



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

Carie A. Crone  
City Clerk

PH. (609) 641-0663 ext. 101  
FAX (609) 645-5098

**JANUARY 21, 2009  
REGULAR & WORK MEETING  
MINUTES**

**FLAG SALUTE** – Mayor

**PRAYER** – **Monsignor Coyne**  
Retired from St. Elizabeth Ann Seton Church

**ROLL CALL**

**Present:** Fishman, Green, Vizthum, Gorman, Caterson

**Absent:** Falivene

**Also Present:** Mayor Elco, Terry Dolan, Jessica Thompson, Carie Crone, Bill Gasbarro

**PRESIDENT’S STATEMENT ON THE SUNSHINE LAW  
NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED**

**REGULAR MEETING AGENDA**

Motion to accept the Resignation of Councilman Joseph Marczyk made by Councilman Fishman – second – Councilman Vizthum  
All were in favor.

**29** Filling the vacant Councilperson, Ward 2 position.

Motion for nomination of Chris Seher by Councilwoman Gorman – second Councilman Vizthum

Roll Call: Fishman, yes; Green, yes; Vizthum, yes; Gorman, yes; Caterson, yes

**ADMINISTRATION OF OATH OF OFFICE**

Councilman Fred Green swore in Chris Seher.

**Lynn** – explained how the order of the meeting would go tonight.

**Bill** – explained the rights of Council and the order for tonight. He explained how the Zoning Board works and their jurisdiction and what powers council has over that board and how appeals work.

## **PUBLIC PORTION**

Motion to open to the public – Councilman Green – second – Councilwoman Gorman  
All were in favor.

**Paul Casaccio** – developer along with father-in-law, Ralph Clayton of Absecon Mobile Home Park – gave a brief history of land and purchase of new trailers. He showed diagrams and pictures of new homes to be constructed and explained what is in them. He showed pictures of other developments they own and run. He talked about the leases and the screening involved with the tenants.

**Kari O'Brien – 4 Hillside Circle** – resident since 1984 and doesn't know all the facts, but her main concern is the destruction of the trees. It was upsetting to see that happen and is very upset. Asked if he really has to put 14 new units there.

**Paul** – 14 will go back and it is still less than before with the 19 residential units prior.

**Jerald Greenberg – 110 Cedar Hill Drive** – lived here since 1978. Asked how the homes are taxed and do they pay individually?

**Lynn** – explained taxes on a commercial property that are paid by the owner not individual.

**Paul** – each municipality handles it differently. Right now they are using the cost approach, which takes the cost of the land plus all the improvements to the land. The second way is the income approach. Each year after we file a form that describes our income to the tax assessor's office. They can elect to select that approach.

**Mr. Greenberg** – concerned about children living there and the family not paying taxes to the city. Do the people purchase the home or lease it?

**Paul** – they purchase the home and then pay a land lease.

**Mike Assad – 106 Minnetonka Ave.** – (member of the school board) the council president is correct in that we are below our adequacy since our enrollment is low at 830 students, which is low for a town our size. The impact is that we receive less state funding because of that enrollment.

**Thea Riley – 106 Park Circle** – thought it was going to be developed with homes and was shocked to hear that it wasn't. Wanted to know if it was posted in the paper, or announced to any neighbors? Haven't heard that anyone got a notice.

**Paul** – everyone within 200 ft. was noticed and there were people who commented at the meeting and it was also published in the paper.

**Thea** – the land has been stripped and no attempt to keep it aesthetically pleasing. Were any of these concerns mentioned? This was also all done after the new assessments came in. A trailer park by definition is low-income housing, there is no other way to consider it. Feels there is animosity when it comes to the Shores? Wants the project stopped until all the laws have been discussed or all the ramifications handled.

**Chris Seher** – has been on the zoning board for 35 years until tonight, so he was there for this. He wanted it said tonight that we are talking about a pre-existing non-conforming use that exists in a Highway Commercial Zone area. It is not zoned residential and it is not part of the Shores community, it is highway commercial. Along that same strip are other businesses and gave examples that have been there along with this trailer park. He then explained what the zoning board does. This applicant came before us seeking an interpretation, where they could just put in replacement trailers with the site looking the same way or what they came in with for the 21<sup>st</sup> century known as manufactured homes, placed on foundations, which are done in other communities, and in his opinion, look much more aesthetically pleasing than the existing ones. There will be no less taxes generated, but more. Trees can be taken down without any permits, so he could have done that and exposed the old trailers had he wanted to, but he asked to put a different type of mobile home.

**Thea Riley** – still concerned about the school issue and she doesn't want to have to pay for the new kids. It may have been advertised or published, but it was not publicized and we were not given the opportunity ahead of time to voice our opinions. Feels our property values will go down with this.

**Larry Galvin – 203 Burning Tree Blvd.** – asked Paul if received any variances? Is it correct that there is a home 5 ft. from the WHP?

**Paul** – yes, bulk variances but doesn't recall the number. No it's about 20-25 ft. set back and explained the right-of-way. There were 3 entranceways off the WHP and now there will be 1.

**Larry** – with the speed limit, you don't think that is going to cause some accidents?

**Paul** - That was all handled by the DOT in the application.

**Stav Koutsfetsoulis - 207 Burning Tree Blvd.** – feels strongly about the tax issue and offended that the kids that will live there will receive the same benefits that hers do just living in Absecon. Does it have to have an entrance/exit onto Reed Road or can't you make it only off the WHP like the other commercial properties?

**Patrick Lewis – 113 Woods Road** – this past week is the first I've heard of this and it's unacceptable. We have representatives on council that are supposed to represent our needs and I shouldn't have to read the legal ads to see how council can screw me next. This has been going on for 10 years.

**Lynn** – gave an explanation of what has happened over the years.

**Mr. Lewis** – thinks parking and traffic will be horrendous. Thought we elected council to look out for us.

**Renee Galvin 203 Burning Tree Blvd** – agrees that the developer wants to make every amount that he can. She is disappointed in council. Her kids went through the school system here and there were many fundraisers. Questioned the bus issue.

**Glenn Hayden – 133 Webb Road** – these people here tonight have been complaining to us as members of the planning board and he is defensive because of that. They have serious concerns and he thinks we need to look into what happened. You said they didn't need a use variance, so why did they go to the Zoning Board?

**Chris** – They came before us before they had a pre-existing non-conforming use of a mobile home park in a highway commercial zone and they came for an interpretation of that existing use with putting new manufactured homes.

**Glenn** – if you don't need a use variance you don't go to the zoning board for a site plan.

**Chris** - Typically, the site plan goes to the board who hears the initial application. Just like the Zoning Board preferred to control the Visions site but the Planning Board took it over.

**Glenn** – we did not take that over. The applicant came to us. They made that decision. I don't know the answer or the law. We can have the land use attorneys look into that.

**Chris** – we had a land use attorney who represented the zoning board and he is well qualified.

**Delois Campbell – 119 Woods Road** – walks in the area and has seen the trailers. She asked Paul if he had to get approval to replace the cottage type homes and the ship with the trailers.

**Jerry Savell – 1100 Plymouth Landing Road** – wishes the communication/sound problem could be fixed with the council meetings. Our website could be used better for information to get out there. He did voice his concerns to both Chris and Drew when he saw this application was coming before the zoning board. He feels it doesn't follow the Master Plan of the city.

**Colleen Kelly - Woods Road** – wants all of council's information up on the website and when people are up for election, they should tell them something that you did for us.

**Isolde Elias - 206 Cynwyd Drive** – everyone knows there is a major drainage problem at the intersection of Reeds Road and WHP. Hopes it was looked at. How and who will they be maintained? Someone needs to keep him accountable. Who do I go to then?

**Lynn** – the city administrator and Councilman Green and the Public Works dept. will do that.

**Chris** – told Mr. Elias that was reviewed with their plans by the zoning board engineering who is also the city engineer.

**Theresa Lewis – 113 Woods Road** – the problem across the country is that the homeowner is getting screwed. She finds it appalling that no one knew about this for 10 years ago.

**Robert Kusnirik – 200 Briarcliff Place** – explained the neighborhood over the years and what has happened. People in the shores have fought for many things over the years, and we did not want commercial property at the entrance to the Shores. The big shock is the trees coming down and other issues mentioned tonight. Knows there are limitations on council as to what they can do, but we have to communicate with the public better. Does not see how the setbacks are so close to the line. This has been approved already and he has little confidence that it can be overturned but he feels council call a meeting with all representatives of each group and the developer and try to resolve this.

**Pam Clark – 102 Park Circle** – used to own the dance studio on the pike and when she wanted to expand the parking lot, we spent tons of money notifying everyone around us just for the parking lot and leave the tree barrier. I live where you can actually see this property and called when I saw the trees coming down and no one knew about it at city hall. I don't know how we missed this. Feels her house will drop in value, so her taxes should go down.

**Bill** – explained the noticing process and the 200 ft. list.

**Don Clark – 102 Park Circle** – disappointed really and realizes that everyone here is doing their best but it seems the impression we're getting is that we're covered and we did everything you could and we're going to tell you what we are not at liberty to do. This may go in but everyday that it's there, until I can sell my house and get out, the people who live there are going to know we don't want them. It has nothing to do with the cost of the housing or anything else; it's just the entrance to our neighborhood.

**Joe Doody – 120 Woods Road** – has a brother who lives within 200ft. but he can't believe two didn't open their mail. He then questioned the noticing process.

**Chris** – again explained it to the public. Will work on the communication process to make it better.

**Mrs. Carr - 410 Burning Tree Blvd.** – is a walker and has gone through that area and it's a beautiful area but to see those trees down was horrible.

**Lucille Pipitone – 204 Cynwyd Drive** – wanted to know if the developer would consider building 2 or 3 homes instead?

**Lynn** – right now it's zone commercial. A person could come before the zoning board and get a use variance for a new use. So yes, the owner could possibly go for a use variance. Someone could buy the park and not continue the non-conforming use and put a use that is allowed in the zone too.

**Bill** – explained the appeal process and court process.

**Bill Griffiths - 403 Cynwyd Drive** – only been living in the Shores for 5 years but knows the area. The whole attitude of council seems like it changed over the last ½ hour and you are trying to help out now. He appreciates all of you being sympathetic to our cause. Just wanted to thank you.

**Don Clark – (again)** don't they need some type of CAFRA approval or anything?

**Chris** – a lot of this is from memory and typically development on a state road goes to them for reviews as well as when you are on a county road and they would do certain reviews.

**Drew** – asked the documents be in a place for the residents to look at.

**Robert Kusnirik –(again)** wanted a clarification of the number of trailers.

Motion to close public portion – Councilman Green – second – Councilman Vizthum  
All were in favor.

## WORK MEETING AGENDA

ORDINANCES AND RESOLUTIONS LISTED BELOW ARE FOR DISCUSSION AND MAY BE ACTED UPON AT THE REGULAR MEETING OF CITY COUNCIL.

### 2010 ORDINANCES

- 01** Amending the Code of the City of Absecon, Chapter 69, Police Department, Article 1, General Provisions, Section 1, Creation.

**Lynn** – explained this came out of the budget meeting and our ordinance mandating the number of officers and positions. We thought it made sense to add flexibility that there may be up to 3 lieutenants, but if we all decide only 2 or needed then we would have that option. Same for the sergeants and so on.

**Mayor** – being in my position as the person tied to the police dept., I wanted some more time for this ordinance because I haven't had time to discuss it with the chief when I found out this was moved from the last budget meeting. Has it gone to the public safety committee?

**Lynn** – as I said in the phone conversation, we are going to discuss it in the work session, which we are in now.

**Fred** – we have discussed this in the public safety meeting for the past 3-4 months. It came up because I wrote the ordinance back in 2001 and there were a few things to get clarified. If we don't need that many lieutenants and sergeants, we want the option to be able to not that set amount.

**Mayor** – was not aware of that and we learn and build on it as we go on. I respect your position. Again I am hearing of this now and it hasn't been brought to my attention. Feels we need more discussion.

### HELD OVER UNTIL NEXT MEETING

### 2010 RESOLUTIONS

Lynn – confirmed that Res. 30 has the names that were omitted from the mayoral appointments at the last meeting. Res. 31 is a correction for their term dates.

- 30** Re-appointing members to the Planning Board
- 31** Amending Resolution 22-10, re-appointing members to the Zoning Board.
- 32** Authorizing a refund of an overpayment of taxes on the property located at 20 W. Summit Ave.
- 33** Authorizing the tax collector to cancel year 2009 property tax over-payments in amounts less than one dollar.
- 34** Authorizing the refund of overpayments of taxes on Block 289, Lot 1(C012C), Block 289, Lot 1 (C016D) and Block 289, Lot 1 (C021F).
- 35** Granting a Raffle License to the Holy Spirit High School Mother's Guild.
- 36** Authorizing the Mayor to enter into an Interlocal Agreement with the Atlantic County Improvement Authority for Senior Transportation Services.

**37** Accepting a Performance Guaranty and Engineer's Escrow for improvement on property known as Block 173, Lot 1, 236 E. Absecon Blvd. **HELD OVER**

**38** Authorizing the Mayor to enter into an Interlocal Agreement with the Atlantic County Improvement Authority for assessable walkways along Station Ave. and New Jersey Ave.

**Chris** – we got the message from the public tonight and Res. #37 is accepting the bond to proceed with their development. Do we have to act tonight to accept this bond?

**Bill** – if it's council's pleasure to move it from the consent agenda and act on it separately they can. You can have more discussion if you want.

**Terry** – it is complete to form and content which is what I represent to you, but there is no requirement that you must accept it just because it's acceptable.

**Lynn** – it was decided to pull it from the agenda.

**Lynn** – do I hear a motion to move Res. #37 into regular meeting or let it stay in work session.

**Chris** – do we even have to do that? Asked Bill if he thought it was reasonable for us not to take action tonight on the bond?

**Bill** – the primary purpose of the resolution is a final approval of all their conditions of approval. We can do it to review the document further.

**Terry** - The developer represented tonight that he would add vegetation along Reeds Road and that is part of the bond.

### **Consent Agenda**

Motion to move consent agenda consisting of Res. #30,31,32,33,34,35,36,38 made by Councilman Green – second Councilman Fishman

ROLL CALL: Seher, abstain; Fishman, yes; Green, yes; Vizthum, yes, abstain on 30; Gorman, yes, abstain on 30; Caterson, yes, abstain on 30 and 33

### **APPROVAL OF BILL LIST- \$ 1,495,775.28**

Motion to accept – Councilman Green – second – Councilman Fishman

ROLL CALL: Seher, abstain; Fishman, yes; Green, yes; Vizthum, yes; Gorman, yes; Caterson, yes

### **MONTHLY REPORTS**

For December

Tax Office - \$229,715.18

Construction Office - \$4119

Clerk's Office - \$2425.59

Court - \$6,730.70

### **APPROVAL OF MINUTES**

Regular Meeting Minutes – 12/3/09 and 12/17/09

Closed Session as to form and content only – 12/17/09

Motion to accept – Councilman Green – second – Councilman Vizthum

ROLL CALL: Fishman, yes on 12/3 & 12/17, abstain on closed; Green, yes; Vizthum, yes; Gorman, abstain on 12/3 and yes on 12/17; Caterson, yes

## REPORTS

**Mayor** – meeting with FEMA tomorrow to try and get something for the future.

**Chris** – thanked Fred for swearing him in and he looks forward to working with everyone.

**Drew** – welcomed Chris on council and congratulated Joe Marczyk today for his swearing in

**Fred** – welcomed Chris too and congratulated Joe and wished him luck in his new career.

**Jim** – congratulated Chris and glad he agreed to come onboard and they could not have picked a better Judge. Also congratulated Mike Blee on the new baby. The Economic Dev. Mtg. is 2/4.

**Bobbie** – glad to see everyone feel comfortable and come to council but wish it were a less adversarial attitude. Thanked Lynn for trying to make it calm. Having Paul was a good idea too.

Welcomed Chris and wished Joe good luck. Senior Appreciation Dinner is on 2/21.

**Lynn** – has been talking to Terry about the website and more items will be posted soon. Appreciates the residents coming out and understands their feelings.

**Terry** – Stuart Wiser, the city planner had a productive meeting with CRDA specifically discussing potentially some money they may have to encourage develop around train stations. We actually have a development ordinance in plan near the train station that calls for a mixed residential and commercial use. The next thing is to ask the CRDA for help in environmental testing in that area and pre-development planning to see if we can be ready if it ever comes to fruition. Stuart feels it would be a legitimate application to submit to CRDA. I am asking your approval for this proposal from Stuart and then come back to you for approval to apply to CRDA for that money.

**Mayor** – also have had many conversations with them and they have a lot of background on it already.

## PUBLIC PORTION

Motion to open – Councilman Green – second – Councilman Fishman

All were in favor. No public comment.

Motion to close – Councilman Vizthum – second – Councilwoman Gorman

All were in favor.

## ADJOURNMENT

Motion to adjourn meeting – Councilman Vizthum - second – Councilwoman Gorman

All were in favor.

Respectfully submitted,

Carie A. Crone, Clerk

Approved: \_\_\_\_\_