



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

**JULY 1, 2010
REGULAR & WORK MEETING
MINUTES**

FLAG SALUTE – Mayor

PRAYER – Vocalist Vince Mavin, Absecon

ROLL CALL

Present: Seher, Fishman, Green, Falivene, Vizthum, Caterson

Absent: Gorman

Also Present: Mayor Elco, Terry Dolan, Jessica Thompson, Carie Crone, Mike Blee and Eddie Dennis

PRESIDENT’S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED - Jerry

PUBLIC PORTION

Motion to open to the public – Councilman Green - second – Councilman Fishman

All were in favor.

Lynn – she is aware people are here tonight to discuss the old Pinnacle site so she had Mike explain the state law to give you an understanding of the process. Anyone will still be able to address council.

Mike – read the state statute.

Carie Yakita - 21 Mechanic St. – glad you clarified a lot but hopes it’s not a mute point. It just happened in Millville so we know it’s possible. The developers blame the economy but she feels it is because the building is an eyesore and aesthetically it’s unappealing. It’s not the building that was proposed. She did not oppose the project when they first came to the planning board, due to it being senior housing, which she feels is a better use.

Lynn – zoning comes under Council but not a specific development, but an area.

Mike – explained the noticing process when applying to a board, which depends on whether or not there are variances or the relief they are seeking. He then explained how it works if Council wants to rezone an area.

Tula Christopoulos - 37 W. Church St. – senior citizen is the fastest growing market so why couldn’t they sell the units? Wanted to know who were the sales people and are they related to the builder and how much salary did they earn in their failed attempt to sell the units and what were the builders net salaries while building this property?

Mike and Lynn – explained how the property was sold, who owns it now and what can happen.

Susan Rasera - 49 W. Church St. – is more concerned with the maintenance of the property. If her property looked like that she would probably get a violation letter. We see it everyday and it's a mess. There is not even a sign in front of the building advertising it for sale, so how can they sell them? They say they are marketing it but how can you with something that looks like that? Why should we approve a change if they really haven't tried?

Lynn – can't tell you how many calls our administrator made to the bank, trustees in bankruptcy court and our solicitor as to what you described. We were not legally able to do anything.

Terry – we did everything we could at bankruptcy court to get project completed, sold, auctioned or cleaned up.

Mike – explained what happens when someone files bankruptcy and the procedure.

Joseph Courter - 615 Hay Road - is a licensed architect and planner and has a question on the redevelopment zone. With this project, what was the density in the zoning ordinance at the time of approval or was it contingent on it being a senior citizen project in that zone?

Chris – thinks it was left up to the discretion of the board hearing the application.

Mr. Courter – according to the state statute, it talked about public good. It would be hard for me to believe that the public would be well served if this became a non age-restricted project. That is not in the public good.

Chris - we have a large crowd and believes most of them are here tonight to talk about this site. Asked Mike Blee that the applicant we believe who is now in control is going to go to the planning board of Absecon and attempt to get an approval based on a state law that would pass that might allow them to convert to 55 and over to open market. They would have to present certain criteria to the satisfaction of the planning board. Based on your knowledge is it possible for a board to turn down a conversion based on findings of the application?

Mike – does not want to step on the toes of the planning board attorney and secondly I don't have an application but the law says there are certain criteria you have to meet. If they don't, the board does have the discretion as long as they don't act arbitrary and capricious. Without a lot of case law, being that it's new, I can't give definite answers.

Carie Yakita – if the developer decides not to go ahead with the project, what can we do to start over that lot? Can we ever afford to get rid of the building if it failed again?

Lynn – it's privately owned, so we can't do anything. We will be keeping an eye on it as we've had.

Drew – you have two separate issues here. One is with whether or not there is a redevelopment zone application or not and that could come to council which would be separate from the planning board part.

Pat Sheeran – 134E Crestview Ave. –here about the Visions project and I heard earlier you said in order for that to be converted to an open market project, you would have to change the zoning in the entire zone. Is that correct?

Mike – explained the two ways to get zoning changes on a property.

Pat - was present at the meeting when Amboy Bank was here and said they would be back to council, so it appears that want to go that route. What is the process for this?

Lynn – we haven't heard anything yet. We would want our planner to review any request they make before we talk about it at council. Then we would give the planning board opportunity for input before we would even address it.

Terry – explained what has happened with the bank since they were at the council meeting.

Dick Fetter - 22 Berkley Ave. – it's evident from all the comments tonight that we are all concerned with what is going to happen to Absecon. Has seen a lot happen, some good and some bad. Hopes that within your wisdom, you will see the righteousness of the things to do to keep Absecon a great little American town. Hopes council chooses well.

Motion to close public – Councilman Seher – 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

2010 RESOLUTIONS

106 Authorizing the advertisement for a part time deputy court administrator.

Lynn – explained Deanna is leaving to take a full-time position in another town.

MOVED

107 Authorizing the City of Absecon to accept donations for the beautification of public parks and buildings.

MOVED

Pete – explained this goes along with the NJ beautification and the revenue help from residents and businesses will help along with in kind donations of flowers, lighting and irrigation.

108 Authorizing a refund for vital statistic fees to Adams-Perfect Funeral Homes, Inc.

MOVED

109 Certifying the qualified participants from the Absecon Emergency Services in the Length of Services Award Program (LOSAP) for the calendar year 2009.

MOVED

110 Renewing alcoholic beverage licenses within the City of Absecon.

MOVED

111 Nominating Councilman Charles Norris to the League of Municipalities Elected Officials Hall of Fame.

MOVED

Pete – had one change in the resolution

112 Authorizing the acceptance of, and when authorized the release of various street opening permit security deposits.

MOVED

113 Authorizing the Mayor to sign a New Jersey Department of Environmental Protection permit application for treatment works approval for sanitary sewer modifications.

HELD

Lynn – explained the reasons for the cleaning out of this facility and it will be maintained by the ACUA. She explained that the amount of water will be monitored and billed to Pleasantville and they in turn will be the County. A road-opening permit will be required as well as us doing this resolution allowing them to do the work.

Fred – clarified that it's not our pumping station, it belongs to the ACUA.

REGULAR MEETING AGENDA

CONSENT AGENDA

Motion to move consent agenda consisting of Res. #106 to #112 made by Councilman Vizthum - second – Councilman Seher

ROLL CALL: Seher, yes; Fishman, yes abstain on 109; Green, yes; Falivene, yes, abstain on 110; Vizthum, yes; Caterson, yes

APPROVAL OF BILL LIST- \$343,910.22

Motion to approve – Councilman Green – second – Councilman Falivene

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

REPORTS

Mayor – thanked John DeRitis for the Hooked on Fishing. The Chief is working on the National Night Out on 8/3 at Pitney Park. Asked about the downtown project and confirmed that the funding is done through grants. Got a letter from Roger Steedle who had concerns about the project.

Jim – I asked Eddie to compile all the questions and suggestions and revise the plans regarding those ideas as to what can and can't be done. The downtown committee will go over the plan and then present it back to council.

Pete – we received a letter from Steve Barsey to us and wanted to know how this was going to be played out as far as discussion within this governing body.

Lynn – I don't think it's before us. My understanding it was a request for a payment of bills, we had legal questions and they've been answered. As far as I'm concerned it's done. She turned it over to Terry. I have not heard anything since.

Terry – I sent a letter back to the chairman of the PB saying that I was unable to pay those bills.

Pete – in the years we have talked about this in executive session and he thought this would too. He did not know a letter went out. What about the cost of the audit and examination regarding this? Do we know what it cost yet? Mr. Seher what do you think regarding this finances?

Chris – my understanding is that the PB Chairman and/or member have not come to a council meeting and speak to this issue. To the point of executive session, I am more than willing to do that this evening to discuss this. Mr. Blee had to step down due to potential conflict and this is routine business that we have a legal budget for attorney fees and this was handled as that at the request of council to get a legal opinion about this bill.

Lynn – you have to have a legal reason to enter executive session.

Terry - There was no bill for the auditor for this question. From time to time, myself or Jessica call them to ask them something and the question here was can the city overspend the municipal budget and the answer was no we can not.

Jim – already gave his report. Thanked everyone for coming out and wished everyone a happy safe 4th of July.

Jerry – thanked everyone for coming tonight. Concerts have started in the park and he hopes everyone enjoys their 4th.

Fred – also thanked all for coming out and he advised them to attend the Planning board meetings. His next meeting is 7/12 @ 7 p.m.

Drew – we need to see the public here for different things. To his knowledge they have not applied to the planning board yet. Thanked John DeRitis for the Hooked on Fishing program; it's a wonderful program. Has heard nothing from Comcast.

Chris - regarding Mr. Green's comments and the turnout tonight, and seeing those folks turn out for the appropriate Planning Board meeting when that application is heard would be beneficial. Thanked Drew and the Mayor for getting Mr. Norris the nomination for that commendation. Explained an article he read in the paper that stated that Absecon is the lowest in 10 years for tax increases.

Lynn – explained the tax bills will be late and the due date will be later. Brought up ordinance 7dealing with the stop signs on Rt. 9 and gave everybody a diagram of what it would be so they can go look and see for themselves. She wants to put it on the agenda for 7/15 so it can be discussed.

Terry – no report

PUBLIC PORTION

Motion to open –Councilman Green – second – Councilman Fishman

All were in favor. No public comment.

Motion to close – Councilman Falivene – second – Councilman Falivene

All were in favor.

ADJOURNMENT

Motion to adjourn meeting – Councilman Vizthum - second – Councilman Fishman

All were in favor.

Respectfully submitted,

Carie A. Crone, Clerk

Approved: _____