

VENTNOR CITY
MEETING MINUTES
May 9, 2019
5:30 p.m.

CALL TO ORDER

The Meeting of the City Commissioners of the City of Ventnor was called to order at 5:30 p.m.

FLAG SALUTE

Mayor Holtzman lead the Salute to the Flag.

ROLL CALL

Those members present upon roll call were Commissioner H. Timothy Kriebel, Commissioner Lance Landgraf Jr and Mayor Holtzman

STATEMENT-PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT

"Provisions of the Open Public Meetings Act have been met.

PRESENTATION

Mayor Holtzman stated that the Commissioners just finished their third year in office. She could not have better Commissioners to work with. Mayor Holtzman thanked Ms. Mento for being the City Administrator and thanked all the Department Heads for the hard work they do for the City.

DEPARTMENT HEAD REPORTS

Jerry Thomas-Recreation

Mr. Thomas reviewed with the Commissioners all the upcoming sports events for the City. Mr. Thomas said that Surf Camp will be five weeks this year. There will be a volleyball tournament again this year July 6 and July 7th. There are now six pickleball courts in the City. In August there will be a Soccer Clinic.

Sue VanDuyne-Cultural Arts

Ms. VanDuyne advised the Commissioners that the Summer camps are filling up, there will be 8 camps this year. The Ocean Breeze Craft fair is scheduled for July 6th. Ms. VanDuyne is working on the yearly Dance recital. There is a senior art show up in the library and she encouraged everyone to stop over and look at the art. Ms. VanDuyne shared that she is working with the South Jersey Arts Alliance competing for a grant in the amount of \$5000.00.

Jimmi Agnesino-Building Department

Mr. Agnesino is working with the Short-Term Rentals.

Jim Pacanowski- IT

Mr. Pacanowski stated that his main focus is the website he is expecting to have this go live around June 1st. Mr. Pacanowski stated he is working with the City Administrator for the Parksmarter Mobile App.

Margaret Pacanowski-Tax Collector

Ms. Pacanowski reminded everyone that the delinquent notice will be going out this week. Ms. Pacanowski reminded the Commissioners that Water bills will be going out soon so if they would like a reminder notice put in with the mailing to let her know.

Al Stanley-CFO

Mr. Stanley reported that the 2019 Municipal Budget will be passing tonight. He continues to work with the Departments on purchasing. He reminded that if you have done a blanket PO you will need to re-do theses. Mr. Stanley would like to work with Mr. Stinson to get a better way of handling emergency repairs.

Ernie Gratz -Sewer and Water

Mr. Gratz gave the Commissioners an update with regards to the City water supply. Mr. Gratz reviewed Resolution 2019- 163 and Resolution 2019-167.

Mr. Stinson- Superintendent of Public Works / Engineer

Mr. Stinson gave the Commissioners an update regarding the Public Works Department. Mr. Stinson advised that his department is working on Beach Clean-up, along with getting the lawn equipment ready for use, the Flag banners are out, they are working in moving the sand off the entrances and he is working on making boardwalk repairs. Mr. Stinson reviewed Resolution 2019-167,2019-170,2019-171, 2019-172 and Resolution 2019-174.

Lisa H. Hand-City Clerk

Ms. Hand reviewed the activity in the Clerks office for the month of April. The Dog Clinic was held on April 13th and she wanted to thank Dr. Grant for administrating the rabies vaccine for the City.

Bill Crowther-Tax Assessor

Mr. Crowther could not be in attendance tonight, however, Ms. Mento read a report submitted on behalf of Mr. Crowther.

Mike Cahill-Fire Chief

Chief Cahill could not be in attendance tonight, Commissioner Kriebel provided the Commissioners with a report submitted on behalf of chief Cahill.

Doug Biagi-Police

Chief Biagi gave the Commissioners a report of calls. Chief Biagi said that the Police Department is going to be out in full force this summer. He is encouraging all residents to contact the Police Department if there are problems with rentals and Air B&B rentals. He is also reminding bicyclist that they are required to follow all the same laws as a motor vehicle.

Seeing no other Department reports.

CAPITAL DISCUSSION

None

Mayor Holtzman called for five-minute recess 6:50 pm

Mayor Holtzman called the meeting back to order at 7:00 pm

THE FOLLOWING ITEMS ARE SCHEDULED FOR ACTION AT THE 05.09.2019 REGULAR PORTION OF THE COMMISSION MEETING

Mayor Holtzman advised that we will not be approving any minutes from tonight.

Mayor Holtzman advised we will be having the public hearing on the 2019 Municipal Budget along with passing a resolution to amend the 2019 Municipal Budget and then a Resolution to adopt the 2019 Municipal Budget.

Mayor Holtzman advised we will be introducing one Ordinance tonight.

- An Ordinance of the City of Ventnor, County of Atlantic, State of New Jersey amending Section 115 Fees; Fishing Pier Regulations of the Code of the City of Ventnor.

Mayor Holtzman advised that we will have three ordinances tonight for public hearing and adoption.

- 1) (2019-010) An Ordinance of the City of Ventnor, County of Atlantic, State of New Jersey amending Chapter 214 "Vehicles and Traffic" Part 1 Traffic and Parking Article XI Schedules Section 214-47 Schedule XIX: Speed Limits
- 2) (2019-011) An Ordinance supplementing Chapter 10 of the Code of the City of Ventnor regarding the Municipal Court
- 3) (2019-012) An Ordinance amending Chapter 170 of the Code of the City of Ventnor to prohibit smoking at Ventnor Beaches, the Boardwalk, Ventnor owned indoor public facilities and recreation areas.

Mayor Holtzman went through the following Resolutions that will be voted on by consent

- a. (2019-156) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing hours, hourly cost and enforcement schedule for Parking Meters within the City of Ventnor
- b. (2019-157) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing the execution of a Tax Abatement agreement for Block 60 Lot 9.03 also known as 1 S. Dudley Ave
- c. (2019-158) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing the execution of a Tax Abatement agreement for Block 172 Lot 5.04 also known as 6511 Monmouth Ave
- d. (2019-159) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing the execution of a Tax Abatement agreement for Block 172 Lot 5.02 also known as 6509 Monmouth Ave

- e. (2019-160) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing the execution of a Tax Abatement agreement for Block 172 Lot 13.02 also known as 6705 Monmouth Ave
- f. (2019-161) a Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing the execution of Tax Abatement continuation Agreement for Block 202 Lot 14 also known as 228 N Oxford Ave
- g. (2019-162) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing the execution of Tax Abatement continuation agreement for Block 199 Lot 19.02 also known as 5401 Monmouth Ave
- h. (2019-163) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing an emergency repair for Lafayette Avenue pump station not to exceed \$3,150.00
- i. (2019-164) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey approving a street opening permit hardship for Block 79 Lot 20.01 on behalf of Fran Goldsleger
- j. (2019-165) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey approving a street opening permit hardship for Block 216 Lot 5.02 on behalf of Silvershore Homes LLC
- k. (2019-166) A Resolution of the City of Ventnor, county of Atlantic, State of New Jersey authorizing release of performance bond Atlantic Region Food Corp. AKA Dunkin Donuts
- l. (2019-167) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey amending Resolution 107 of 2019 authorizing an Emergency repair for Fulton Harvard Sanitary Pump Station for \$9,590.00
- m. (2019-168) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing a refund for a Tax overpayment
- n. (2019-169) a Resolution of the City of Ventnor, County of Atlantic, State of New Jersey amending Resolution 228 of 2018 authorizing the City of Ventnor to apply for and accept a subgrant award of the Federal Fiscal Year 2018 of Department of Homeland Security Emergency Management Performance Grant program funding and for the City Chief Financial Officer to amend the Budget and certify the availability of funds
- o. (2019-170) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey awarding a bid for the Atlantic Ave Bikeway to Zone stripping LLC in the amount of \$210,356.77
- p. (2019-171) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey awarding a bid for the reconstruction of Newport Ave in the amount of \$241,627.20 (NJDOT Municipal Aid FY2017)
- q. (2019-172) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing a contract to Rubberecycle LLC for drainage repairs and replacement of Playsafe rubber surface in the amount of \$274,532.30
- r. (2019-173) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing seasonal/part-time employment to Shawna M. Kelley as Parking Enforcement Officer
- s. (2019-174) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey authorizing a contract to MRC Inc. Gametime Playground Equipment for the installation of new Playground equipment in the amount of \$130,825.61
- t. (2019-175) A Resolution of the City of Ventnor, County of Atlantic, State of New Jersey awarding Walters Marine Construction for the Redecking and repairs to Five (5) Boardwalk Finger Piers in the amount \$22,426.38

Mayor Holtzman advised that we will have bills and Payroll to approve tonight

DISCUSSION ITEMS

The Commissioners had a brief discussion 613 N Dudley Ave, after a brief discussion the Commissioners were in agreement to move forward with the hardship street opening. Commissioners Landgraf stated that Mr. Stinson will be working on amending the current Ordinance on street opening hardships.

The Commissioners had a brief discussion regarding Boardwalk advertising. Commissioner Kriebel discussed briefly going out to bid to permit advertising with banners on the Boardwalk. The Commissioners would like to see local business have priority on advertising first. After a brief discussion the Commissioners are going to look further into this.

Mayor Holtzman would like to see something designated on the back of lifeguard stands to designate for small children to relate to what beach they are on. Mayor Holtzman would like to see some type of design whether it's a character or an object that small children can relate to. Chief Bergman is in favor of this. City Administrator Mento is going to begin working on this. The object will be something that a small child can identify to.

PUBLIC PORTION

At this time Mayor Holtzman opened up the meeting for anyone in the Public who wished to address anything that will be voted on tonight

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

Seeing no one else from the public wished to speak Mayor Holtzman called for a motion to close the public portion.

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

CLOSE THE WORKSHOP PORTION OF THE MEETING

At this time Mayor Holtzman closed the workshop portion of the meeting

OPEN THE REGULAR PORTION OF THE MEETING

APPROVAL OF MINUTES

- 1) None

PUBLIC HEARING

Mayor Holtzman called for a motion to open the Public hearing on 2019 Municipal Budget

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

Mr. Costello the City Auditor addressed the Commissioner regarding this year’s budget. Mr. Costello recapped the 2019 budget he stated that this year’s budget includes a tax decrease. Mr. Costello stated that the County is still working on their budget as soon as we know what the County rate is we will know what the actual decrease will be, he is anticipating that there could be a \$.05 overall decrease this year.

Seeing nothing further Mayor Holtzman called for a motion to close public hearing.

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

RESOLUTION

2019-154

RESOLUTION 2019-154 TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2019 was approved on the 11th day of April, 2019 and
 WHEREAS, the public hearing on said budget has been held as advertised, and
 WHEREAS, it is desired to amend said approved budget, now
THEREFORE BE IT RESOLVED, by the City Commissioners of the City of Ventnor, County of Atlantic that the following amendments to the approved budget of 2019 be made:

Recorded Vote	{	{	{
	{ KRIEBEL	{	Abstained{
	Ayes{ LANDGRAF	Nays{	{
	{ HOLTZMAN	{	{
	{	{	Absent{
	{	{	{

WATER & SEWER UTILITY FUND:

ANTICIPATED REVENUES:

	From	To
Surplus Anticipated	738,579.00	798,079.00
Total Surplus Anticipated	738,579.00	798,079.00
Total Water & Sewer Revenues	6,005,517.00	6,065,017.00

ANTICIPATED APPROPRIATIONS:

Debt Service	745,000.00	792,000.00
Payment of Bond Principal	413,500.00	426,000.00
Interest on Bonds		
Total Water & Sewer Appropriations	6,005,517.00	6,065,017.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that all additions and math in this amendment are correct.

 Leon P. Costello, CPA, RMA

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 9th day of May, 2019.

Members of the Board of Commissioners
 of the City of Ventnor City, NJ

 Mayor Beth Holtzman

 Commissioner H. Timothy Kriebel

 Commissioner Lance B. Landgraf, Jr.

I, **LISA H. HAND**, City Clerk of the **CITY OF VENTNOR CITY**, do hereby certify that the foregoing resolution was duly adopted at a regular meeting of the **Ventnor City Board of Commissioners** held this 09th day of **May, 2019** and in witness whereof I have hereunder set my hand and official seal on this date written.

	Motion	Second	Yes	Nay	Abstain	Absent
Holtzman						
Kriebel						
Landgraf						

 LISA H. HAND, RMC
 CITY CLERK

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

RESOLUTION

2019-155

**CITY OF VENTNOR CITY
RESOLUTION
NO. 155 OF 2019**

**A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF
ATLANTIC, STATE OF NEW JERSEY ADOPTING THE 2019
MUNICIPAL BUDGET**

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

ORDINANCE INTRODUCTION

2019-013

ORDINANCE NO. 2019-013

**AN ORDINANCE OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF
NEW JERSEY AMENDING SECTION 115 FEES; FISHING PIER
REGULATIONS OF THE CODE OF THE CITY OF VENTNOR**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor as follows:

SECTION I. Chapter 115-1(A) shall be amended to include the following:

- A. Photo identification, membership fees and restrictions. At all times when accessing and using the fishing pier, every member/key holder of the Ventnor City Fishing Pier must have in their possession the official Ventnor City photo identification and key issued to them by the Ventnor City Pier Master. The identification must be on the person visible at all times while on the pier. Individuals without identification are subject to being removed from the pier and fined as set forth more fully herein in §115-3 and §115-4.
- B. Yearly Membership Costs:
 - (1) For senior citizens (senior citizen to be defined as one being 62 years of age and above): \$150 per person per year.
 - (2) For adults 18 years and above and below 62 years of age: \$175 per person per year.
 - (3) For individuals 10 years and over and under the age of 18 years: \$50 per person per year.
 - (4) For spectators with a key: \$50 per person per year.
- C. Weekly Membership Costs:
 - (1) For senior citizens (62 years of age and above): \$25 per week.
 - (2) For adults (18 years to below 62 years of age): \$30 per week.
 - (3) For individuals 10 years and over and under the age of 18 years: \$15 per week.
- D. Daily Membership Costs:
 - (1) For senior citizens (62 years of age and above): \$5 per day
 - (2) For adults (18 years to below 62 years of age): \$10 per day.
 - (3) For individuals 10 years and over and under the age of 18 years: \$5per day.
- E. Individuals who have purchased a weekly or daily membership pursuant to subsection (C) and (D) above, shall be prohibited from using or accessing the pier at any time other than during the hours of operation. Furthermore no individual with a weekly or daily membership shall be issued a key or a photo identification card.

SECTION II. Chapter 115-2 Rules and Regulations for Ventnor Fishing Pier shall be amended as follows:

The official Rules and Regulations established by the Ventnor City Board of Recreation shall govern the daily conduct and operation of the Ventnor Fishing Pier. All members, spectators, weekly and daily patrons must comply with the Ventnor City Board of Recreation Rules and Regulations in effect. Frequent and flagrant violation of such regulations may result in the revocation of pier privileges and fines. The following general rules shall apply to the Ventnor Fishing Pier. Any persons violating said rules may be subject to immediate removal from premises, with possible fines or loss of pier privileges. It shall be unlawful to:

- a) Trespass. Persons accessing the Fishing Pier without possession of a valid membership identification or current weekly or daily pass shall be considered trespassing.
- b) Use or possess alcoholic beverages of any kind on the pier.

- c) Vandalize or destroy any public/private property located on the pier.
- d) Use your membership key, credentials or pass to aid unauthorized person to make entry on the pier.
- e) Express mannerisms or actions that are offensive or detrimental to the peace and good order of the operation of the pier.
- f) The pier master or pier attendant has final authority on any issues related to the pier.
- g) Fishing is only allowed beyond the locked gate.
- h) Only paying customers are allowed on the pier past the locked gate. Violators of this rule will be fined.
- i) Children under age 10 are not permitted for safety reasons. No exceptions. Youth ages 10-14 must be accompanied by an adult.
- j) All anglers must abide by the New Jersey Department of Environmental Protection Division of Fish and Wildlife rules.
- k) Coolers are subject to search at the discretion of the pier master or pier attendant to assure all fish caught and kept are in accordance with NJ Fish and Wildlife limits.
- l) All anglers are required to be registered with the New Jersey Saltwater Recreational Registry Program. Registration is free. Please see the pier master or pier attendant for any questions or for assistance with registration.
- m) All fish not kept must be humanely returned to the water alive.
- n) Intentional shark fishing is strictly prohibited. Violators may be fined up to \$1000 and may result in a loss of pier privileges.
- o) Pier passes must be available for inspection at any time. Lost passes will incur a \$25.00 fee for replacement.
- p) A maximum of 3 rods per person may be in use at one time. Please stay with your gear. Note: All equipment is the responsibility of the member/owner. The city is not responsible for any missing equipment.
- q) Be courteous and respectful to your fishing neighbors, spectators and visitors.
- r) Harassment of any kind is not permitted.
- s) All fishing equipment including coolers must be stored under benches, sinks, or in other designated zone areas for safety purposes.
- t) Please refrain from throwing objects off the pier. This includes cigarette butts, papers, old line and hooks, and/or other trash.
- u) Please clean up after yourself to maintain our family atmosphere.
- v) Report any rule violations to the pier staff immediately. If after hours, please call the Ventnor City police department at (609) 822-2101.
- w) Prohibited Items include but are not limited to:
 - a. Alcoholic beverages
 - b. Commercial Fishing
 - c. Fireworks
 - d. Flammable Lanterns
 - e. Stoves/Grills
- x) Failure to abide by the pier rules may result in eviction from the pier and fines up to \$1000 pursuant to law. Note: If a member is evicted from the pier, their membership fees will not be refunded.
- y) Suspension of Pier Fees
 - a. 4th of July
 - b. Atlantic City Air Show
 - c. Open Pier Nights-which will include one night in July, August and September to be determined annually by Commissioners

SECTION III. Chapter 115-4 Violations and Penalties shall be amended as follows:

Any person or persons violating any of the provisions of this chapter shall, upon conviction thereof in the Municipal Court of Ventnor, be subject to a fine of not less than \$100 nor more than \$1000. Each violation shall be considered as a separate and specific violation of this article, and the penalties herein prescribed shall apply to such separate and specific offenses. In addition to or as a substitute for the previously mentioned fine, the imposition of community service shall be authorized as an additional penalty, which community service shall not exceed 90 days.

SECTION IV. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION V. Should any section, clause, sentence phrase, provision or application of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect, impair, or invalidate the remaining portions of this Ordinance.

SECTION VI. This Ordinance shall take effect on final passage, approval and publication.

FIRST READING May 9, 2019

PUBLICATION May 13, 2019

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

PUBLIC HEARING ON ORDINANCES

2019-010 An Ordinance of the City of Ventnor, County of Atlantic, State of New Jersey amending Chapter 214 “Vehicles and Traffic” Part 1 Traffic and Parking Article Xi Schedules Section 214-47 Schedule XIX: Speed Limits

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

Seeing no one from the Public wished to comment, motion to close.

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

ORDINANCE ADOPTION

2019-010

**CITY OF VENTNOR
ORDINANCE
NO. 2019-010**

AN ORDINANCE OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AMENDING CHAPTER 214 “VEHICLES AND TRAFFIC” PART 1 TRAFFIC AND PARKING ARTICLE XI. SCHEDULES SECTION 214-47 SCHEDULE XIX: SPEED LIMITS

WHEREAS, The Mayor and Board of Commissioners of the City of Ventnor City, New Jersey find that the amending certain aspects of existing ordinances is an important matter; and

WHEREAS, Chapter 214 Vehicles and Traffic Part 1. Traffic and Parking Article XI. Schedules XIX: 214-47 Speed Limits shall be amended as set forth below; and

SECTION 1. DELETE the following from section:

214-47 Schedule XIX: Speed Limits

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Location</u>
Atlantic Avenue	35	From Jackson Avenue to Fredericksburg Avenue

SECTION 2. ADD to the following section:

214-47 Schedule XIX: Speed Limits Limits

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Location</u>
Atlantic Avenue	25	From Jackson Avenue to Fredericksburg Avenue

The remainder of Section herewith are hereby to remain unchanged.

SECTION II. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III. Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION IV. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

FIRST READING: April 11, 2019

PUBLICATION: April 15, 2019

PUBLIC HEARING &
ADOPTION: May 9, 2019

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

PUBLIC HEARING ON ORDINANCES

2019-011 An Ordinance supplementing Chapter 10 of the Code of the City of Ventnor regarding the Municipal Court

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

Seeing no one from the Public wished to comment, motion to close.

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

ORDINANCE ADOPTION

2019-011

CITY OF VENTNOR

ORDINANCE 2019-011

ORDINANCE SUPPLEMENTING CHAPTER 10 OF THE CODE OF THE CITY OF VENTNOR REGARDING THE MUNICIPAL COURT

WHEREAS, New Jersey State statutes require municipalities to have certain positions filled in the Municipal Court; and

WHEREAS, the Commissioners of the City of Ventnor are desirous of supplementing Chapter 10 of the Code of the City of Ventnor to memorialize the positions of prosecutor and public defender.

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor, County of Atlantic and State of New Jersey, as follows:

SECTION ONE: Chapter 10 of the Code of the City of Ventnor shall be supplemented by adding the following article:

ARTICLE 3:

Section 10-9: Municipal Prosecutor: There is hereby memorialized the position of municipal prosecutor in the City of Ventnor.

Section 10-10: Term: The term of the municipal prosecutor shall be for one (1) year and shall continue until a successor is appointed.

Section 10-11: Requirements: The municipal prosecutor shall be an attorney at law in the State of New Jersey and in good standing. The municipal prosecutor must also meet any and all other qualifications and requirements applicable to municipal prosecutors in the County of Atlantic. The municipal prosecutor may, when he/she is unavailable for a Municipal Court session, have someone prosecute on his or her behalf as long as said person meets all of the requirements to be eligible as a municipal prosecutor.

Section 10-12: Compensation: The municipal prosecutor shall be compensated pursuant to the salary ordinance adopted by the City of Ventnor or the contract entered into between the municipal prosecutor and the City of Ventnor.

Section 10-13: Duties: The municipal prosecutor shall represent the state, the county or the municipality in the prosecution of all offenses within the statutory jurisdiction of the Municipal Court. This includes but is not limited to statutory violations and municipal ordinance/code violations pertaining to zoning, land or property use regulation, property maintenance, building or construction. A municipal prosecutor shall be responsible for handling all phases of the prosecution of an offense, including but not limited to discovery, pre-trial and post-trial hearings, motions, dismissals, removals to Federal District Court and other collateral functions authorized to be performed by a municipal prosecutor by law or rule of Court. For the purpose of this section, post-trial hearings shall not include *de novo* appeals in Superior Court.

SECTION TWO: Chapter 10 of the Code of the City of Ventnor shall be supplemented by adding the following article:

ARTICLE 4:

Section 10-14: Public Defender: The City of Ventnor hereby memorializes the position of municipal public defender.

Section 10-15: Qualifications: The municipal public defender shall be an attorney at law in the State of New Jersey and in good standing. The municipal public defender may have another attorney appear on dates that the municipal public defender will be unable

to appear as long as the person so appearing in lieu of the public defender meets all of the qualifications to serve as a municipal public defender.

Section 10-16: Term: The term of the municipal public defender shall be for one (1) year or until a successor is duly appointed.

Section 10-17: Compensation: The municipal public defender shall receive compensation as set forth in the salary ordinance of the City of Ventnor or the contract between the municipal public defender and the City of Ventnor.

Section 10-18: Duties: It shall be the duty of the municipal public defender to represent, except in the case of temporary unavailability or conflict of interest, any defendant charged with an offense in Municipal Court who is an indigent municipal defendant. The municipal public defender shall be responsible for handling all phases of the defense, including but not limited to discovery, pre-trial and post-trial hearings, motions, removals to Federal District Court and other collateral functions reasonably related to the defense. As used in this section, post-trial hearings shall not include *de novo* appeals in Superior Court.

Section 10-19: Confidentiality: All communications between the indigent defendant and the municipal public defender or any other attorney appointed to act as a municipal public defender shall be fully protected by the attorney-client privilege to the same extent and degree as though counsel has been privately engaged. This shall not preclude the use by the municipal public defender of privileged material for the preparation and disclosure of statistical, case study and other sociological data, provided that in any such use there shall be no disclosure of the identity of or means for discovery of the identity of particular defendants.

SECTION THREE: Repealer. Any and all ordinances, or parts thereof, inconsistent with this ordinance, are hereby repealed.

SECTION FOUR: Severability. To the extent that any portion or part of this ordinance is ruled invalid by a body of competent jurisdiction, then the same shall be severed and the remaining section of this ordinance shall remain in full force and effect.

SECTION FIVE: Effective date. This ordinance shall take effect upon final passage and publication as required by law.

FIRST READING: April 25, 2019

PUBLICATION: April 29, 2019

PUBLIC HEARING &
ADOPTION: May 9, 2019

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

PUBLIC HEARING ON ORDINANCES

2019-012 An Ordinance amending Chapter 170 of the Code of the City of Ventnor to prohibit smoking at Ventnor Beaches, the Boardwalk, Ventnor owned indoor public facilities and recreation areas

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

Seeing no one from the Public wished to comment, motion to close.

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

ADOPTION OF ORDINANCE

2019-012

CITY OF VENTNOR

ORDINANCE 2019-012

ORDINANCE AMENDING CHAPTER 170 OF THE CODE OF THE CITY OF VENTNOR TO PROHIBIT SMOKING AT VENTNOR BEACHES, THE BOARDWALK, VENTNOR OWNED INDOOR PUBLIC FACILITIES AND RECREATION AREAS

WHEREAS, our state legislature has declared that tobacco is the leading cause of preventable disease and death in the State of New Jersey and the United States of America and that tobacco constitutes a substantial health hazard to the non-smoking majority of the public; and

WHEREAS, the Commissioners of the City of Ventnor wish to ban smoking on all Ventnor beaches, the boardwalk, all outdoor Ventnor recreation facilities, parks and playgrounds and all indoor public places and work places owned or operated by the City of Ventnor including the Ventnor Public Library; and

WHEREAS, the prohibition of smoking at public beaches would better preserve and maintain the natural assets of the City of Ventnor and State of New Jersey by reducing litter, increasing fire safety and lessening exposure to second hand tobacco smoke so as to provide a more pleasant beach experience for the public.

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor, County of Atlantic, State of New Jersey, as follows:

SECTION ONE: Section 170-1 of the Code of the City of Ventnor shall be amended to read as follows:

170-1. Purpose.

- A. This section of the Code of the City of Ventnor is hereby created for the purpose of promoting health and regulating smoking at city owned facilities. The purpose of this chapter is to protect and promote the public health and welfare of the community, its residents and visitors and to prohibit smoking at various locations within the City of Ventnor.

SECTION TWO: Section 170-4 of the Code of the City of Ventnor shall be amended to read as follows:

170-4. Definitions.

- A. Beach: Beach is defined as the sandy area leading to and including the Atlantic Ocean located on the eastern border of the City of Ventnor.
- B. Boardwalk: The boardwalk is described as the entirety of the wooden boardwalk located in the City of Ventnor including any exit and entrance ramps thereto.
- C. Park: Park means any park, owned or controlled by the City of Ventnor.
- D. Person: Any individual, partnership or corporation.
- E. Public Place: Public place means any structurally enclosed place of business owned or controlled by the City of Ventnor and includes, but is not limited to, Ventnor City Hall, the Ventnor Public Library, any Ventnor school, the Ventnor Public Works Department, the Ventnor City pump stations and any other building owned by the City of Ventnor that is used by Ventnor employees or is accessible to the public and the entire grounds upon which said buildings sit.
- F. Recreation Area: Recreation area means any area, owned by the City of Ventnor, open to the general public for recreational purposes regardless of whether a fee is charged concerning the same. Recreation area includes, but is not limited to, any public park, marina, pier, dock, boat ramp, tennis court, baseball field, softball field, football field, pickle ball court, recreation field, playground, swimming pool or any other recreation area of any type or nature.
- G. Smoking: The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or involves the inhaling or exhaling of smoke.

SECTION THREE: Section 170-5A of the Code of the City of Ventnor shall be amended to read as follows:

- A. Smoking shall be prohibited at all beaches, boardwalks, parks, recreation facilities and public places owned by the City of Ventnor located within the geographical boundaries of the City of Ventnor.

SECTION FOUR: Section 170-6B of the Code of the City of Ventnor shall be amended to read as follows:

- B. Any individual violating any of the provisions of this Chapter shall be subject to a minimum fine of One Hundred Dollars (\$100.00) or a maximum fine not to exceed One Thousand Dollars (\$1,000.00) or may be sentenced for up to thirty (30) days community service in the discretion of the Municipal Court Judge; however, the number of hours of community service imposed shall not exceed twenty (20) hours per violation. Notwithstanding this section, a person found guilty of smoking on the beach or indoor public place shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) for the first offense, Five Hundred Dollars (\$500.00) for the second offense and One Thousand Dollars (\$1,000.00) for each subsequent offense.

SECTION FIVE: There shall be created a Section 170-7 of the Code of the City of Ventnor which shall read as follows:

The provisions of this Ordinance shall be enforced by any member of the police department.

SECTION SIX: Repealer: Any Ordinance or part thereof which is inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION SEVEN: Severability: Should any section, part or term of this Ordinance be adjudged by a body of competent jurisdiction to be invalid, said section, part or term shall be severed from this Ordinance and the remaining portions of said Ordinance shall continue in full force and effect.

SECTION EIGHT: Effective Date: This Ordinance shall become effective upon final passage and publication pursuant to law.

FIRST READING: April 25, 2019

PUBLICATION: April 29, 2019

PUBLIC HEARING &
ADOPTION: May 9, 2019

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

PUBLIC COMMENT ON RESOLUTIONS 2019-156 to 2019-175 Open to the Public

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

Seeing no one from the Public wished to comment

Close Public Comment

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

RESOLUTIONS

At this time Resolutions 2019-156 through 2019-175

(Resolutions 2019-156 to 2019-175) Consent Agenda includes items of business which are not controversial & do not require individual discussion. A motion approving the consent Agenda is moved, seconded & voted upon as one item by the City Commissioners. If any discussion is requested on a consent Agenda item, it is removed from the Consent Agenda to the Regular Agenda)

**CITY OF VENTNOR
RESOLUTION 2019-156**

**A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF
NEW JERSEY AUTHORIZING HOURS, HOURLY COST AND ENFORCEMENT
SCHEDULE FOR PARKING METERS WITHIN THE CITY OF VENTNOR**

WHEREAS, the City of Ventnor operates and maintains parking meters in the City of Ventnor; and

WHEREAS, the hours of enforcement shall be 8AM to 8PM beginning the Friday before Memorial Day through September 30th; and 8 AM to 6 PM beginning October 1st through the Friday before Memorial Day; and

WHEREAS, the hourly cost for activated parking meter(s) beginning the Friday before Memorial Day through September 30th shall be \$1.50 per hour; and October 1st through the Friday before Memorial Day shall be \$1.00 per hour; and

WHEREAS, there shall be suspension of police enforcement of parking meter regulations throughout Ventnor City, including the Municipal Parking Lot, during the Holiday Season beginning Thanksgiving Day through the New Year's Day, following; and

WHEREAS, there shall be suspension of police enforcement of parking meter regulations for certain meters, including Atlantic Avenue, Victoria, Surrey, Somerset, New Haven and Marsten (refer to attachment) residential parking meters during the off-season beginning October 1 through the Friday before Memorial Day; and

WHEREAS, the year-round operation of parking meters located in front of and along the side of certain business located in commercial districts on both sides of Ventnor Avenue, both sides of Dorset Avenue, both sides of Atlantic Avenue and the Municipal Parking Lot shall remain in full force and effect, except during the above stated Holiday Season.

WHEREAS, the Kiosk machines located at Newport Ave and the beach and Suffolk Ave and the beach shall remain at \$2.00 per hour. The hours of enforcement shall be 8am to 8pm beginning the Friday before Memorial Day through September 30th.

**CITY OF VENTNOR CITY
RESOLUTION
NO. 157 OF 2019**

**A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF
NEW JERSEY AUTHORIZING THE EXECUTION OF A TAX ABATEMENT
AGREEMENT FOR BLOCK 60 LOT 9.03 ALSO KNOWN AS 1 S. DUDLEY**

WHEREAS, N.J.S.A 40A:21-1 et. seq. and Chapter 204 of the Code of the City of Ventnor City allows for the granting of a tax exemption for qualifying new dwellings; and

WHEREAS, application for such tax exemption has been filed by Irene Sandler Goldberg for the newly constructed residential dwelling known as Block 60 Lot 9.03; and

WHEREAS, the Ventnor City Tax Assessor has reviewed that application and has deemed the applications complete and in compliance with the provision of N.J.S.A 40A:21-1et. seq. and Chapter 204 of the Code of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter authorizes the execution of Tax Exemption Agreements for:

<u>Name of Applicant</u>	<u>Block/Lot</u>	<u>Address</u>
James J. Quinlan	60/9.03	1 S. Dudley

2019-158

CITY OF VENTNOR CITY
RESOLUTION
NO. 158 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT FOR BLOCK 172 LOT 5.04 ALSO KNOWN AS 6511 MONMOUTH AVE

WHEREAS, N.J.S.A 40A:21-1 et. seq. and Chapter 204 of the Code of the City of Ventnor City allows for the granting of a tax exemption for qualifying new dwellings; and

WHEREAS, application for such tax exemption has been filed by Irene Sandler Goldberg for the newly constructed residential dwelling known as Block 172 Lot 5.04; and

WHEREAS, the Ventnor City Tax Assessor has reviewed that application and has deemed the applications complete and in compliance with the provision of N.J.S.A 40A:21-1et. seq. and Chapter 204 of the Code of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter authorizes the execution of Tax Exemption Agreements for:

<u>Name of Applicant</u>	<u>Block/Lot</u>	<u>Address</u>
Irene Sandler Goldberg	172/5.04	6511 Monmouth Ave

2019-159

CITY OF VENTNOR CITY
RESOLUTION
NO. 159 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT FOR BLOCK 172 LOT 5.02 ALSO KNOWN AS 6509 MONMOUTH

WHEREAS, N.J.S.A 40A:21-1 et. seq. and Chapter 204 of the Code of the City of Ventnor City allows for the granting of a tax exemption for qualifying new dwellings; and

WHEREAS, application for such tax exemption has been filed by Natalie A. Russo for the newly constructed residential dwelling known as Block 172 Lot 5.02; and

WHEREAS, the Ventnor City Tax Assessor has reviewed that application and has deemed the applications complete and in compliance with the provision of N.J.S.A 40A:21-1et. seq. and Chapter 204 of the Code of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter authorizes the execution of Tax Exemption Agreements for:

<u>Name of Applicant</u>	<u>Block/Lot</u>	<u>Address</u>
Natalie A. Russo	172/5.02	6509 Monmouth

2019-160

CITY OF VENTNOR CITY
RESOLUTION
NO. 160 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT FOR BLOCK 172 LOT 13.02 ALSO KNOWN AS 6705 MONMOUTH AVE

WHEREAS, N.J.S.A 40A:21-1 et. seq. and Chapter 204 of the Code of the City of Ventnor City allows for the granting of a tax exemption for qualifying new dwellings; and

WHEREAS, application for such tax exemption has been filed by Ross Miller for the newly constructed residential dwelling known as Block 172 Lot 13.02; and

WHEREAS, the Ventnor City Tax Assessor has reviewed that application and has deemed the applications complete and in compliance with the provision of N.J.S.A 40A:21-1et. seq. and Chapter 204 of the Code of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter authorizes the execution of Tax Exemption Agreements for:

<u>Name of Applicant</u>	<u>Block/Lot</u>	<u>Address</u>
Ross Miller	172/13.02	6705 Monmouth Ave

2019-161

**CITY OF VENTNOR CITY
RESOLUTION
NO. 161 OF 2019**

A RESOLUTION OF THE CITY OF VENTNOR COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY REPAIR FOR LAFAYETTE AVENUE PUMP STATION NOT TO EXCEED \$3,000.00

WHEREAS, on April 16th there was an emergency at the Lafayette Avenue Pump Station; and

WHEREAS, an Electrician from Horn Electric was contacted; and

WHEREAS, a purchase order 19-00717 to Horn Electric was created in the amount of \$150.00; and

WHEREAS, Video Pipe was called to Vactor out the wet well at the station to prevent wastewater from overflowing on to the street; and

WHEREAS, the estimated cost of such service shall not exceed \$3,000.00

WHEREAS, a certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds) for purpose of this contract. A copy of the Chief Financial Officer's certification shall be filed with the City Clerk with the original Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Emergency repair for Lafayette Avenue Pump Station Video Pipe herein and hereby authorized to perform such emergency repair.

2019-162

**CITY OF VENTNOR CITY
RESOLUTION
NO. 162 OF 2019**

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF TAX ABATEMENT CONTINUATION AGREEMENT FOR BLOCK 199 LOT 19.02 ALSO KNOWN AS 5401 MONMOUTH AVE

WHEREAS, NJSA 40A:21-1 et. seq. and Chapter 204 of the Code of the City of Ventnor City allows for the granting of a tax exemption for qualifying new dwellings; and

WHEREAS, application for such tax exemption had been filed by Gary Tavella for the newly constructed residential dwelling known as Block 199 , Lot 19.02; and

WHEREAS, was approved under Resolution 409 of 2018; and

WHEREAS, Block 199 Lot 19.02 has recently been sold to Julie and Patrick Ferris; and

WHEREAS, application has been made to continue such abatement with the original timeline which expires 12/31/23; and

WHEREAS, the Ventnor City Tax Assessor has reviewed that application and has deemed the applications complete and in compliance with the provision of NJSA 40A:21-1et. seq. and Chapter 204 of the Code of the City of Ventnor City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter authorizes the execution of Tax Exemption Agreements for:

<u>Name Of Applicant</u>	<u>Block/Lot</u>	<u>Address</u>
Julie and Patrick Ferris	199/19.02	5401 Monmouth Ave

2019-163

**CITY OF VENTNOR CITY
RESOLUTION
NO. 163 OF 2019**

A RESOLUTION OF THE CITY OF VENTNOR COUNTY OF ATLANTIC, STATE OF
NEW JERSEY AUTHORIZING AN EMERGENCY REPAIR
FOR LAFAYETTE AVENUE PUMP STATION NOT TO EXCEED \$3,150.00

WHEREAS, on April 16TH there was an EMERGENCY AT THE Lafayette Avenue Pump Station; and

WHEREAS, an Electrician from Horn Electric was contacted; and

WHEREAS, a purchase order 19-00717 to Horn Electric was created in the amount of \$150.00; and

WHEREAS, Video pipe was called to Vactor out the well at the station to prevent wastewater from overflowing on to the street; and

WHEREAS, the estimated cost for Video Pipe is \$3,000.00; and

WHEREAS, the estimated total cost of such service shall not exceed \$3,150.00; and

WHEREAS, a certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds) for purpose of this contract. A copy of the Chief Financial Officer's certification shall be filed with the City Clerk with the original Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that Emergency repair Lafayette Ave Pump Station. that Video Pipe herein and hereby authorized to perform such emergency repair.

2019-164

**CITY OF VENTNOR CITY
RESOLUTION
NO 164 OF 2019**

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY, APPROVING A STREET OPENING PERMIT
HARDSHIP FOR BLOCK 79 LOT 20.01 ON BEHALF OF
FRAN GOLDSLEGER

WHEREAS, the property owner Fran Goldsleger of 18 S. Rosborough Avenue, also known as Block 79 Lot 20.01 are requesting a street opening hardship for the installation of water and sewer services along with gas service, and

WHEREAS, the street was paved in 05/25/2016 and is under moratorium until 05/25/21 and Ordinance 2016-17 owners now seek a Hardship waiver for street opening; and

WHEREAS, opening will be made in the street and repaired by using extraordinary restoration (infrared restoration technology) in accordance with the Ordinance; and

WHEREAS, the property owner has agreed to comply with all laws, ordinances and regulations of the State of New Jersey, County of Atlantic and City of Ventnor and will also comply with directives of the City Engineer; and

WHEREAS, City engineer shall be notified when the installation will be done.

NOW, THEREFORE, BE IT RESOLVED that the City Commissioners of the City of Ventnor, County of Atlantic, State of New Jersey approve the above Hardship for Block 79 Lot 20.01 also known as 18 S. Rosborough Avenue

2019-165

**CITY OF VENTNOR CITY
RESOLUTION
NO 165 OF 2019**

**A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY, APPROVING A STREET OPENING PERMIT
HARDSHIP FOR BLOCK 216 LOT 5.02 ON BEHALF OF
SILVERSHORE HOMES LLC**

WHEREAS, the property owner Silvershore Homes LLC of 315 N. Derby, also known as Block 216 Lot 5.02 are requesting a street opening hardship for the installation of water and sewer services along with gas service, and

WHEREAS, the street was paved in 09/20/2014 and is under moratorium until 09/20/2019 and Ordinance 2016-17 owners now seek a Hardship waiver for street opening; and

WHEREAS, opening will be made in the street and repaired by using extraordinary restoration (infrared restoration technology) in accordance with the Ordinance; and

WHEREAS, the property owner has agreed to comply with all laws, ordinances and regulations of the State of New Jersey, County of Atlantic and City of Ventnor and will also comply with directives of the City Engineer; and

WHEREAS, City engineer shall be notified when the installation will be done.

NOW, THEREFORE, BE IT RESOLVED that the City Commissioners of the City of Ventnor, County of Atlantic, State of New Jersey approve the above Hardship for Block 216 Lot 5.02 also known as 315 N. Derby

2019-166

**CITY OF VENTNOR
RESOLUTION
NO. 166 OF 2019**

**A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF
NEW JERSEY AUTHORIZING RELEASE OF PERFORMANCE BOND
ATLANTIC REGION FOOD CORP. AKA DUNKIN DONUTS**

WHEREAS, Atlantic Region Food Corp. posted a performance bond in the amount of \$143,413.20 for site inspections at the property known as 9400 Ventnor Avenue Block 70 Lot 14 within the City of Ventnor City; and

WHEREAS, an inspection of the site by the Planning Board Engineer, Planner, Assistant City Engineer has found all improvements completed as required by the Ventnor City Planning Board; and

WHEREAS, the applicant has requested release of said performance bond.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it herein and hereby authorizes the release the \$143,413.20 performance bond for improvements at the site known as 9400 Ventnor Avenue Block 70 Lot 14.

BE IT FRUTHER RESOLVED that as a condition of said release Atlantic Region Food Corp. shall post a two (2) year maintenance guarantee in the amount of \$17,892.90 (15% of costs of improvements) pursuant to the Municipal Land Use Law Chapter 291 Section C.40:55D-53.

2019-167

**CITY OF VENTNOR CITY
RESOLUTION
NO. 167 OF 2019**

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AMENDING RESOLUTION 107 OF 2019 AUTHORIZING AN EMERGENCY REPAIR FOR FULTON HARVARD SANITARY PUMP STATION FOR \$9,590.00

WHEREAS, on March 7, 2019 number two sanitary pump failed; and

WHEREAS, Resolution number 2019-107 authorized AC Schultes to make the necessary repair; and

WHEREAS, the actual cost exceeded the estimate cost of \$7,500.00; and

WHEREAS, the actual cost of said repair is now increased by \$2,090.00 to a maximum amount of \$9,590.00 on the repair; and

WHEREAS, a certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds) for purpose of this contract. A copy of the Chief Financial Officer's certification(s) shall be filed with the City Clerk with the original of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that AC Schultes. is herein and hereby authorized to perform such emergency repair.

2019-168

**CITY OF VENTNOR CITY
RESOLUTION
NO. 168 OF 2019**

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING A REFUND FOR A TAX OVERPAYMENT

WHEREAS, the 2019 1ST quarter Known as B 165 L 3 105 N Princeton Ave Ventnor, NJ assessed to Federal National Mortgage was overpaid in the amount of \$1150.40 due to a duplicate payment by the Bank and Mortgage Company; and

WHEREAS, Corelogic has requested a refund in the amount of \$1150.40 sent to them at Corelogic Attn: Refunds Dept 3001 Hackberry Rd Irving, Texas ; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor that the Chief Financial Officer of the City of Ventnor is authorized to issue a refund check as stated above.

BE IT FURTHER RESOLVED that the Tax Collector and the Chief Financial Officer of the City of Ventnor are authorized to mark their books and records accordingly.

2019-169

**CITY OF VENTNOR CITY
RESOLUTION
NO. 169 OF 2019**

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AMENDING RESOLUTION 228 OF 2018 AUTHORIZATION THE CITY OF VENTNOR CITY TO APPLY FOR AND ACCEPT

A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2018 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING AND FOR THE CITY CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS

WHEREAS, the City of Ventnor, Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant CFDA #97.042, Award #FY18-EMPG-EMAA-0122 from the New Jersey State Police Office of Emergency Management. The Sub-grant, consisting of a total amount of \$20,019.20 including \$10,000.00 Federal Award and \$10,019.20 Local Matching Funds, is for the purpose of enhancing Ventnor City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the sub-grant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the award period is from July 1, 2018 to June 30, 2019; and

WHEREAS, the Ventnor City Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Sub-grant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Sub-grant Award calls for a match in the amount of \$10,019.20 which the Ventnor City Office of Emergency Management adequately satisfies through the City of Ventnor approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Ventnor accepts the award of the FFY18 Homeland Security Emergency Management Performance Grant Program Sub-grant in the amount of \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$10,000.00, which is now available from the New Jersey State Police, Office of Emergency Management in the like amount of \$10,000.00 from the aforementioned grant; and

BE IT FURTHER RESOLVED that the like sum of \$10,000.00 is hereby appropriated under the caption FFY18 Homeland Security Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED that the Ventnor City Chief Fiscal Officer and the Ventnor City Municipal Emergency Management Coordinator are authorized to sign the appropriate sub-grant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; Municipal Administrator; Chief Financial Officer; County Division of Emergency Management and Office of the Treasury.

2019-170

**CITY OF VENTNOR
RESOLUTION**

NO. 170 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AWARDED A BID FOR THE ATLANTIC AVE. BIKEWAY TO ZONE STRIPING LLC IN THE AMOUNT OF \$210,356.77

WHEREAS, on September 13, 2018 under Resolution 2018-318 the City authorized the project; and

WHEREAS, on May 2, 2019 bids were opened in the City Clerk's Office; and

WHEREAS, the bid has been reviewed for completeness; and

WHEREAS, Zone Striping Inc. submitted a Base Bid Plus Alternate 1 in the amount of \$210,356.77 for the Atlantic Ave Bikeway and

WHEREAS, the City Engineer recommends to award the contract base bid plus alternate 1 for a total contract amount of \$210,356.77; and

WHEREAS, this project is funded in part by an NJDOT 2018 Bikeway Program in the amount of \$190,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards to Zone Striping Inc. P.O. Box 568, Glassboro NJ 08028 or the maximum amount of \$210,356.77; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds for the purpose of this contract. A copy of the Chief Financial Officer's certification shall be filed with the City Clerk with the original resolution.

2019-171

**CITY OF VENTNOR
RESOLUTION**

NO. 171 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AWARDING A BID FOR THE RECONSTRUCTION OF NEWPORT AVE IN THE AMOUNT OF \$241,627.20 (NJDOT MUNICIPAL AID FY 2017)

WHEREAS, the Municipal Clerk of the City of Ventnor City received and opened four (4) Bid Proposals for Bid project 01-22-U-005 State Aid Reconstruction of Newport Ave on Tuesday, May 7, 2019 at 11:00 AM in the Office of the City Clerk; and

WHEREAS, the bid has been reviewed for completeness; and

WHEREAS, Mathis Construction Company Inc. of Little Egg Harbor submitted a Bid Amount of \$241,627.20 for the Reconstruction of Newport Ave; and

WHEREAS, this project is funded in large part by an NJDOT Municipal Aid Grant FY 2017 in the amount of \$231,000.00; and

WHEREAS, the City desires to proceed with the reconstruction of Newport Ave.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Ventnor City that it hereinafter awards the reconstruction of Newport Ave to Mathis Construction Company Inc of Little Egg Harbor for the maximum amount of \$241,627.20; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds for the purpose of this contract. A copy of the Chief Financial Officer's certification shall be filed with the City Clerk with the original resolution.

2019-172

**CITY OF VENTNOR
RESOLUTION**

NO. 172 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING A CONTRACT TO RUBBERECYCLE LLC FOR DRAINAGE REPAIRS AND REPLACEMENT OF PLAYSAFE RUBBER SURFACE IN THE AMOUNT OF \$274,532.30

WHEREAS, the City of Ventnor, pursuant to N.J.S.A. 40a:11-12 and N.J.A.C. 5:34-7.29(C) , may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Ventnor intends to enter into a contract with a State Contract Vendor for drainage repairs and replacement of Playsafe Rubber surface at C-Sure Playground; and

WHEREAS, the City Engineer has recommended that a contract be awarded to Rubberecycle LLC 1985 Rutgers University Blvd Lakewood NJ 08701 for drainage repairs and replacement of the Playsafe Rubber Surface in an amount not to exceed \$274,532.30; and

WHEREAS, the work is priced under State contract number 16-FLEET-00131; and

WHEREAS, a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds for the purpose of this contract. A copy of the Chief Financial Officer's certification shall be filed with the City Clerk with the original resolution.

WHEREAS, the City of Ventnor has certified that this meets the statute and regulations governing the award of said contracts.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Commissioners of the City of Ventnor as follows:

1. That this contract for the drainage repairs and replacement of playsafe rubber surface is awarded pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(C), under the State of New Jersey Cooperative Purchasing Program
2. The Mayor and City Clerk is hereby authorized to execute the said contract in the amount not to exceed \$274,532.30

2019-173

CITY OF VENTNOR
RESOLUTION
NO. 173 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING SEASONAL/PART-TIME EMPLOYMENT TO SHAWNA M. KELLEY AS PARKING ENFORCEMENT OFFICER

WHEREAS, a need exists to hire certain employees in the City of Ventnor; and

WHEREAS, a need exists for a seasonal part-time position in the Ventnor City Police Department; and

WHEREAS, the Mayor and City Commissioners are desirous on filling such position.

WHEREAS, the City wishes to hire Shawna M. Kelly as a seasonal part-time Parking Enforcement Officer; and

WHEREAS, the hourly rate shall be \$11.00 per hour; and

WHEREAS, the anticipated start date is May 13, 2019

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Commissioners of the City of Ventnor, County of Atlantic, State of New Jersey that the City Administrator be and is hereby authorized to offer employment to the following:

1. Shawna M. Kelley (Seasonal/PT) effective May 13, 2019
Parking Enforcement Officer (07305) \$11.00/hourly

2019-174

CITY OF VENTNOR
RESOLUTION
NO. 174 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING A CONTRACT TO MRC INC. GAMETIME PLAYGROUND EQUIPMENT FOR THE INSTALLATION OF NEW PLAYGROUND EQUIPMENT IN THE AMOUNT OF \$130,825.61

WHEREAS, the City of Ventnor, pursuant to N.J.S.A. 40a:11-12 and N.J.A.C. 5:34-7.29(C), may by resolution and without advertising for bids, purchase any goods or services under the State of New

Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Ventnor intends to enter into a contract with a State Contract Vendor for the installation of new playground equipment; and

WHEREAS, the locations for the new equipment will be Library Park Playground, Titus Field Playground and Fireman's Park Playground; and

WHEREAS, the cost for Library Park Playground is \$42,674.65 and Titus Field Playground is \$62,112.24 and Fireman's Park Playground is \$26,038.72; and

WHEREAS, the City Engineer has recommended that a contract be awarded to MRC INC PO Box 106 Spring Lake, NJ 07762 for the installation of new playground equipment in an amount not to exceed \$130,825.61; and

WHEREAS, the work is priced under State contract number 16-FLEET-00121; and

WHEREAS, a Certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds for the purpose of this contract. A copy of the Chief Financial Officer's certification shall be filed with the City Clerk with the original resolution.

WHEREAS, the City of Ventnor has certified that this meets the statute and regulations governing the award of said contracts.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Commissioners of the City of Ventnor as follows:

1. That this contract for the installation of new playground equipment is awarded pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(C), under the State of New Jersey Cooperative Purchasing Program
2. The Mayor and City Clerk is hereby authorized to execute the said contract in the amount not to exceed \$130,825.61

2019-175

CITY OF VENTNOR
RESOLUTION
NO. 175 OF 2019

A RESOLUTION OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC, STATE OF
NEW JERSEY AWARDING WALTERS MARINE CONSTRUCTION FOR THE
REDECKING AND REPAIRS TO FIVE (5) BOARDWALK FINGER PIERS IN THE
AMOUNT OF \$22,426.38

WHEREAS, the City of Ventnor requested proposals; and

WHEREAS, two proposals were received; and

WHEREAS, Walters Marine Construction Inc. submitted a proposal in the amount of \$22,426.38; and

WHEREAS, the Municipal Engineer has reviewed same, and herewith recommends to award the contract to Walters Marine Construction Inc.; and

WHEREAS, a certificate of Availability of Funds issued by the Municipal Chief Financial Officer states that there are available and sufficient legally appropriated funds for purpose of this contract. A copy of the Chief Financial Officer's certification(s) shall be filed with the City Clerk with the original of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Ventnor City that it hereinafter award the Contract for Redecking and repairs to Five (5) Boardwalk Finger Piers to Walters Marine Construction 414 Woodbine Ocean View Road Ocean View NJ 08230 for a Maximum Amount of \$22,426.38

(Resolutions 2019-156 to 2019-175) Consent Agenda includes items of business which are not controversial & do not require individual discussion. A motion approving the consent Agenda is moved, seconded & voted upon as one item by the City Commissioners. If any discussion is requested on a consent Agenda item, it is removed from the Consent Agenda to the Regular Agenda)

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

APPROVAL OF BILLS AND PAYROLL

Bills \$541,549.71

Payroll 04/21/2019 to 05/04/2019 \$515,708.65

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

SAFETY REPORT

City of Ventnor, NJ
April 2019 Report

The Safety Committee met at 10:00am on Wednesday 4/10.

In the claims/accident review sector, there was one auto related incident that resulted in 3 open claims, one Property for the City Vehicle, and one Property Damage Liability and 1, Bodily Injury Liability claim were opened. **This is the second straight month with NO workers comp incidents.**

In discussion the recent fire drill evidently was ignored by some parties resulting in failure. The alarm system is also being addressed. The goal is to have total evacuation, with attendance to make sure everyone is accounted for and the alarm system is 100% functional. Remember the boy who cried wolf, keep trying with all participating as you never know when the real emergency requires evacuation of the building.

The Fire Department has moved station 2 into Titus Field temporary residence and apparatus location.

The ACMJIF wellness director, Valerie Smith has resigned her position with the ACMJIF. In the meantime, Sari Appelbaum has continuing events scheduled for all employees to participate in.

Next Month's meeting will be Friday May 10th at 9:00am.

COMMISSIONER COMMENTS

Commissioner Kriebel discussed briefly with the Commissioners regarding Parklets for the City, there was a meeting recently with the County, during the meeting the County requested the City to give them some area suggestions.

PUBLIC COMMENT

Motion to open to the Public

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

Bob Lavita -N.Burghley Ave

Mr. Lavita is concerned about the recent Ordinance change for ball playing on the beach. Mr. Lavita is afraid that his wife will be hit in the head while people are not permitted to play ball. Mayor Holtzman stated that people should be using common sense when playing and if there are any issues that they should go to the lifeguards. Commissioner Kriebel will get together with Chief Bergman and discuss this with him.

Seeing no one else from the public wished to speak

Motion to close to the Public

COMMISSIONER	MOTION	2nd	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Commissioner Kriebel		x	x				
Commissioner Landgraf	x		x				
Mayor Holtzman			x				
VOTE			3				

EXECUTIVE SESSION

None

ADJOURNMENT

Seeing no further action, the meeting Commissioner Landgraf made a motion to adjourn, seconded by Commissioner Kriebel, and unanimously carried. The meeting was adjourned at 7:55 p.m.

Mayor Beth Holtzman

Absent

Commissioner H. Timothy Kriebel

Commissioner Lance B. Landgraf Jr.

Lisa H. Hand, RMC, City Clerk