINSON HEATING AIR/COND								
		24-00326	04/16/24	COOLING TOWER	Open	32,538.56	0.00		
H0092	CLARKE CATON HINTZ								
		24-00325	04/16/24	PROFESSIONAL SERVICES 3/29/24	Open	137.50	0.00		
I0044	THE ILLUSION MAKER								
		24-00351	04/16/24	ENVIRONMENTAL PROGRAM	Open	1,200.00	0.00		
N0002	NJ AMERICAN WATER CO.								
		24-00342	04/16/24	MARCH 2024 WATER	Open	14,047.34	0.00		
P0001	PRESS OF ATLANTIC CITY								
		24-00332	04/16/24	LEGAL ADVERTISEMENT	Open	156.72	0.00		
P0014	PEDRONI FUEL CO								
		24-00346	04/16/24	DIESEL	Open	320.55	0.00		
R0007	REMINGTON & VERNICK ENGINEERS								
		24-00333	04/16/24	PROFESSIONAL SERVICES	Open	600.00	0.00		
		24-00334	04/16/24	PROFESSIONAL SERVICES 12/31/23	Open	1,385.75	0.00		
						1,985.75			
S0015	S.J. COURT ADMINISTRATOR ASSOC								
		24-00163	02/22/24	2024 MEMBERSHIP DUES	Open	80.00	0.00		
S0027	SOUTHERN COASTAL REGIONAL								
		24-00354	04/16/24	MAY 2024 HEALTH BENEFITS	Open	86,010.00	0.00		
S0158	SITE ONE LANDSCAPE SUPPLY, LLC								
		24-00328	04/16/24	LIME	Open	74.39	0.00		
T0018	TARGET SOLUTIONS LEARNING LLC								
		24-00090	02/06/24	GUARDIAN TRACKING SUBSCRIPTION	Open	1,895.70	0.00		

April 16, 2024
02:34 PM

City of Absecon
Bill List By Vendor Id

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
T0019	TELMA MOURAO								
		24-00355	04/16/24	STREET OPENING	Open	1,000.00	0.00		
T0020	TESTA HECK TESTA & WHITE P.A.								
		24-00364	04/16/24	PROFESSIONAL SERVICES	Open	1,110.00	0.00		
T0044	TREASURER								
		24-00340	04/16/24	QTR 1 MARRIAGE/UNION LICENSE	Open	175.00	0.00		
		24-00350	04/16/24	1QTR DCA STATE TRAINING FEE	Open	2,632.00	0.00		
		24-00358	04/16/24	MARCH DOG REPORT	Open	28.20	0.00		
						2,835.20			
T0092	TOSHIBA BUSINESS SOLUTIONS, USA								
		24-00344	04/16/24	COPIER COUNT/MAIN. 1/3-4/2	Open	529.31	0.00		
T0096	TOSHIBA FINANCIAL SERVICES								
		24-00343	04/16/24	COPIER LEASE 4/20-5/19	Open	251.79	0.00		
U0021	UNITED METHODIST CHURCH								
		24-00349	04/16/24	MARCH 2024 SENIOR SERVICES	Open	2,104.86	0.00		
V0012	VISION SERVICE PLAN (EA)								
		24-00348	04/16/24	MARCH 2024 CLAIMS	Open	276.25	0.00		
W0044	WASZEN BROTHERS								
		24-00327	04/16/24	TOILET RENTAL	Open	370.00	0.00		
Total Purchase Orders:		44	Total P.O. Line Items:		0	Total List Amount:		509,512.22	Total Void Amount: 0.00