

**CITY OF SEA ISLE CITY, NEW JERSEY  
CITY COUNCIL MEETING MINUTES  
TUESDAY, AUGUST 23, 2011 – 10:00 AM  
COUNCIL CHAMBERS**

**ATTENDANCE:** Mr. Edwardi, Mr. Kehner, Mr. McHale, Ms. Tighe and Mr. Divney, Also attending was Administrator Mr. Savastano, City Engineer Mr. Previti and Solicitor Mr. Baldini.

Council President Divney called the meeting to order and asked everyone to rise for the flag salute and prayer. He then announced that the meeting had been advertised in accordance with P. L. 1975, Chapter 231.

Mr. Divney then asked for a motion to adopt the minutes of the 8-9-11 Regular Meeting. Motion moved by Ms. Tighe and seconded by Mr. Kehner. All ayes followed.

**REPORTS-Mayor and Administrator:** Mr. Savastano announced that at the 9:00 a.m. Quality of Life meeting, there was a complaint about the condition of 79<sup>th</sup> Street and that it will be addressed this fall.

He next reported on his 8/4/11 meeting with the school administrator regarding a variety of issues such as fixing curbs, using the grounds for summer parking and use of the school facilities other than the gym especially in the summer.

Mr. Savastano went on to explain of the approximately 200 FEMA citations issued, only about 80 remain as all of the others have been dismissed.

The Administrator then reported that the Special Olympics on 8/22/11 was a success thanks to the Italian American Club, the Desiderio Family and all of the volunteers; the State received Bids for the Fall Beach Replenishment and Weeks Marine is the apparent low bidder and that beach tag sales have exceeded the anticipated amount by about approximately \$20,000.

Mr. Savastano next address Resolution No. 133 the Best Practices Check List. He explained that the State has mandated it be reviewed by the Governing Body at a public meeting. He went on to state that of the 50 questions, Sea Isle responded “No” to only six making the grade at 88%. He then identified the “no” answers for Council discussion. The first item was “has the municipality adopted a pay-to-play ordinance.” Mr. Savastano indicated that the City follows the State law regarding play to play with the award of all contracts. Mr. McHale suggested the City adopt an ordinance as suggested as Stone Harbor is doing that. There was much discussion among Council regarding the idea to spend the time and money to adopt an ordinance just to get the “yes” answer as most felt that following the State Law should be sufficient; however Mr. McHale felt it was an easy solution and Mr. Divney responding that last year there were 88 questions, it’s now down to 50 and that is perhaps due to the State continuing to identify repetitive questions and remove them from the list and if the City isn’t going to make the ordinance different from the State Law that it follows already and other municipalities respond the same then that will do more good than adopting an ordinance for the sake of getting a “yes”. The second item was an “Absence from Meeting Policy”. Mr. McHale asked if the Council should consider adopting a policy and Mr. Baldini indicated that the State Municipal Vacancy Law does have a provision and that he would provide a copy for Council to review. The third “no” item was if “elected officials receive quarterly reports of the status of all budget revenues.” Mr. Savastano indicated that regular reports were not provided, but that Council receives updates as requested or necessary and all agreed. Item four was if the City prepared a “budget history and projection showing a three year history” and he explained that the State Budget Document has one year history and the current year and that is what is available and all agreed there did not appear to be a reason to change. The fifth item was “limiting carry forward accrued vacation time” and Mr. Savastano indicated that all of the bargaining agreements have different policies regarding accrued time. The final “no” item six, was if a “joint yearly open public meeting with the local school board was done” and Mr. Savastano reminded Council it did have a joint meeting in 2010, but not in 2011 and that he frequently meets with the Administrator and during the failed budget process, two Council members met with school board members. Mr. McHale asked if the Council would like to start this process and Ms. Tighe stated that the school board meetings are very structured and does not encourage dialog or open discussion and that was the problem when trying to set up joint meetings, the board members did not want to participate in the type of meetings the Council have. Mr. Edwardi agreed as he recalled the difficulty in trying to set the meeting agenda. Mr. Divney indicated that board member, Dan Tumolo will be addressing Council under reports to better improve the communication.

Continuing with reports, Mr. Savastano addressed Ordinance No. 1509 on the agenda for second reading. He explained that he met with officers of the fire department to address concerns that they had and agreed to make minor changes that the solicitor has deemed insignificant. The changes include adding that the Mayor will take recommendations from the Fire Department regarding the appointment of the Chief and Assistant Chiefs (changed from Deputy Chiefs). He added that the officers expressed concern with the Administration’s ability to overrule the by-laws and while no change is being made, he assured them that this is on a last resort basis in the event the Fire Department needs intervention. He then read a letter of resignation from Fire Chief Mazurie and the Mayor’s response accepting the resignation.

The next report was about ordinance 1510 listed on the agenda. He indicated that it was appropriate to place on the agenda as a potential development of the shopping center has caused review of the master plan and also that a letter was received from another property owner asking the City to take action. The Planner from the City Engineer’s office and the Solicitor spent some time on the review and at this time Mr. Savastano recommended removing the ordinance from the agenda, but to continue the process of reviewing and discussing that area as there is a sense of urgency. Mr. Divney agreed with the recommendation to remove from the agenda as the application for development has been submitted and what is being considered is legal at this time. Mr. McHale agreed that there must be discussion as he feels there is a potential problem with density and egress.

Mr. Savastano went on to introduce City Engineer, Mr. Previti to address Resolution No. 128. Mr. Previti gave a summary of the infiltration and inflow issues of the city and the plan to address and correct conservatively 20% – 30% of

the problem and that relates to lower MUA costs. Mr. Divney then stated that he would open the meeting up to public comment on the resolution as Mr. Previti would be leaving.

**PUBLIC COMMENT-Resolution No. 128:**

**Dave Cohan-1500 S. Marine Pl:** Asked what the cost savings will be to homeowners and the pay back to the municipality as it is a large expense. Mr. Divney indicated cost was not the only reason to fix the problem, but the cost savings would be a good thing to know.

**Ann Organ-209 39<sup>th</sup> St:** Asked if the work is in conjunction with the County Landis Avenue project and Mr. Previti responded with an explanation of both projects.

**Lynn Shirk-209 54<sup>th</sup> St:** Asked if the Central Avenue Project will include I/I upgrades and Mr. Previti said yes.

Mr. Divney then closed the public comment for Resolution No. 128.

**REPORTS-Council:** Mr. McHale announced that the Environmental Commission is reviewing Avalon's Dune Management Plan ordinance to determine if it may make a recommendation to adopt something similar. He next announced that Beautification Award applications are available in City Hall. His final announcement was that St. Joe's will have Mass at 8:30 a.m. on 9-11-11, followed by the City Ceremony at Veteran's Park at 9:30 a.m.

Mr. Divney announced that quotes have been received for the turtle sculpture and are being reviewed as they are over the estimated cost.

Mr. Divney then introduced School Board V.P. and facilities Chair, Dan Tumolo. Mr. Tumolo announced that the school believes it will not have the funds to open in September, 2012 due to the loss of State Aid and have asked the Governor to close the school. He went on to suggest that there are 43 students in 2011 and there continues to be opportunities for the City to use the facility such as a parking lot on the unused portion of the play yard and extending the current use of the gym to include aerobics from 9:00 a.m. to 10:00 a.m., Monday, Wednesday and Friday. He then introduced the BOE liaison to attend council meetings, Don Boyle.

Mr. Edwardi asked if the Board was seeking available State loans and Mr. Tumolo said no. Mr. McHale said the City should talk with the Board for use of a parking lot and instead of putting an addition on the Lodge, use the funds to secure and renovate the school and the turn the existing Lodge into the Welcome Center and questioned if the Council should appoint a liaison to attend Board meetings. Mr. Divney questioned the economic feasibility of putting dollars into the school building and Mr. Tumolo indicated the final choice is to sell the building. Ms. Tighe asked if the Board will seek payment from the City for using the school and he said no.

Mr. Divney announced that the Revitalization/Chamber Gala would be held on September 12, 2011. It is the fundraiser that helps pay for the trolley and events at the new band shell.

**ORDINANCES – Second Reading and Public Hearing:**

Mr. Divney asked for a motion to take up ordinance 1508 for second reading and public hearing. Motion moved by Mr. McHale and seconded by Ms. Tighe. All ayes followed. The Clerk read the ordinance by title: **1508 – An Ordinance to Amend the Revised General Ordinances of the City of Sea Isle City, Chapters 2-24.2 and 4-7 “Towing” to Provide for Towing, Storage and Lockout Regulations to be Adhered to Within the City of Sea Isle City.** Mr. Baldini explained that this corrects the ordinance that indicates towing operators can be placed on a list and then called on a rotating basis. The City has been bidding the towing services for several years.

**PUBLIC COMMENT:** There was no public comment on ordinance 1508.

Mr. Divney then asked for a motion to adopt ordinance 1508 on second reading. Motion moved by moved by Mr. Edwardi and seconded by Ms. Tighe. All ayes followed.

Mr. Divney asked for a motion to take up ordinance 1509 for second reading. Motion moved by Mr. Kehner and seconded by Ms. Tighe. All ayes followed, except Mr. McHale voted no. The clerk read the ordinance by title: **1509 – An Ordinance to Amend the Revised General Ordinances of Sea Isle city, Chapter 20, “Police Department”, to Amend and Update the Regulations Governing the Sea Isle City Police Department.** Mr. Baldini announced that there was a minor amendment on page 9 to correct a typo on the word supercede; change “Deputy Chief” to “Assistant Chief” and add the “The Mayor will take into consideration the recommendation of the Fire Department in the appointment of the Chief and Assistant Chiefs”. He added that the amendments were not significant and the Council may adopt without further advertising.

Ms. Tighe stated that she wanted to ensure that no other ordinances or policies will be adopted to mandate the use of off-duty policy officers and Mr. Divney agreed. Mr. Savastano indicated there was no intention to adopt any mandates.

Mr. McHale indicated that he had no problem with the police section of the ordinance or the Mayor appointing the Chiefs, but the recently adopted new by-laws should not subject to an Administration over-ride.

**PUBLIC COMMENT:** There was no public comment on ordinance 1509.

Mr. Divney then asked for a motion to adopt ordinance 1509 on second reading. Motion moved by Mr. Kehner and seconded by Ms. Tighe. **VOTE:** Mr. Edwardi, Mr. Kehner, Ms. Tighe and Mr. Divney – aye. Mr. McHale voted no.

**CITIZEN COMMENT ~ Resolutions on Consent Agenda:** There was no public comment on the resolutions.

**RESOLUTION – Consent Agenda:**

**125** Authorizing Approval of Vouchers

- 126 Authorizing a Reduction of a Performance Guarantee for a Project at 43<sup>rd</sup> Street and Park Road (Block 43.04, Lots 17.02, 18.02, 19.02 & 20.01)
- 127 Authorizing a Reduction of a Performance Guarantee for a project at 42<sup>nd</sup> Street and Central Avenue (Block 42.04, Lots 28, 29.02, 30.02 and 32.02)
- 128 Authorizing Award of Contract for Phase I Rehabilitation of Basins #1, #4 & #5 Sanitary Sewers {*\$611,124.06*}
- 129 Awarding the Award of a Fair and Open Contract for a Professional Services Contract for Engineering Services {*Old Library Demolition and Parking Lot Construction*}
- 130 Authorizing Tax Overpayment Refunds
- 131 Authorizing Award for Natural Gas Bid with Cape May County & Cooperative Members
- 132 Declaration of Surplus Personal Property & Authorization of On-Line Auction
- 133 Certifying the Governing Body Reviewed the 2011/2012 Best Practice Inventory

Mr. Divney then asked for a motion to adopt the resolutions on the consent agenda #125 - #133. Motion moved by Mr. Edwardi and seconded by Mr. Kehner. All ayes followed.

**PENDING BUSINESS:** Ms. Tighe asked when the Council could expect the draft zoning ordinance regarding design standards and Mr. Baldini responded by the end of the week.

**NEW BUSINESS:** Mr. McHale asked if the council is interested in a BOE liaison to attend meetings and Mr. Divney responded that a liaison and attending meetings are different as any citizen can attend a meeting, but a liaison participates without voting authority. He added that he would follow-up with Mr. Tumolo to discuss a joint meeting. Mr. McHale next suggested the need for a sign at the new Library indicating the Historical Museum is inside. Mr. Savastano indicated he met with Mr. Stafford and it will be addressed with the Library Commission after the opening.

Mr. Divney then asked the Council how it would like to proceed regarding the development at the 63<sup>rd</sup> Street Shopping Center since the Ordinance was removed from the agenda.

Mr. McHale stated there is a weakness in the ordinance that would allow 11 residential units with only 12 parking spaces and 5 commercial units with no parking requirements. He added that the concern also includes any future development of the hotel at 63<sup>rd</sup>.

Ms. Tighe stated that the ordinance was given to Council at 9:45 a.m. prior to the meeting and while it was listed on the agenda, there was not enough time to review it prior to introduction. She expressed concern that it was a knee-jerk reaction due to the time sensitivity and nature of the proposed development, but the plans have been submitted and under a recently adopted State law, most likely grandfathered from any zoning changes. Mr. Baldini cautioned that he did not know if the application meets the definition of a "submission" as it is incomplete. Ms. Tighe went on to agree that it is a commercial area that has been neglected and there needs to be discussion to address it adding that the Planning Board already approved one application last month.

Mr. Edwardi agreed with Ms. Tighe about the timing of putting an ordinance on the agenda and then receiving prior to the meeting as it is a sensitive issue. The parking lot is private and the owner could, if he so desired, put a fence around the entire thing and no one would be able to use it, so it needs to be openly discussed before introducing an ordinance.

Mr. Kehner also agreed about the timing and that it needs to be discussed and addressed adding that there is an issue with the fire lane in the parking lot.

Mr. Divney stated he takes full responsibility for putting the ordinance on the agenda, however, at least everyone acknowledges the need for continued discussion and that perhaps a workshop would be appropriate.

Mr. Edwardi suggested everyone be informed of any scheduled workshop.

**CITIZEN COMMENT:**

**Ann Organ-209 39<sup>th</sup> St:** Asked what changes the ordinance suggested and Mr. Divney said it was everything about the entire area, parking, etc. She then asked if the Recreation Department will have the same programs as last year and Mr. Savastano said he would confirm and report back. She then announced that she had a sign-up sheet for Town Watch/Town Pride winter surveillance.

**George Marinari-222 55<sup>th</sup> St:** As President of AARP, he reported that the group would like to remain at the Lodge. Regarding the Acme Parking Lot development, he hoped it will be resolved as it is in poor condition and houses large heavy equipment.

**Irene Jamison-1500 Landis Ave:** Representing the 127 members of the North End Civic Association, she complained that the trolley stops at 29<sup>th</sup> Street and suggested making the 5<sup>th</sup> Street "paint chip" lot a parking area and have the trolley pick up people there. Mr. Divney responded that the Chamber and Revitalization are reviewing several options for the trolley next year.

**Dottie Fean-350 44<sup>th</sup> St:** Opposed the addition to the Lodge for the Welcome Center and warned that if the City moves forward she is planning "something big". She also complained that the aerobics group was told it had to be out of the Lodge by 10/1 and Ms. Tighe said she confirmed with Vicki Feeney that that is not true.

**Terrence Libro-4802 Landis Ave-3<sup>rd</sup> Flr:** Complained that the police are interfering with parking problems at the condo association and Court House Towing will now not respond to the calls. Mr. Baldini indicated it was private property; however Chief D'Intino indicated he would get involved and investigate the allegations.

**Meg Lennon-18 87<sup>th</sup> St:** Asked where she could find the Commercial Zones and was told the Codes are on the website.

Mr. Divney asked for a motion to adjourn. Motion moved by Ms. Tighe and seconded by Mr. Edwardi. All ayes followed and the meeting adjourned at 12:25 pm.

