



CITY OF ABSECON
Municipal Complex
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Absecon, New Jersey 08201

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**OCTOBER 21, 2010
REGULAR & WORK MEETING
MINUTES**

FLAG SALUTE – Mayor

PRAYER – Lisa Whitaker, Youth With a Mission – spoke about her organization and experiences that she has had with the group

ROLL CALL

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

Also Present: Mayor Elco, Terry Dolan, Carie Crone, City Clerk, Mike Blee and Eddie Dennis

PRESIDENT'S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED – Lynn

PUBLIC PORTION

Motion to open to public – Councilman Green – second – Councilwoman Gorman

All were in favor.

Jerry Greenberg – 110 Cedar Hill Drive – received a letter from Rob Reid stating he is having trouble getting paid; he has looked at the bill and it seems to be in order so is there any reason you aren't paying it?

Lynn – she explained why and cannot be paid. She then explained the budget process to him and the amount the Planning Board was appropriated. She then explained how Rob's bill was submitted after the budget process. They had to then contact our conflict attorney, who has advised us that we cannot pay this bill. The work he did was beyond the scope of the Planning Board and therefore unauthorized.

Jerry – did not agree with Lynn's answer and he said that they probably have to file a lawsuit to get him paid.

Edward G. Hewitt – 300 Burning Tree Blvd. – he can't believe that the other residents did not know that the trailer park was there until Mr. Clayton removed the trees. I find this unacceptable. I did not contribute to their lawsuit after being asked twice and declining twice and he told them that he respected their differences and respected their perseverance. He thinks their bigots and he then explained how the Republican signs that he allowed on his property were taken. If this is what the Democratic party stands for then they deserve to lose at the next election. He thinks that they probably think he is "one of those other people" since he is gay. He doesn't see how this group of people can stand up and be proud of what they are doing. He then suggested the train overpasses be

painted just like the mural at the firehouse.

Bill Deconcini – 206 Briar Cliff Place – disagrees that Mr. Reid is not getting paid and it stinks. It seems coincidental that you ran out of money in the same time that Mr. Reid's letter came out. We can't find any money?

Jerry Cohen – 119 New Jersey Avenue – asked the status of downtown project.

Jim Vizthum – we are waiting for the report back from the state on the electric and it looks like probably two weeks out in getting ready to go out to bid.

Ed Hewitt – he received letter from Glenn Insurance stating that they can no longer insure due to the close proximity of the bay. You need to be 5 miles away from a body of water.

Jerry Savell – 1100 Plymouth Landing Road – enjoys watching the meetings but you still can't hear them on television. This problem has been ongoing for years and it should be looked into. In past years, in November Council used to be able to transfer money into different accounts to pay bills.

Motion to close – Councilwoman Gorman – 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

Lynn – gave a description of the 3 ordinances proposed for the Police Dept. No. 9 deals with the promotional tests and when they are deemed necessary to be given. There are times that these are given in advance and not necessary. No. 10 deals with a budgeting idea and rather than dictate how many of what officers there shall be, it indicates there will be a Chief of Police, up to 3 Lieutenants; up to 6 Sergeants and such other corporal, patrolmen, special officers, crossing guards, police patrons and whatever other employees deemed advisable by the Mayor. No. 11 concerns terminal leave. If an officer is out on terminal leave, we are permitted to replace that person in that higher ranking position even though that person is out on terminal leave and the second part would be a police officer regardless of rank, may not return to active duty after he/she has submitted terminal leave and it has been presented and approved by the authorities.

09 Amending the Code of the City of Absecon, Chapter 69 –Police Department, Article II, Section 69-11 – Rules and Regulation for Conducting Tests.

Mayor – the Chief is here tonight if we need any information or explanation. If a promotional test is deemed necessary he thinks this is in place for us. It is very important to the promotional situation and we would like it to continue, but there might be times where the test might be held because of the necessary to move people forward without the test having to take place. They are suggesting investigating the possible removal of section E.

Mike Blee then read section E, which deals with the posting of test results. It seems to be unfair and inconsistent. He recommends the deletion of the section. In tough economic times, it can be costly to administer the test.

Chief Cowan – explained that the testing agencies don't offer results and explained how they give the tests.

Jerry – in recent months we have had a surge of retirements in our upper ranks and without the testing we can't promote people to those positions. The idea came up so that we could alleviate our problem of having to go through the testing process and the committee agreed that we feel confident

in the Chief and Mayor to make the appropriate promotions as they seem fit.

Motion to amend this application by removing section E made by Councilman Falivene – second – Councilman Fishman

All were in favor.

10 Amending the Code of the City of Absecon, Chapter 69-Police Department, Article I – General Provisions, Section 1-Creation.

Jerry – Gives us the opportunity to restructure the dept. if necessary for budgetary reasons or any other reason. It adds the position of corporal, which is not in our collective bargaining agreement.

Fred – we talked about this 8 months ago, it's not going to change anything. It just gives us the opportunity to do so. It shouldn't come as a surprise to anyone.

Mayor – not sure language was agreed upon or not. He's concerned about Corporal being added if it's not in the contract. Would like it to go back to the committee.

Lynn – most of this language was discussed in our budget talks last year and it was given to the Public Safety Committee and there was agreement.

Mike – explained how the current ordinance reads. We've had situations where the word we have now made us have to fill those positions since it said that language. This will give the city flexibility of having up to 3.

Chris – was at the meeting and it was productive but there was no decision made since the Mayor was not there. He thinks this ordinance language is critical to move forward tonight. It won't change anything tonight or tomorrow but it can give us the possibility of changing it. It could also help us in the budget crisis and possibly not having to layoff anyone.

Chief – if we go below 25 officers we then go into overtime. Has no problem discussing it further.

11 Amending the Code of the City of Absecon, Chapter 69-Police Department adding Article VI – Terminal Leave.

Lynn – this changes two parts – promoting someone else in the spot for someone who is on terminal leave and also not being able to return to work if you are on terminal leave.

Mike – there was case law that departments were not stymied to continue effective operation if someone is out on terminal leave. Feels it's a fair tool for the Chief to effectively run the dept.

Bobbie – supports this 100% and appreciates Mike Blee for coming up with case law that allows us to do it.

2010 RESOLUTIONS

163 Approving the insertion of a Special Item of Revenue into the 2010 Municipal Budget to allow for the receipt of \$2,471.18 from the State Body Armor Fund. **MOVED**

164 Addressing the 2010 Municipal Budget. **MOVED**

165 Opposing the State's retention of energy taxes it collects on behalf of the Municipalities. **MOVED**

Lynn – this supports other towns as well; we aren't the other ones asking for this.

Jerry – recently in the paper there was an article about this and comments made from local officials. The first time he heard about this was 3 years ago and thanked Lynn for keeping up with this.

166 Supporting Assembly Bill A-3204

MOVED

164 Addressing the 2010 Municipal Budget

MOVED

Lynn – in a nutshell this says we have to stop the spending now. She then read parts of the resolution and what is covered.

Chris – has worked with Terry and he feels the second draft is clearer to everyone.

Mayor – wanted to know how discretionary or non-emergency will be determined. What makes on a non-emergency?

Chris – to justify it being critical, one needs to explain the need for the goods or services and why they need to be acquired before the next budget cycle.

Terry – explained what happens to the money and how it could be used at a later time.

Jerry – doesn't want this to come across to our dept. heads that we are "spanking their hands". They have done all they could to keep things in line, but under the circumstances with the budget, he doesn't think it's a bad idea to do this. Hopes they feel the same way and continue to do a good job.

REGULAR MEETING AGENDA

2010 ORDINANCES

08 Amending the Code of the City of Absecon, Chapter 266, Property Maintenance, adding section 266-5, Property of the City of Absecon.

Motion for second reading made by Councilman Green – second – Councilman Seher

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

Motion to open to public – Councilman Seher – second – Councilwoman Gorman

All were in favor.

Ed Hewitt –300 Burning Tree Blvd. - this is an excellent ordinance but he thinks the public should be encouraged to consider donating to these monuments and adding to them. Signs are needed.

Motion to close public portion – Councilman Vizthum – second – Councilman Fishman

All were in avor.

Motion for final reading and adoption made by Councilman Falivene – second – Councilman Vizthum

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

09 Amending the Code of the City of Absecon, Chapter 69 –Police Department, Article II, Section 69-11 – Rules and Regulation for Conducting Tests.

Motion for introduction – Councilman Green – second – Councilman Falivene

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

10 Amending the Code of the City of Absecon, Chapter 69-Police Department, Article I – General Provisions, Section 1-Creation.

Motion for introduction – Councilman Green – second – Councilman Seher

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

11 Amending the Code of the City of Absecon, Chapter 69-Police Department adding Article VI – Terminal Leave.

Motion for introduction – Councilman Green – second – Councilman Falivene

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

CONSENT AGENDA

Motion to move consent agenda consisting of Res. #163 to 166 made by Councilwoman Gorman – second – Councilman Fishman

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

APPROVAL OF BILL LIST- \$ 1,363,770.95

Motion to approve – Councilman Green - second – Councilman Seher

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

MONTHLY REPORTS – Carie read

APPROVAL OF MINUTES

Regular Meeting Minutes – 9/2/2010 and 9/16/2010

Closed Session as to form and content only – 9/16/2010

Motion to approve – Councilwoman Gorman – second – Councilman Vizthum

ROLL CALL: Seher, yes; Fishman, yes; Green, yes for 9/2 abstain for 9/16; Falivene, yes; Vizthum, yes; Gorman, abstain on 9/2 and yes for 9/16; Caterson, yes

REPORTS

Mayor – congratulated thanked ABCD for Absecon Family Fun Day, with special acknowledgement to Sue Melman and the other officers, trustees and volunteers.

Bobbie – working on the ordinance regarding the parking of cars on front lawns. Many different angles are being looked at; concerns from Chris Seher and she talked to Mike O’Hagan from code enforcement for input. Hopes by next meeting it can be considered. Announced upcoming events.

Jim – announced Blue Devils Homecoming and announced the Halloween trick-or-treating times.

Jerry – no report. Thanked all for the downtown fair and wished everyone a safe Halloween.

Fred – the New Jersey Ave. on the west side is having trees removed and sprinklers installed.

Thanked Lloyd for a good idea about solar lighting. We are investigating it now.

Drew – no report – thanked all for a family fun day.

Chris – touched on everything that was discussed at tonight’s meeting. Also spoke about the fair.

Lynn – spoke with a liaison of the state and discussed what we thought about municipal aid and the resolution we are doing about the utility fees and the requirements for OPRA requests.

Terry – no report

PUBLIC PORTION

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

All were in favor.

Ed Hewitt – 300 Burning Tree Blvd – thanked the Mayor for doing a commitment ceremony for a friend of his.

Motion to close – Councilman Green – second – Councilman Fishman

All were in favor.

CLOSED SESSION – #167-2010

Attorney Mike Blee – stated the reasons as:

1. Contract Negotiations specifically Teamsters Local 107
2. Under the litigation exception, specifically, Greenberg v. City of Absecon

No action will be taken following executive session.

Motion to enter closed session – Councilman Seher – second – Councilman Green

All were in favor.

Mike – it's now 9:40 p.m. and issues discussed were those announced before entering closed session.

ADJOURNMENT

Motion to adjourn meeting – Councilman Seher – second – Councilman Falivene

All were in favor.

Respectfully submitted,

Carie A. Crone, City Clerk

Approved: _____