



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

Carie A. Crone, RMC
Municipal Clerk

Phone (609) 641-0663 x101
Fax (609) 645-5098

CITY COUNCIL

April 4th, 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 ORDINANCES FOR INTRODUCTION

- 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.

2024 ORDINANCES FOR ADOPTION

- 07** An Ordinance establishing salary ranges for the City of Absecon.
- 08** Re-appropriating \$670,000.00 proceeds of obligations not needed for their original purposes to provide for Capital Projects in 2024.

- 10 Amending the Code of the City of Absecon, Chapter 224, Land Use and Development, Article XXIII – Signs.

CONSENT AGENDA

- 67 Honoring Autism Acceptance Month.
- 68 Authorizing the City of Absecon to enter into a Cooperative Pricing Agreement.
- 69 Authorizing the City of Absecon to reject all bids for the CBD Streetscape Improvements – Phase 4.
- 70 Authorizing the City Engineer, Remington & Vernick, to design and coordinate bids for the 2024 Road Program.
- 71 Authorizing the acceptance of donated repairs and maintenance for the Absecon Downtown Clock.

APPROVAL OF BILL LIST - \$ 2,357,116.95

APPROVAL OF MINUTES

Budget Meeting Minutes – 2/8/2024
Regular Meeting Minutes – 2/15/2024
Budget Meeting Minutes – 2/29/2024
Regular Meeting Minutes – 3/7/2024
Budget Meeting Minutes – 3/14/2024

REPORTS Council Committees
Administrator/CFO
Mayor
Engineer

PUBLIC PORTION

ADJOURNMENT

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:

SIGNED:

Kimberly Horton, Mayor

ATTEST :

Carie A. Crone, RMC, Municipal Clerk

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 creates or maintain a condition which endanger 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 sitting 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:

SIGNED: _____
Kimberly Horton, Mayor

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

CITY OF ABSECON

ORDINANCE 07-2024

**AN ORDINANCE ESTABLISHING SALARY RANGES
FOR THE CITY OF ABSECON**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that this ordinance hereby amends portions of ordinance 5 and 15 of 2023. This ordinance reads as follows:

1. Commencing on January 1, 2024, the annual salary or compensation paid to each of the officers or employees of the City of Absecon City holding a position under a classification established and set forth in the Ordinance shall be and the same is hereby fixed and determined within the range set forth.

Mayor	\$ 10,000.00 to 13,000.00 Per Annum
Council President	\$ 9,000.00 to 12,000.00 Per Annum
Councilperson	\$ 8,000.00 to 11,000.00 Per Annum
City Administrator	\$ 40,000.00 to 50,000.00 Per Annum
City Clerk	\$ 80,000.00 to 95,000.00 Per Annum
Deputy City Clerk	\$ 35,000.00 to 45,000.00 Per Annum
Chief Financial Officer	\$100,000.00 to 115,000.00 Per Annum
Deputy Finance Officer	\$ 50,000.00 to 60,000.00 Per Annum
Tax Collector	\$ 80,000.00 to 90,000.00 Per Annum
Deputy Tax Collector	\$ 35,000.00 to 50,000.00 Per Annum
Tax Clerk	\$ 28,000.00 to 40,000.00 Per Annum
Tax Assessor	\$ 35,000.00 to 45,000.00 Per Annum
Planning/Zoning Secretary	\$ 18.00 to 30.00 Per Hour
Construction Official	\$ 80,000.00 to 95,000.00 Per Annum
Technical Assistant Construction	\$ 35,000.00 to 45,000.00 Per Annum
Sub-Code Official	\$ 5,000.00 to 20,000.00 Per Annum
Code Enforcement	\$ 18.00 to 30.00 Per Hour
Recycling/Zoning Assistant	\$ 18.00 to 30.00 Per Hour
Fire Official	\$ 5,000.00 to 10,000.00 Per Annum
Fire Inspector	\$ 5,000.00 to 8,000.00 Per Annum
Municipal Judge	\$ 18,000.00 to 30,000.00 Per Annum
Court Administrator	\$ 60,000.00 to 75,000.00 Per Annum
Deputy Court Administrator	\$ 18.00 to 30.00 Per Hour
Director Information Technology	\$ 80,000.00 to 90,000.00 Per Annum
Police Chief	\$135,000.00 to 162,000.00 Per Annum
Police Captain	\$115,000.00 to 140,000.00 Per Annum
Police Lieutenant	\$110,000.00 to 135,000.00 Per Annum
Police Sergeant	\$105,000.00 to 130,000.00 Per Annum
Patrol Officer per PBA Step Guide	\$ 45,000.00 to 120,000.00 Per Annum
SLEO Class II	\$ 20.00 to 25.00 Per Hour
Part-Time Police Clerk	\$ 18.00 to 35.00 Per Hour
Crossing Guard	\$ 15.00 to 25.00 Per Hour
Crossing Guard – Five Corners	\$ additional 3.00 Per Hour
Public Works Supervisor	\$ 95,000.00 to 105,000.00 Per Annum
Laborer/Operator	\$ 55,000.00 to 65,000.00 Per Annum
Foreman	\$ 2,500.00 to 3,500.00 Per Annum
Part-Time Public Works	\$ 15.00 to 25.00 Per Hour

Recreation Director	\$ 5,000.00 to 8,000.00 Per Annum
Emergency Management Coordinator	\$ 4,000.00 to 6,000.00 Per Annum

2. The salary, wage or compensation of each of the Officers or employees named in section one of this ordinance shall be paid every two weeks in 26 equal installments.
3. Any Ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.
4. This Ordinance shall take effect upon final adoption and publication as required by Law.

DATED: April 4th, 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 March 21st, 2024.
Laid over and advertised for public hearing and final adoption on April 4th, 2024.

CITY OF ABSECON

ORDINANCE 08-2024

**ORDINANCE REAPPROPRIATING \$670,000.00 PROCEEDS OF
OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES
TO PROVIDE FOR CAPITAL PROJECTS IN 2024**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABSECON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$670,000.00 of the proceeds of obligations originally made available pursuant to the following bond ordinance of the City of Absecon, in the County of Atlantic, New Jersey are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Ordinance #</u>	<u>Improvement Description</u>	<u>Amt to be Re-appropriated</u>
5-2022	2022 Road Program finally adopted 4/21/22	\$ 670,000.00

Section 2. The \$670,000.00 proceeds described in Section 1 made available pursuant to N.J.S.A. 40A:2-39 are hereby re-appropriated to provide for the following improvements and acquisitions:

Pedestrian Safety	\$ 290,000.00
Recreation Improvements	\$ 146,000.00
Police Vehicles/Equipment	\$ 224,000.00
Firehouse Equipment	\$ 10,000.00

Section 3. The capital budget of the City of Absecon is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATED: April 4th, 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 March 21st, 2024. Laid over and advertised for public hearing and final adoption on April 4th, 2024.

CITY OF ABSECON

ORDINANCE 10-2024

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,
CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE XXIII – SIGNS**

WHEREAS, the State of New Jersey, by enacting the *Municipal Land Use Law* (N.J.S.A.40:-55d-1 et seq.), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55d-62); and

WHEREAS, section 62 of the *Municipal Land Use Law* requires that a municipal zoning ordinance and zone plan be drawn “with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land” within the municipality; and

WHEREAS, the City of Absecon (“City”) first adopted a comprehensive zone plan and zoning map in or about 1978; and

WHEREAS, on November 28, 1989, the City adopted Ordinance No. 11-1989, thereby adopting an amended Zoning Map for the City; which Zoning Map has been further amended from time-to-time; and

WHEREAS, on June 10, 1993, the City adopted Ordinance No. 3-1993, thereby enacting Chapter 224 (Land Use and Development) as part of the City Code for the City of Absecon (“Chapter 224”); and

WHEREAS, Chapter 224, which has been amended from time-to-time, remains the current body of development regulations for the City; and

WHEREAS, there is a desire to update the signage ordinance in response to advancement in technology increasing competition of regional discount stores and global on-line sales of services and merchandise; and

WHEREAS, there is ten (10) zoning districts that are not listed in Chapter 224, Article XXII, Signs, Permitted Signs Schedule A, Sign Areas Schedule B, Number and Dimensions Schedule C; and

WHEREAS, there is a desire to encourage economic growth in the City of Absecon by allowing advertising signs, roof signs and animated digital signs for commercial properties in all business districts including Feather Signs in public right-of-ways.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, County of Atlantic and State of New Jersey that Chapter 224, Article XXIII, be amended to read as follows:

SECTION 1.

Article XXIII, Signs, Chapter 224 of the Absecon City Code (Land Use and Development) is herewith modified to include:

Schedule A 1, Permitted Signs by Sign Type and Zoning District by Structural Type;

Schedule A 2, Permitted Signs by Sign Type and Zoning District by Functional Type;

Schedule B, Maximum Total Sign Area Per Lot by Zoning District;

Schedule C, Part 1, Residential Districts, R1, R2, R3, CR-Conservation/PK- Parkland;

Schedule C, Part 2, Central and Community Business Districts, Train Station Area Overlay District;

Schedule C, Part 3, Highway Commercial, Highway Development, Design Commercial and Marine Commercial Districts; I- Overlay IVD- Community, SCHCO-Senior Citizen Housing Community District, ARHO-Age-Restricted Housing Overlay District, Inclusionary Village Development, MURD-Multi-Unit Rental Development, SNHD-Special Needs Housing Development District.

Schedule C, Part 4, Industrial and Planned Industrial Area Districts;

Schedule C, Part 5, Church, Institutional and Schools/Public Building Districts;

Schedule C, Part 6, Multi-Unit Residential, R4-High-Density Residential District, R- Residential Intensive District, PSCC-Planned Senior Citizen

§224-162. Definitions, is hereby amended to include the following:

“Feather Sign” means a fabric or cloth containing distinctive, color, pattern or symbols, which refers to the offer for sale of products, property, accommodations, services or attractions or activities or attracts attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

§224-169, Signs in the Public Right-of-Way, is hereby amended to include the following:

C. Permitted Signs.

(3) **Feather Signs.** Feather Signs are permitted in the front of business establishments on private property and in the public pedestrian right-of-way (sidewalk) area subject to the following specifications:

- i. Maximum sign height of eight feet above the sidewalk surface and maximum width of three feet.
- ii. Signs shall be placed in such a manner as to not block pedestrian access in the public pedestrian right-of-way. The Zoning Officer and Code Enforcement Officer shall have the authority to remove signs from the public pedestrian right-of-way, if the official determines that it is blocking public access and may be a hazard to the public.
- iii. Maximum sign area: 36 square feet per side.
- iv. Sign area (each side) is in addition to the permitted maximum sign area.
- v. Signs must be made of durable weatherproof material.
- vi. Signs cannot be placed within 25 feet of another adjoining feather or sandwich sign in the public pedestrian right-of-way.
- vii. Only one Feather Sign shall be placed in front of each commercial establishment in which it advertises.
- viii. Feather Signs shall only be displayed during a business' hours of operation and shall be otherwise removed from display.

- ix. Feather Signs shall be place within three (3) feet of the facade of the business.
- x. In addition to other requirements of this section, every Feather Sign must be kept in good condition and repair and shall not be allowed to become dilapidated. Feather Signs shall be appropriately secured so as not to become a hazard to persons or property. Whenever a feather Sign shall become dilapidated or unsafe the zoning officer and/or Code Enforcement Officer shall order such sign to be repaired or removed within seven (7) days from the date of such Order or sooner if in the case of a Feather Sign that poses an imminent threat to health or safety. Thereafter, if the condition continues to exist, the City may cause the same to be rectified, charging the cost to the record owner of the premises and may cause the denial of future permits for Feather Signs.
- xi. No person shall erect or allow a feather sign that encroaches into the public pedestrian right-of-way area without having received a license from the City. Such license shall require the business establishment to provide a policy of insurance naming the City as an additional insured for an amount to be determined by the City Council. A license in not required in the event the sign is located on private property.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

This ordinance shall take effect upon final adoption and publication as required by law.

DATED: April 4th, 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 March 21st, 2024. Laid over and advertised for public hearing and final adoption after Planning Board Review. Planning Board Review was completed March 27th, 2024. Public hearing and final adoption will be held April 4th, 2024.

CITY OF ABSECON

RESOLUTION 67-2024

A RESOLUTION HONORING AUTISM ACCEPTANCE MONTH

WHEREAS, April is Autism Acceptance Month and is dedicated to celebrating and promoting acceptance, understanding, and inclusion of individuals that are on the autism spectrum; and

WHEREAS, individual with autism contribute valuable perspectives and talents to our community, and it is important to recognize and celebrate their unique abilities; and

WHEREAS, promoting autism acceptance fosters a more inclusive and supportive environment where individuals with autism can thrive and reach their full potential; and

WHEREAS, by honoring Autism Acceptance Month, the City of Absecon reaffirms its dedication to promoting acceptance, understanding, and inclusion for individuals with autism.

NOW THEREFORE, BE IT RESOLVED that the City Council of Absecon hereby recognizes and honors Autism Acceptance Month in the City of Absecon and encourages all residents to promote understanding, and celebrate the unique strengths of individuals on the autism spectrum.

Dated: April 4th, 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 4th, 2024**

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

CITY OF ABSECON

RESOLUTION 68-2024

**A RESOLUTION AUTHORIZING THE CITY OF ABSECON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11 (5) authorizes contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, NJEdge.Net, Inc. hereinafter referred to as the “Lead Agency” has offered voluntary participation in the EdgeMarket Cooperative Pricing System for the purchase of good and services; and

WHEREAS, on April 4th, 2024, the governing body of the City of Absecon duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

WHEREAS, City of Absecon within the County of Atlantic, State of New Jersey, desires to participate in the EdgeMarket Cooperative Pricing System; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Absecon, County of Atlantic, State of New Jersey, that pursuant to the provisions of N.J.S.A. 40A:11-11(5), Kimberly Horton, the Mayor of the City of Absecon, on behalf of the City of Absecon is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

BE IT FURTHER RESOLVED, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

Dated: April 4th, 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 4th, 2024.**

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

CITY OF ABSECON

RESOLUTION 69-2024

**A RESOLUTION AUTHORIZING THE CITY OF ABSECON TO REJECT
ALL BIDS FOR THE CBD STREETSCAPE IMPROVEMENTS – PHASE 4**

WHEREAS, bids were accepted on March 28, 2024 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, Municipal Engineers, with the City Administrator recommend rejecting all bids, due to the bids exceeding the budget, for the CBD Streetscape Improvements – Phase 4 and authorize re-advertising.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Absecon, is hereby rejecting all bids for the CBD Streetscape Improvements – Phase 4 and authorizes re-advertising for such bid.

Dated: April 4th, 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 4th, 2024.**

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

CITY OF ABSECON

RESOLUTION 70-2024

**A RESOLUTION AUTHORIZING THE CITY ENGINEER,
REMINGTON & VERNICK, TO DESIGN AND COORDINATE
BIDS FOR THE 2024 ROAD PROGRAM**

WHEREAS, the Public Works Committee of the Municipal Council has determined the need for road paving of various streets in the City of Absecon during 2024 in Absecon; and

WHEREAS, the firm of Remington & Vernick Engineers has provided a proposal to undertake the design, bid coordination and related services for the 2024 Road Program for a fee not to exceed \$95,000.00; 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 # C-04-34-205-015 \$ 95,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Absecon that the firm of Remington & Vernick Engineers, is hereby authorized to administer the design and bid coordination for the 2024 City of Absecon Road Program for a sum not to exceed \$95,000.00.

Dated: April 4th, 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 4th, 2024**

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



**REMINGTON
& VERNICK
ENGINEERS**

2819 Fire Road, 1st Floor
Egg Harbor Township, NJ 08234
O: (609) 645-7110
F: (609) 645-7076

April 2, 2024

Jessica Thompson, Administrator/CFO
City of Absecon
500 Mill Road
Absecon, New Jersey 08201

**RE: 2024 Road Program
City of Absecon
Atlantic County, New Jersey
RVE File No. M2024-091**

Dear Ms. Thompson:

Remington & Vernick Engineers (RVE) is pleased to present this proposal to provide professional services for the 2024 Road Program in the City of Absecon. Based on the City's Pavement Inventory Report and consultation with the Public Works Committee, we recommend the following schedule of improvements for this project.

Roadway Reconstruction/ Mill and Overlay (0.64 total roadway miles)

Chelsea Road from Woodcrest Avenue to Mill Road (0.13 mi)
Creek Road from Shore Road to Terminus (0.11 mi)
Michigan Avenue from Absecon Boulevard to New Jersey Avenue (0.09 mi)
Richmond Circle from Shady Lane to Terminus (0.07 mi)
Veteran's Way from New Road to Terminus (0.13 mi)
Woodcrest Avenue from New York Avenue to Chelsea Road (0.11 mi)

Roadway Micro-Surfacing (0.00 total roadway miles)

None

Miscellaneous Improvements

Fourth Avenue Drainage Improvements from Sooy's Lane to Terminus
Pitney Road Sidewalk Improvements between Crestview Avenue and Woodland Avenue

The scope of improvements proposed for this project will include roadway reconstruction; constructing and reconstructing curb, sidewalk, and driveway aprons; installing and upgrading drainage facilities; milling and overlaying existing pavement, where warranted; upgrading accessible curb ramps, where needed; traffic striping, markings and signage, where appropriate; site clearing; traffic control; site restoration; and other incidental improvements. Please note that micro-surfacing improvements are not proposed as part of the 2024 Road Program. Please also note that Veteran's Way is located on property owned by New Jersey Transit. RVE will coordinate the proposed improvements with New Jersey Transit as necessary to facilitate construction.

Our scope of services for this project will include pavement core testing, field survey and drafting, engineering design, bid coordination and review, contract administration, and onsite observation during construction.

We have provided a summary of anticipated project costs for your review below. As you are aware, the City has been awarded \$269,995.00 in grant funding through the New Jersey Department of Transportation (NJDOT) Fiscal Year 2024 Municipal Aid Program for the reconstruction of Chelsea Road and Woodcrest Avenue.

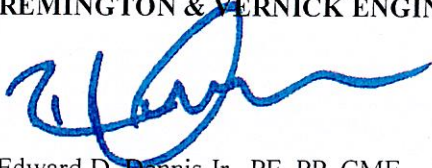
Estimated construction budget:	\$1,107,000.00
Engineering services:	\$95,000.00
Construction services:	\$65,000.00
Material testing:	\$2,995.00
Total estimated project costs:	\$1,269,995.00
FY2024 NJDOT funding:	-\$269,995.00
ESTIMATED CITY EXPENDITURE:	\$1,000,000.00

It is our understanding that, at this time, the City intends to proceed with the engineering portion of this project, and that separate authorization will be provided for construction services upon award of a construction contract. As detailed above, Remington & Vernick Engineers will complete the engineering services specified herein for a lump sum amount of **\$95,000.00**, to be invoiced monthly on a percent-complete basis. We are prepared to begin work on this project immediately upon your direction and City authorization to proceed.

Should you have any questions, comments, or require additional information, please feel free to contact me in our Egg Harbor Township office by phone at (609) 645-7110 or via edward.dennis@rve.com.

Very truly yours,

REMINGTON & VERNICK ENGINEERS



Edward D. Dennis Jr., PE, PP, CME

Copy service:

Councilman Nick LaRotonda, President – City of Absecon (via email: nlarotonda@abseconnj.org)

Councilman Tom Marrone, Public Works Committee – City of Absecon (via email: tmarrone@abseconnj.org)

Mayor Kimberly Horton – City of Absecon (via email: khorton@abseconnj.org)

Carie A. Crone, Municipal Clerk – City of Absecon (via email: ccrone@abseconnj.org)

Correspondence File (City of Absecon)

Project File (M2024-091)

CITY OF ABSECON

RESOLUTION 71-2024

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF DONATED
REPAIRS AND MAINTENANCE FOR THE ABSECON DOWNTOWN CLOCK**

WHEREAS, City Council supports the beautification and maintenance of Absecon's Downtown Main Street; and

WHEREAS, the Absecon Downtown Clock, located in the Downtown Main Street area, is an important landmark and part of the character of that area; and

WHEREAS, the Absecon Historical Society has expressed its support for efforts to beautify, maintain, enhance, and help restore Absecon's Downtown Clock which is in need of repairs and restoration; and

WHEREAS, the Absecon Historical Society is a recognized 501(c)3 charitable organization; and

WHEREAS, the Absecon Historical Society previously assisted with raising funds for to renovate 100 New Jersey Avenue in order to create the Absecon Historical Museum; and

WHEREAS, the City of Absecon may accept charitable contributions for various purposes pursuant to New Jersey Law; and

WHEREAS, the Council of the City of Absecon have considered the Absecon Historical Society's proposed contribution and are desirous of accepting the proffered contribution, and have determined that said contribution will not be put to any use which is inconsistent with the laws of this State and the United States; and

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

1. The City of Absecon will accept the contribution of repair and appearance maintenance from the Absecon Historical Society in assistance to the City and its taxpayers and in order to maintain this important landmark; and
2. Absecon Historical Society will coordinate such efforts with Absecon's Department of Public Works and will provide to the City an indemnification and hold harmless agreement prior to the clock restoration efforts as may be required by the Atlantic County Municipal Joint Insurance fund; and
3. The Mayor and City Clerk are authorized to execute all such documents and instruments, if any, necessary to effectuate the aforesaid contribution.

Dated: April 4th, 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 4th, 2024**

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

April 2, 2024
02:54 PM

City of Absecon
Bill List By Vendor Id

Page No: 1

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
Range: First to Last Rcvd: Y Held: Y Aprv: N
Format: Condensed Bid: Y State: Y Other: Y Exempt: Y
Vendors: All Include Non-Budgeted: Y
Rcvd Batch Id Range: First to Last

Vendor #	Name							
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type	
9722	ASCAP							
24-00202	03/04/24	2024 LICENSE AGREEMENT	Open	364.00	0.00			
A0005	ABSECON BOARD OF EDUCATION							
24-00305	04/02/24	APRIL 2024 SCHOOL PAYMENT	Open	1,034,941.17	0.00			
A0034	ABSECON CITY PAYROLL ACCOUNT							
24-00277	03/28/24	PP7 3/28/24	Open	188,540.07	0.00			
A0253	ATLANTIC CITY ELECTRIC							
24-00304	04/02/24	MARCH 2024 UTILITY	Open	20,962.16	0.00			
A0282	ACTION UNIFORM CO. LLC							
24-00286	04/02/24	CROSSING GUARD UNIFORM	Open	2,014.00	0.00			
B0121	R W BROWN LANDSCAPING CO. LLC							
24-00278	04/01/24	FERTILIZER ALL FIELDS	Open	3,750.00	0.00			
C0027	COLLIERS ENGINEERING							
24-00284	04/02/24	PROFESSIONAL SERVICES	Open	339.79	0.00			
C0180	CASA PAYROLL SERVICES							
24-00276	04/01/24	PAYROLL PROCESSING PP7 2024	Open	247.20	0.00			
D0087	DEL-X COMMUNICATIONS, LLC							
24-00288	04/02/24	PROFESSIONAL SERVICES	Open	917.50	0.00			
D0099	DIVAL SAFETY EQUIPMENT, INC.							
23-01224	10/25/23	TURNOUT GEAR	Open	6,980.00	0.00			
E0070	ED & GENE'S KING TIRE LLC							
24-00275	04/01/24	VEHICLE MAINTENANCE	Open	543.32	0.00			
24-00302	04/02/24	VEHICLE MAINTENANCE	Open	100.74	0.00			
				644.06				
F0087	FMHUB, LLC							
24-00264	03/19/24	ELECTRONIC MUNICARD	Open	500.00	0.00			
G0061	GRIMLEY LAW							
24-00307	04/02/24	MARCH 2024 PROSECUTOR	Open	2,400.00	0.00			
G0064	GRAINGER							
24-00283	04/02/24	DOOR SUPPLIES	Open	43.75	0.00			
G0126	GENSERVE, INC							
24-00229	03/14/24	MAINT PUBLIC WORKS	Open	785.00	0.00			

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
H0083	HORIZON BLUE CROSS	24-00297	04/02/24	APRIL 2024 DENTAL	Open	3,934.99	0.00		
I0019	INTERNATIONAL POINT OF SALE	24-00227	03/07/24	PAPER FOR E-TICKETS	Open	95.00	0.00		
L0016	FRANK J. LENTZ, ESQ	24-00306	04/02/24	MARCH 2024 PUBLIC DEFENDER	Open	600.00	0.00		
L0051	LAUREL LAWNMOWER SERVICE, INC.	24-00282	04/02/24	MOWER PARTS	Open	160.98	0.00		
N0029	NATIONAL HIGHWAY PRODUCTS	24-00233	03/18/24	SIGNS/SUPPLIES	Open	984.25	0.00		
		24-00281	04/02/24	SIGNS	Open	444.00	0.00		
						1,428.25			
N0077	NJ OFFICE OF ATTORNEY GENERAL	24-00236	03/18/24	TUNING FORK INSPECTION	Open	310.00	0.00		
N0091	NETWORK CONNECTIVITY, INC.	24-00287	04/02/24	MAY 2024 SERVICES	Open	3,645.74	0.00		
P0014	PEDRONI FUEL CO	24-00298	04/02/24	GASOLINE	Open	219.45	0.00		
P0026	PUBLIC SAFTEY TRAINING	24-00065	01/29/24	EMT TRAINING	Open	375.00	0.00		
P0040	PUBLIC EMPLOYEES RETIRE.SYSTEM	24-00274	04/01/24	ANNUAL EMPLOYER APPROPRIATION	Open	203,349.00	0.00		
P0041	POLICE & FIRE RETIREMENT SYS.	24-00273	04/01/24	ANNUAL EMPLOYER APPROPRIATION	Open	863,389.00	0.00		
P0114	PRO VIDEO ENGINEERING, INC.	24-00289	04/02/24	CAMERAS SYSTEM @ FIREHOUSE	Open	515.00	0.00		
Q0004	QUILL CORPORATION	24-00230	03/18/24	SUPPLIES	Open	911.83	0.00		
R0004	ROK INDUSTRIES, INC.	24-00272	03/25/24	TAX LIENS ADVERTISED	Open	1,365.00	0.00		
R0007	REMINGTON & VERNICK ENGINEERS	23-00392	04/24/23	PROFESSIONAL SERVICES	Open	500.00	0.00		B
		24-00308	04/02/24	PROFESSIONAL SERVICES 2/29/24	Open	6,367.50	0.00		
		24-00309	04/02/24	PROFESSIONAL SERVICES	Open	1,362.50	0.00		
						8,230.00			
S0003	STC WATER TREATMENT SERVICE	24-00290	04/02/24	MARCH 2024 WATER TREATMENT	Open	104.00	0.00		

April 2, 2024
02:54 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
S0019	SOUTH JERSEY GAS CO.						
24-00292	04/02/24	MARCH 2024 UTILITY	Open	3,675.98	0.00		
T0044	TREASURER						
24-00293	04/02/24	FEB DOG REPORT	Open	34.20	0.00		
T0092	TOSHIBA BUSINESS SOLUTIONS,USA						
24-00300	04/02/24	COPIER COUNT/MAIN.	Open	14.87	0.00		
T0096	TOSHIBA FINANCIAL SERVICES						
24-00285	04/02/24	COPIER LEASE 4/9-5/8	Open	414.95	0.00		
U0009	UNIVERSAL COMPUTING SERVICES						
24-00267	03/19/24	MESSAGE MAILERS & NOTICES	Open	528.00	0.00		
V0012	VISION SERVICE PLAN (EA)						
24-00303	04/02/24	APRIL 2024 SERVICES	Open	237.34	0.00		
V0022	VERIZON						
24-00299	04/02/24	MARCH 2024 SERVICES	Open	149.67	0.00		
Total Purchase Orders:		42	Total P.O. Line Items:	0	Total List Amount:	2,357,116.95	Total Void Amount: 0.00