

**CITY COUNCIL MEETING MINUTES
THURSDAY, APRIL 11, 2013 - 7:00 PM
OC FREE PUBLIC LIBRARY, ROOM N110**

ATTENDANCE: Mr. DeVlieger, Mr. Guinosso, Mr. Hartzell, Mr. McClellan, Mr. Ping, Mr. Wilson and Mr. Allegretto. Also present: Mayor Gillian, Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor.

Council President Allegretto called the meeting to order at 7:00 pm and asked everyone to rise for the flag salute and prayer. He announced the meeting had been advertised in accordance with P.L. 1975, Chapter 231.

CITIZEN COMMENT

Ed Price, 7 Marlin Court – spoke about public bidding thresholds, State thresholds related to the Pay To Play ordinance and about the denial he received to an OPRA request for all 2012 open invoices.

Stan Pszczolowski, 53rd Street, Ethics Board member - spoke about the work provided by the Board.

Eric Sauder, 2928 Central Avenue – questioned why the dredge wasn't pumping and made comments in support of retaining the Ethics Board. Mr. Dattilo announced the dredge was removed for repair.

Noel Wirth, 300 Ocean Avenue – requested consideration permitting dogs on the boardwalk during the off season and suggested having doggy dispenser bags.

Roy Wagner, 2824 Wesley Avenue – made comments in support of retaining the Ethics Board.

Diana & Emilia Brucoli – asked if outdoor second floor steps will be permitted when rebuilding or building a home. Ms. McCrosson announced they would be permitted.

Frank Worrell, 3305 Simpson Avenue, Ethics Board Member – commented on Mr. Hamilton's settlement agreement.

Michael Hinchman, West Atlantic Boulevard – questioned bulkhead replacements at the 2nd Street Marina; spoke regarding the price of the furnaces and plumbing for the 60 units at Peck's Beach Village. Mr. Dattilo reported the damaged docks are being removed not the bulkheads.

APPROVAL OF MINUTES

Mr. Allegretto asked for a motion to adopt the City Council Regular Meeting Minutes of Thursday, April 11, 2013. (Absent: Mr. Wilson). Motion moved by Mr. Ping; seconded by Mr. Guinosso. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mayor Gillian presented a Proclamation to Library Director Christopher Maloney in recognition of National Library Week April 14th thru April 20th. Mayor Gillian reported the walkway along Rt. 52 is open; spoke about getting ready to go out to bid on the boardwalk; announced he will be meeting with the open space board regarding the 2nd street marina and spoke about the re-design of the recreational facilities at 5th Street complex. The Mayor also spoke regarding Public Safety objectives and announced Shore Clean bills will be on the next bill list for payment.

Mr. Dattilo reported the City's consulting engineers met with residents of Merion Park to review the improvement project and design concepts being brought forward which will address nuisance flooding. He reported the removal of the trial traffic pattern from 29th to 34th Street Bay to Haven Avenue stating the City will continued to look at ways to provide traffic relief for the residents.

Mr. Ping asked if there were any open invoices for 2012. Mr. Donato explained there are no open invoices other than Shore Clean.

REPORTS – CITY COUNCIL

Mr. Allegretto provided an update on the Tourism Commission Meeting and announced a new radio campaign along with other changes to better market the City is being worked on.

ORDINANCES – INTRODUCTION AND FIRST READING

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-09. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed. The clerk read the ordinance by title: **#13-09: An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank per (NJSA 40A: 4-45.14) for Calendar Year 2013.** Mr. Costello, City Auditor explained the City is not exceeding the limits in the ordinance; this is a state mandated ordinance to establish a cap bank as a protection factor to control the spending side of the budget.

Mr. Allegretto asked for a motion to adopt Ordinance #13-09 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed. Mr. Allegretto announced second reading and public hearing would be held on April 25, 2013.

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-10. Motion moved by Mr. Ping; seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title: **#13-10: An Ordinance Replacing and Superseding Chapter XXI, Flood Damage Prevention, of the Revised General Ordinances of the City of Ocean City, New Jersey.** Ms. McCrosson explained the ordinance replaces the existing Flood Damage Ordinance; sets forth the new model by the Department of Environmental Protection adopting the ABFE maps as well as provides provisions to set up a Flood Damage Prevention Board. She further stated the City must have a compliant ordinance in order to be in good standing with the National Flood Insurance Program.

Mr. DeVlieger addressed his concerns regarding the flood maps. Ms. McCrosson stated that minor amendments can be made to the ordinance as the preliminary and then final firm maps come out.

Mr. Guinosso suggested a council person be appointed to the Flood Damage Board and questioned ADA ramps and property improvements. Ms. McCrosson stated that his concerns are clearly defined in the ordinance.

Mr. Allegretto spoke in relation to the flawed FEMA maps and that future amendments to the ordinance would be necessary. Mr. McCrosson indicated this City needs to move forward, recognize the reality is to build to ABFE to obtain the insurance discounts for the benefit of the residents. Mr. Wilson agreed at this time it is the best way to move forward.

Mr. Allegretto asked for a motion to adopt Ordinance #13-10 on first reading and publish according to law. Motion moved by Mr. Wilson; seconded by Mr. Ping. All ayes followed. Mr. Allegretto announced second reading and public hearing will be held on April 25, 2013.

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-11. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed, except Mr. Guinosso, voted no. The clerk read the ordinance by title: **#13-11: An Ordinance Amending Ordinance #87-17, Chapter II, "Administration" of the Revised General Ordinances of the City of Ocean City, New Jersey (Proposed by Councilman Allegretto)**. Mr. Guinosso provided reasons why he felt the Ethics Board should not be disbanded and suggested the Human Resource Manager work as the liaison to the board. There was much council discussion regarding the budget constraints this board has placed on the budget. Mr. McClellan, Mr. Hartzell and Mr. McClellan were satisfied that any ethical complaints could be satisfied at the State level by the Local Finance Board. Mr. Allegretto addressed his concerns related to escalated costs and was satisfied that citizens have an avenue at the State level to hear complaints.

Mayor Gillian spoke about the State Civil Service system and stated the City has policies and procedures in place to handle these type matters.

Mr. Allegretto asked for a motion to adopt Ordinance #13-11 on second reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed, except Mr. Guinosso, voted no. Mr. Allegretto announced second reading and public hearing will be held on April 25, 2013.

Mr. Allegretto asked for a motion to introduce Ordinance #13-12 on first reading. Motion moved by Mr. Wilson; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-12: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, New Jersey (2013-2 Residential Mechanical)**. Ms. McCrosson explained the ordinance addresses long standing minor adjustments for clearer interpretations for the zoning officer and provides additional reactions to the new world of ABFE maps and elevated buildings. Mr. Scheule, the Planning Board's Planner outlined the changes in the ordinance.

There was council dialogue regarding the changes as presented. Mr. McClellan stated he sat on the Planning Board subcommittee and he was comfortable with the ordinance. Mr. Hartzell asked if this ordinance addresses a situation on Tioga Terrace. Ms. McCrosson stated that it does. Mr. DeVlieger asked about FAR. Ms. McCrosson reported this is under discussion by the residential subcommittee which will come forward in its own ordinance.

Mr. Guinosso suggested a minor language change regarding pergolas. He also addressed garage roof pitch, shed placement and beachfront lots in R1 and R2 zone. Mr. Scheule addressed his concerns, as did Ms. McCrosson regarding the beach lots. After further discussion two simple revisions were made; Section 2 in the definition of "Pergola" to delete the language "an open roof" and under Section 5 add the following wording "Pergola height shall be limited to 12 feet above adjacent grade".

Mr. Allegretto asked for a motion to adopt Ordinance #13-12, as amended, on second reading and publish according to law. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed. Ms. McCrosson announced the ordinance will be referred to the Planning Board for consistency. Mr. Allegretto announced second reading and public hearing will be held on May 16, 2013.

RESOLUTIONS – NON CONSENT AGENDA

13-49-196 - #1. - A Resolution Authorizing the City of Ocean City to Adjust the Percentage of Tax Collections Used in Calculating the Reserve for Uncollected Taxes in the 2013 Local Municipal Budget. Mr. Donato reported the resolution allows the city to keep the reserve fund for uncollected taxes in the budget as an appropriation.

PUBLIC COMMENT – There was no public comment on Resolution #1.

Mr. Allegretto asked for a motion to adopt Resolution #1. Motion made by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

13-49-197 - #2. - A Resolution Introducing the **2013 Local Municipal Budget**. Mr. Donato outlined the changes in the budget since introduction by the Mayor on February 14th, the changes were under grants, capital, an increase in operating budget salaries under Code Construction, and an increase in fund balance. He summarized the budget as follows: the budget was decreased by \$69,509.29; the ratable base decreased by \$2,211,730 (due to further Sandy damage inspections); the Tax Levy was increased by \$17,607.10 and the Tax Rate increased by .02 cents. Mr. Donato announced the budget will be advertised in the Sentinel and second reading and public hearing would be held on May 16th.

Mr. Wilson questioned the change in moving a part time inspector to a full time position and the addition or hiring a new part time person in Code Construction. Mr. Donato spoke about the increase in work since Super Storm Sandy. There was much council discussion, regarding this change with Mr. Guinosso and Mr. Hartzell stated they would not support the personnel change. Mr. Donato said further review of the position can take place prior to second reading. Mr. Dattilo indicated the City anticipates some attrition in this area that can be discussed further.

Mr. McClellan questioned fund balance. Mr. Donato spoke about a positive rebound of fund balance for the first time in a couple of years due to tax appeals being so much lower, the net effect on average being lower and the offset by good revenues over the past two years.

PUBLIC COMMENT –

Michael Hinchman, West Atlantic Boulevard – questioned \$135,000 marina money, agreed with the hiring of an additional engineer; stated the largest growth in budget is debt service and spoke about having longer debt in place to pay off short term debt. Mr. Dattilo responded the \$135,000 appropriation for the marina is not in the operating budget and then clarified the personnel changes. Mr. Donato addressed the debt service premium.

Mr. Hartzell spoke as to why he could not support the introduction of the budget with no model change to the Fire Department budget to reduce overtime by using part time EMT's as he has presented in past.

Mr. Ping announced he will not support introduction of the budget because 18 months ago he and Mr. Hartzell brought forward a model to reduce fire personnel through attrition which has not been done.

Mr. Guinosso announced he would not support introduction of the budget because he would like to see more outsourcing, using more part time employees; move money from operating side of the budget to the capital side. He announced he does support the EMT model change.

Mr. Wilson announced he would support the budget with the understanding that his colleagues concerns regarding the new EMT model will be addressed as the Mayor stated he would look at the Public Safety side of the budget and revisit the EMT concerns.

Mr. Allegretto spoke about the different EMT model suggestions brought forward by Mr. Hartzell and Mr. Ping which was a way to save taxpayer dollars. Mr. Dattilo strongly suggested to keep the budget process moving; spoke about the leadership of the Fire Department and said the Mayor will continue take a comprehensive look at the Department. Mr. Donato reminded Council they can increase or decrease any line item by 10% prior to public hearing of the budget.

Mr. Allegretto asked for a motion to adopt Resolution #2 on first reading. Motion moved by Mr. Wilson; seconded by Mr. DeVlieger. All ayes followed, except Mr. Hartzell, Mr. Guinosso and Mr. Ping, voted no. Mr. Allegretto announced second reading and public hearing on the budget will be held on May 16, 2013.

RESOLUTIONS – CONSENT AGENDA:

13-49-198 - #3. - A Resolution Authorizing the Award of City Contract #13-08, Lease of a Card Enabled Single Space Parking Meter Mechanism with a Web-Based Management System

13-49-199 - #4. - A Resolution Authorizing the City's Participation in State Contract #T-2100, Vehicles, Trucks, Class 2, Pickup/Utility, with Snow Plow Option for the Purchase of One (1) 2013 or Newer Ford Super Duty Utility Body Pickup Truck to be used by the Department of Public Works, Vehicle Maintenance Division

13-49-200 - #5. - A Resolution Authorizing the City's Participation in State Contract #T-2100, Vehicles, Trucks, Class 2, Pickup/Utility, with Snow Plow Option for the Purchase of One (1) 2013 or Newer Ford Super Duty Pickup Truck to be used by the Department of Public Works

13-49-201 - #6. - A Resolution Authorizing the Rejection of Bids and the Re-Advertisement of Specifications for City Contract #13-48, Ocean City Life Saving Station Exterior Restoration

13-49-202 - #7. - A Resolution Authorizing the Preparation and Execution of the 2012 New Jersey Department of Environmental Protection Recycling Tonnage Grant

13-49-203 - #8. - A Resolution Authorizing the Payment of Claims

13-49-204 - #9. - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 761 Asbury Avenue Block 707 Lot 1; Project 09-020PMS

13-49-205 - #10. - A Resolution Consenting to the Mayor's Appointment of Karen McDonnell as a Member to the Shade Tree Committee

13-49-206 #11. - A Resolution Authorizing a Closed Executive Session for the Purpose of Discussing Personnel, Board and Commission Appointments (Environmental Commission) and Litigation in the Matter of Monica Raab v. City of Ocean City, et als., Myers Trustees v. City of Ocean City, et al., Jeffrey Moyer v. City

of Ocean City, et als., Robert Petnick v. City of Ocean City, et als. And Oliver Muzslay v. Ocean City Lifeguard Pension Board

Mr. Allegretto asked for a motion to adopt the consent agenda. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

PENDING BUSINESS

Mr. Wilson took the opportunity to thank Mr. Mallon, who is leaving the City to take the position as Business Administrator of Pine Hill, for his dedicated service and said that he would be sorely missed. Mr. Allegretto agreed Mr. Mallon was an asset to the City; as did Mr. DeVlieger. Mr. DeVlieger requested support for the surf team at the upcoming surf competition Sunday.

Mr. Mr. Hartzell asked for fencing at the marina at 2nd & Bay Avenue. Mr. Dattilo said options are being considered.

Mr. Guinosso stated he was concerned regarding the placement of ADA ramps at the entrance at the south end beaches.

NEW BUSINESS – There was no new business.

CITIZEN COMMENT – There was no public comment.

Mr. Allegretto asked for a motion to adjourn into closed executive session. Motion moved by Mr. Wilson; seconded by Mr. Ping All ayes followed. The meeting adjourned into closed executive session at 11:19 pm.

/s/
Linda P. MacIntyre, City Clerk