



CITY OF ABSECON
Municipal Complex
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Absecon, New Jersey 08201

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CITY COUNCIL
REGULAR MEETING
JUNE 6TH, 2024 6:30 PM
MINUTES

FLAG SALUTE – Mayor

ROLL CALL

PRESENT: Council President Pro-Tem Richard DeRose, C Steve Light, Tommy Marrone, and Christine Parker

ABSENT: Councilmembers Sandy Cain and Alex Clark, and Council President Nick LaRotonda

ALSO PRESENT: Mayor Kim Horton, City Administrator/CFO Jessica Thompson, City Engineer Ed Dennis, City Solicitor Bill Blaney Esq., City Clerk Carie Crone, Police Chief J.R. Laughlin

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

REGULAR MEETING AGENDA

2024 ORDINANCES FOR INTRODUCTION

15 Amending the Code of the City Absecon creating Chapter 323 – Tree Removal and Replacement.

Motioned for the first reading of Ordinance #15-2024: Councilman Marrone; Seconded: Councilwoman Parker

E. Dennis: Explained that the Ordinance is a result of a collection of State requirements for the Stormwater Management Program administered by the NJDEP. The City is mandated to adopt various Ordinances. This Ordinance regards tree removal and is the first of the City's kind. The State published a model Ordinance to use as a template, which the City amended and tailored to meet the City's objects. The State requires each municipal to adopt some form of Tree Removal Ordinance.

Roll Call: Cain – Absent; Clark – Absent; DeRose – Yes; Light – Yes; Marrone – Yes; Parker – Yes; LaRotonda – Absent

This Ordinance will be posted, laid over, and published according to law. A Public Hearing, second, and final reading will be held on June 20th, 2024.

2024 RESOLUTIONS – CONSENT AGENDA

- 92** Approving the insertion of a Special Item of Revenue into the 2024 Municipal Budget to allow for the receipt of \$150,000.00 from the New Jersey Department of Transportation.
- 93** Approving the insertion of a Special Item of Revenue into the 2024 Municipal Budget to allow for the receipt of \$105,500.00 from Atlantic County for resurfacing portions of New Jersey Avenue.
- 94** Approving the insertion of a Special Item of Revenue into the 2024 Municipal Budget to allow for the receipt of \$4,200.00 from the State of New Jersey Highway Traffic Safety.
- 95** Approving the insertion of a Special Item of Revenue into the 2024 Municipal Budget to allow for the receipt of \$27,025.54 from the State of New Jersey Clean Communities.
- 96** Approving the insertion of a Special Item of Revenue into the 2024 Municipal Budget to allow for the receipt of \$100.00 from the Atlantic Utilities Authority.
- 97** Approving the insertion of a Special Item of Revenue into the 2024 Municipal Budget to allow for the receipt of \$71,000.00 from the New Jersey Department of Community Affairs.
- 98** Authorizing the sale of personal property not needed for public use under N.J.S.A. 40A: 11-36.
- 99** Authorizing the Mayor to enter into a License Agreement/Hold Harmless Agreement with Atlantic County concerning Streetscape Improvements within the County Right of Way on New Jersey Ave. (CR 601).
- 100** Authorizing the modification of the physical address of Block 115, Lot 6.01 to 301 Morton Avenue.
- 101** Authorizing Change Order No. 1 for the CBD Streetscape Improvements – Phase 4.
- 102** Authorizing the City Engineer, Remington & Vernick, to design and coordinate bids for the Meadowview Avenue Sanitary Sewer Rehabilitation.
- 103** Authorizing the City Engineer, Remington & Vernick, to design and coordinate the bids for the Safe Streets to Transit Program Crestview Ave. Pedestrian Safety Improvements – Phase 2.
- 104** Authorizing the City Engineer, Remington & Vernick, to design and coordinate bids for the resurfacing of Pitney Parks Tennis Courts.

PUBLIC PORTION – (Agenda items only)

Motioned to open to the public: Councilman DeRose; Seconded: Councilman Marrone
All in Favor, None Opposed.

Harry Hartman – 632 Woodland Avenue: Asked whether Ordinance #15 requires residents to get City approval to remove a tree.

E. Dennis: No. Explained that there is wording in the Ordinance (because of its original template) which requires trees of a certain larger size to be replaced, however, there also exists an entire section of exemptions. All trees included in a resident's building envelope are exempt.

H. Hartman: Asked what a building envelope is.

E. Dennis: Provided brief explanation, essentially stating that a building envelope encompasses the area in which a person may build on their land. This would have the majority of a person's property be exempt.

H. Hartman: Asked how he would know his building envelope.

E. Dennis: That information is in the City's zoning Ordinance.

H. Hartman: Complained that it still requires residents to have to go to the City.

E. Dennis: Denied. Explained that there is not permit or application process. The setback information is available to access online. Clarified that this ordinance is meant to prevent clear cutting of lots.

Council President Pro-Tem DeRose: Emphasized that this Ordinance is mandated by the State of NJ. The City was able to a happy medium between respecting its residents, while also following State law. Thanked E. Dennis and Public Works for their work in creating the Ordinance.

Acknowledged that they are still figuring out the most efficient means to spread this information amongst the public in plain language.

E. Dennis: Compared to the regulation similar to constructing a shed, in that it must be within their setbacks.

H. Hartman: Still expressed confusion.

E. Dennis: Reiterated that the exemption is stated in the first section. Read the exemption out loud.

Mark Mazzone – 616 Pitney: Has issue with Ordinance #15, especially for residents. Asked how the City will know how many trees are on each property and asked who exactly will be enforcing the ordinance. Complained about the intrusiveness of government. Believes the Ordinance should only be applicable to businesses who want to build on a lot. Complained about tree growth on sidewalks and the City's lack of action on the matter.

Council President Pro-Tem DeRose: Reiterated that this Ordinance was not initiated by the City, and is mandated by the State. Compare to other municipalities, Absecon's ordinance is very limited/restrictive.

E. Dennis: The City waited to propose this Ordinance until they figured out how to proceed under the considerations mentioned.

M. Mazzone: Reiterated his belief that the Ordinance should not be applicable to residents.

Complained about other State laws he considers unacceptable. Presented a number of hypothetical scenarios.

Councilman DeRose: Pointed out that all scenarios were covered under exemptions.

M. Mazzone: Asked whether he, himself, could make determinations or whether an inspector would. And if the inspector, how-so.

E. Dennis: Explained that documentation could just be provided for the problem.

M. Mazzone: Asked whether a landscaper or tree expert would need to be contacted.

E. Dennis: No, and in fact, the City removed wording which originally required the determination be

made by a licensed tree person.

Councilwoman Parker: Admitted that upon first hearing about this Ordinance, was apprehensive. But after attending the Public Works Meeting and learning about the Ordinance's specifics, no longer feels apprehension. Absecon's Ordinance is a much more simplistic version of the kind.

M. Mazzone: Does not want to be approached and told to plant a tree.

E. Dennis: Explained that there are so many exemptions, it is very unlikely anyone will need to replace a tree. There is an exemption which allows residents to remove up to 3 trees during a 5-year rolling period.

Councilman DeRose: Reiterated that the Ordinance is very restrictive.

M. Mazzone: Asked what the penalty is for not planting a replacement tree.

E. Dennis: \$500.

M. Mazzone: Asked what the penalty is for running through a stop sign.

Chief Laughlin: The Court would have to be referenced for fines. The Police Dept. does not set the fines.

M. Mazzone: Claimed the answer is \$250.

Chief Laughlin: Corrected him that there are different scales.

M. Mazzone: Claimed a \$250 fine is the minimum. Complained about the difference between the two fines.

Council President Pro-Tem DeRose: Stated that Council does not mandate traffic. Emphasized how difficult it would be to earn a fine for this Ordinance.

E. Dennis: Mentioned, also, that once there is an offense, the resident has 72 hours to rectify the issue and have the fine cleared.

M. Mazzone: Asked who set the fine amount.

E. Dennis: The fine is consistent with other municipalities ordinances.

Greg Seher - 625 Yarmouth Avenue: Asked how much time is permitted to replace a tree.

E. Dennis: 12 months.

G. Seher: Asked if the replacement need to be any certain kind of tree.

E. Dennis: The replacement tree is generally supposed to be similar to the kind of tree removed, and minimum caliber of 1.5in.

G. Seher: Stated that the requirements seem reasonable.

Alex Perri – 620 Yarmouth Avenue: Expressed his support for the Ordinance. Believes it to be a step in the right direction. Mentioned that it will also earn the City points with Sustainable Jersey. Admitted that he was personally pushing for a more intense Ordinance. Recognized the need for some kind of system in order to enforce the measure.

E. Dennis: The Ordinance says the replacement tree should be planted at the resident where one was removed, however if that is not possible, the City will find a location where the replacement tree can be planted.

A. Perri: Requested that locations be identified and shared with the public. Someone will be needed to coordinate with Public Works to identify suitable locations. Expressed concern that, without a permit system, it will be difficult for the City to properly monitor tree removal and replacement. Encouraged the City to amend the Ordinance to include a permitting process, so that a proper record may be maintained.

Council President Pro-Tem DeRose: This Ordinance is like any other, in that there is no monitoring system. For example, if someone builds a deck and does not get a permit, usually how the City finds out is by a neighbor who reports it. Ultimately, there are people who abide by the law and those who don't.

A. Perri: The NJDEP designed this Ordinance to ensure the betterment of the environment. Without measures to ensure accountability, the ordinance loses its meaning.

Council President Pro-Tem DeRose: Indicated how that would be another step the Public Works Committee would need to take.

Councilman Marrone: Shared they already debated the matter often as A. Perri attends the Public Works meetings.

Bill Blaney: The Pinelands nearby have been very strict on tree removal for the past 20-30 years. It's common for people to report any tree removal they see to the proper authorities. For this specific Ordinance, if someone violates the Ordinance, the amount of tree removal will be notable through observation (Google Maps/Earth/Street-view).

Councilman Marrone: Commented how he and A. Perri approached the matter from opposing viewpoints, and fortunately, they were about to come to an agreed acceptance. The City must act in accordance with the State's mandate, but does not personally want to impose restrictions on property owners. Supports trees and the environment.

A.Perri: Emphasized that he does not want the City to violate any NJDEP orders.

Council President Pro-Tem DeRose: Commented on how pleased he was to see such great discussion between those at the dais and Council. Emphasized the importance of open and constructive conversation/communication.

Motioned to close to the public: Councilman Light; Seconded: Councilman Marrone
All in Favor, None Opposed.

CONSENT AGENDA VOTE

Motioned to move Consent Agenda: Councilman Marrone; Seconded: Councilwoman Parker

Roll Call: Cain – Absent; Clark – Absent; DeRose – Yes; Light – Yes; Marrone – Yes; Parker – Yes; LaRotonda – Absent

APPROVAL OF BILL LIST – \$ 366,411.08

Motioned to accept: Councilwoman Parker; Seconded: Councilman Clark

Roll Call: Cain – Absent; Clark – Absent; DeRose – Yes; Light – Yes; Marrone – Yes; Parker – Yes; LaRotonda – Absent

APPROVAL OF MINUTES

Regular Meeting Minutes – 4/4/2024

Regular Meeting Minutes – 4/18/2024

Regular Meeting Minutes – 5/2/2024

Motioned to accept: Councilman DeRose; Seconded: Councilman Light

Roll Call: Cain – Absent; Clark – Absent; DeRose – Abstain (5/2), Yes; Light – Yes; Marrone – Yes; Parker – Yes; LaRotonda – Absent

REPORTS

Councilman Light – Parks & Playgrounds: Have not met since last Council Meeting. Next meeting will be on June 17th at 7PM. The public is welcome. Thanked Public Works Dept. for their hard work. Has received many compliments from Absecon residents and those from other communities about the great quality of our sport areas. The first Concert in the Park will be on June 23rd at 7PM and will feature the Fabulous Silver Wings. Thanked Mrs. Leipe and the National Honor Society for their work at Veteran's Park.

Councilman Marrone – Public Works: Had a meeting on the previous Monday. Next meeting will be on July 1st at 5PM. Many topics of discussion have already been addressed (Tree Ordinance and Streetscape).

E. Dennis: There was a positive change for the Streetscape Project. The Project went out to bid twice due to financial reasons (not enough funding for lighting in first bid). So, lighting was included in the second bid as an option, and was awarded without the inclusion of lighting. Because the

project includes the repaving of New Jersey Avenue (County road), the City requested the County reimburse the City for the paving work, which the County agreed to. This allows the City to use that funding for the original lighting, which will match all other work completed on New Jersey Ave. (Resolutions #92-97).

Councilman Marrone: At the meeting discussed: Phase II of the Crestview Ave. Project, which involves the creation of a proper path from the bike path to the playground; a grant for the resurfacing of tennis courts; debate about whether to turn one of the tennis courts into a pickleball court (not yet decided); and, the entrance to the redevelopment site on Route 30 opening for access. Echoed Councilman Light's praise of the entire Public Works team. Gave a shout out to Lloyd Jones and Isaac.

Councilwoman Parker – Community Affairs: Met prior to the Council Meeting. Discussed the Memorial Day Parade and Senior Brunch, which both occurred since last Council Meeting. The Memorial Day Parade was a success despite the rain. Thanked the volunteers, VFW, American Legion, Councilmembers, Community Affairs, and the Absecon PD. The Ceremony at the end of the Parade was beautiful. This past Saturday was the Senior Brunch at the Methodist Church, which also had great attendance (76 seniors). Volunteers included the Woman's Club, Councilmembers, Community Affairs, Senior Center, and HSHS/Attalea/ACIT students. There were many donations kindly provided (e.g. Absecon Blooms). Also discussed possibly resurrecting the City's Halloween Parade to accompany the Halloween Movie in the Park. Asked if anyone had any input, to please reach out. There is no July meeting due to the holiday. Next meeting will be on August 1st at 5:30PM.

Councilman DeRose – Public Safety: Next meeting will be July 1st at 6PM. Informed the public that Galloway EMS has been doing a stellar job working with the Absecon Police and community, which has earned them significant positive feedback. The Fire Dept. announced that they updated their boat and are working with other communities to share that Absecon Fire Dept. now has water-rescue capabilities.

Chief Laughlin: As of today, their calls for service have reach 17,643. Since April 1st, they have received 47 DV calls, 68 MV crashes, 1,066 MV stops, 22 shoplifts, 21 thefts, and 5 warrant arrests. Emphasized the dangers of Route 30. At his recent State Chiefs Meeting the NJ Division of Highway Traffic Safety (HTS) expressed their extreme concern about the unprecedentedly high number of fatality crashes occurring throughout the state. There have been 3 fatalities on Route 30 so far this year. Over the next 3 weeks they will be conducting blitzes on Route 30 paid for by the HTS to curb excess speed and careless driving. Asked the public to come out with Saturday June 8th from 9AM-12PM for Hooked on Fishing. The date and movie for their Christmas in July event will be upcoming. Thanked Lt. Huenke, Officer Ben Masino, Officer E.J. Adams, and Officer Hannah Fischel for their participating in the LEAD program at Absecon schools. The program begins in February and the graduation was this past Monday. Noted that the program requires a lot of dedication by the Officers.

Lt. Huenke: The Law Enforcement Against Drugs (LEAD) Program replaced the DARE Program few years ago and is more modern and updated to teach lessons that will keep kids engaged. The Program addresses peer pressure, how to handle emotions, dangers of drugs, tobacco, and alcohol, and the tools to avoid being in situations where they may be tempted/tested to use illegal substances. The Police are engaged with the students and are on first-name-bases with the students. This establishes a relationship between the Police and students in which students feel comfortable enough to approach the Police even outside of school, whether just conversationally or to actually seek some kind of help. The Police reap the benefits of a positive relationship with the students, teachers, etc. as well. Officers Masino, Adams, and Fischel did a tremendous and dedicated job, even coming in on their days off to make sure the lessons were completed. The Absecon PD anticipated continuing the Program and possibly even expanding the number of Officers involved.

Councilman Marrone: Thanked Officer Masino for calling bingo numbers at the Senior Brunch.
Chief Laughlin: Again, thanked the Officers involved in LEAD. The Officers in LEAD need a specific set of skills to efficiently teach children and he could not be more proud of the Officers that Absecon has involved.

Council President Pro-Tem DeRose: Commended Absecon PD for their amazing job community policing, as well as doing the harder and darker police work.

Chief Laughlin: Absecon PD makes an intentional active effort to community police, especially inside the school.

J. Thompson – CFO/Admin.: Many grants are coming into the City. There are also many projects moving along.

E. Dennis – City Engineer: Although the Resolution list seems long they are practically all related. A number of grants were received. The engineering for the Crestview Project (Phase II) was approved and will now begin, so that it may go out to bid. Phase I of the Project will encompass the construction of sidewalk from Pitney Road to Morton. The plans for Phase I have been sent to the State for review and will soon go to bid. They still are meeting with residents again to review with them the final plans. On the Agenda tonight is a grant for the tennis court. Also on the Agenda is for the City to proceed with the sanitary sewer rehab on Meadowview, which is a result of issues discovered when videoing sewer lines. The slip lining of the pipes will be funded with money from the sewer budget.

Mayor Kim Horton: Thanked Councilwoman Parker and Commander Sedlak for organizing the Annual Memorial Day Parade. Described the joyous and honorable ceremony, noting the Police presence and the fact that Councilman DeRose was the keynote speaker. Last Saturday was the Senior Appreciation Brunch at the Methodist Church. Thanked all the volunteers, as well as the co-chair Betty Howell and Senior Center Advisory Chairman Mary Polson. Also thanked Preferred Care for partnering with Community Affairs for the Brunch. As co-chair of the event, apologized to the seniors who attended and felt uncomfortable when Congressman Jeff Van Drew and his supporters came to the event to socialize and politic. Condemned the action, calling the community event “not the time nor place.” This morning she, Councilmembers Marrone and Clark, Lt .Huenke, and Capt. Mazer attended the Absecon school’s Annual Honors Brunch. Commented that the students were a credit to their wonderful teachers. Honored the 80th anniversary of D-Day.

Council President Pro-Tem DeRose: Expressed frustration with the inconveniences residents have had with viewing Council Meetings. Opined that this Council Meeting has been a perfect showing of government, in that there has been great conversation and input. Wants more residents to be able to observe the workings of the City’s Council at the meetings. Emphasized the importance of transparency. Criticized the complexity of their former viewing system.

PUBLIC PORTION

Motioned to open to the public: Councilman Marrone; Seconded: Councilman Light
All in Favor, None Opposed.

Diana Ferenelli – 243 E. Wyoming Avenue: Shared that her house fronts Route 9 and backs Oak Ave. She has an issue that has been unable to be rectified. There is a gas smell entering her house through her air conditioner. Permitted work was done on Oak Avenue in January and February, which has resulted in a gasoline smell within her home. Believes the work completed earlier this year is at fault for the new smell. Has spoken with E. Dennis, the City, South Jersey Gas, NJ American Water Co., and cannot gain any information about any work completed around her house since 2006. Understands that when the street needs to be opened, there ought to be some kind of permit obtained by the working company. Unable to get any assistance with the odor issue. On

Memorial Day, she called South Jersey Gas and the Absecon Fire Dept. to come out and check, however nothing was found. Is concerned about the gas fumes she is inhaling. Discovered today that by calling 811 Dig, you can find information about underground projects. In January and February a JF Kiely did work behind her house. Stated that although she has contacted many people about the issue, no one has been able to rectify it. Believes at one point someone made an error of some kind which has resulted in this smell issue.

Council President Pro-Tem DeRose: Shared that this situation would be a perfect case for the NJ Board of Public Utilities. They oversee all matters discussed. Utilities must report to the Board. Offered to send the Board an email on D. Ferenelli's behalf.

D. Ferenelli: Considered submitting an OPRA request but discovered that some agencies of the government are not subject to OPRA requests. Frustrated with lack of documentation.

Council President Pro-Tem DeRose: Re-directed D. Ferenelli to the Board.

D. Ferenelli: Complained that there are no City records for any work completed.

Councilman Marrone: As head of Public Works, will work in tandem with Councilman DeRose to address the issue. Provided his and Councilman DeRose's contact information.

Council President Pro-Tem DeRose: Assured that he will initiate the contact between D. Ferenelli and the Board.

D. Ferenelli: Expressed urgency due to her health issues. Complained, again, about the lack of records had by the City and the City Engineer.

C. Crone: Reminded D. Ferenelli that she found one record for a Street Opening on Oak.

D. Ferenelli: Confirmed. Will collect her contact information. Asked whether she should still file an OPRA Request.

Council President Pro-Tem DeRose: Could not decide that for her. Assured her that he will help with the issue though.

D. Ferenelli: 811 Dig informed her that they had record of JF Kiely being on and surveying her property without her knowledge or permission.

Council President Pro-Tem DeRose: Informed her that federal law allowed them. 811 is a federal program.

D. Ferenelli: Asked whether she should have been informed.

Council President Pro-Tem DeRose: Because it is a federal law, cannot speak to what is permitted.

B. Blaney: Suspects there's an easement which would allow access to mark-outs.

Councilman Light: Asked whether he equipment was looked at.

D. Ferenelli: Confirmed.

Greg Seher – 625 Yarmouth Avenue: Asked whether panhandling was illegal by Ordinance in Absecon.

Council President DeRose: Explained that panhandling is a protected act as long as it's not a safety issue.

B. Blaney: The City has looked at relevant ordinances recently, based upon complaints, but the current ordinances are as strong as they can be.

Council President Pro-Tem DeRose: The person whose property they on would have to consider them trespassing. Knows that G. Seher likes policy, so suggested he read up on the matter in Asbury.

G. Seher: Asked for an update about potential speedhumps.

Council President Pro-Tem DeRose: Shared that the request has been relayed to the County twice. They indicated they would look into the traffic pattern when work will be completed.

E. Dennis: Informed G. Seher that one of the applications submitted to the NJDOT is to install speed humps on streets nearby schools. Also, they will also be sharing a traffic report for Pitney Road with the County Engineer. Informed G. Seher that the issue with Pitney Road is that there is too much traffic, and so it is not recommended to install speedhumps in the location.

G. Seher: Asked whether recommended or allowed.

E. Dennis: Unsure, the information is in the County Engineer Manual.

Alex Perri – 625 Yarmouth Avenue: Gave an update on behalf of the Green Team. They received 3 dogwood trees from Atlantic City Electric, and after meeting with Lloyd to choose a location, the trees were planted. Also the Team received their \$400 earned through road cleanups. Thanked Glenn Insurance for their donation to the Community Garden. Have almost met their fundraising goal for the Garden. Next meeting is this upcoming Monday at 6PM at Garden State Beer Co. Councilman Light: Knows some people who wish to donate materials for enhancements in the park (e.g. flowers, mulch) before the Concerts in the Park begin. A.Perri: Suggested they reach out to him via email.

Motioned to close to the public: Councilwoman Parker; Seconded: Councilman Marrone
All in Favor, None Opposed.

CLOSED SESSION - #106 – Contract Negotiations

B. Blaney: In accordance with the Open Records Act N.J.S.A. 10:4-6, the City Council will go into Closed Session. Closed Session is to discuss contract negotiations. Action may be taken after.

Motioned to enter Closed Session: Councilman Marrone; Seconded: Councilman Light
All in Favor, None Opposed.

(Closed Session)

Motioned to adjourn Closed Session and re-enter the meeting: Councilman Marrone; Seconded: Councilman Light
All in Favor, None Opposed.

ADJOURNMENT

Motioned to adjourn: Councilwoman Parker; Seconded: Councilman Marrone
All in Favor, None Opposed.

Respectfully submitted,



Carie A. Crone, City Clerk

Approved: 6/20/24