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January 13, 2016

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, January 13, 2016 at 4:36 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - - - - - - 8 Reporters - - - - - - - - - - 2

The meeting was called to order by Council President Dean.

 Roll call: Council President Dean Present

 Councilman Burns Present

 Councilman Covington Present

 Council Vice President Hudanich Present

 Councilman McCorristin Present

Also present:

 Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Paul Short, Sr., Code Enforcement Officer

William Macomber, Director of Public Works/Utilities

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Council President Dean read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of

Meetings dated June 24, 2015. It was given to the news media and posted on the Official Bulletin Board as required by law.

Public comments regarding Resolutions:

Martha Wright, 632 7th Street, supports Council’s resolution regarding Senate/Assembly bills concerning the diamondback turtles and suggested adding some information to the sign entering Avalon educating the public on the placement of the turtles when moved across street.

Council discussed the option of having information on the website and also on Channel 97 to educate the public.

Councilman Burns, questioned whether Channel 97 is included in basic cable as the Chamber of Commerce had trouble accessing the channel.

Scott Wahl, Business Administrator, indicated he believes it is included in basic cable but he will check into it.

Resolution No. 1-2016: A RESOLUTION AUTHORIZING THE 2016

 TEMPORARY BUDGET - N.J.S.A. 40A:4-19

Motion made by Councilman Covington, seconded by Council Vice President Hudanich that the resolution be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

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Resolution No. 2-2016: ARESOLUTION AUTHORIZING REFUNDS

 FOR ESCROW PAYMENT FOR PRE AND/OR

 POST DREDGE SURVEYS IN CONNECTION

 WITH THE 2014-2016 DREDGING PROJECT

Motion made by Councilman Burns, seconded by Councilman McCorristin that the resolution be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Resolution No. 3-2016: ARESOLUTION AWARDING A CONTRACT TO STEPHEN SERWATKA, T/A ANIMAL CONTROL OF SOUTH JERSEY FOR ANIMAL CONTROL SERVICES IN THE BOROUGH OF AVALON FOR A TERM OF ONE (1) YEAR COMMENCING JANUARY 1, 2016 THROUGH DECEMBER 31, 2016

Motion made by Councilman McCorristin, seconded by Council President Dean that the resolution be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

RESOLUTIONS AUTHORIZING PROFESSIONAL SERVICES CONTRACTS FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2016 THROUGH DECEMBER 31, 2016:

NON-FAIR AND OPEN (CONTRACT ANTICIPATED TO EXCEED $17,500.00):

Resolution No. 4-2016: MICHAEL S. GARCIA, AUDITOR, FORD, SCOTT &

 ASSOCIATES, LLC

Resolution No. 5-2016: THOMAS R. THORNTON, PE, BOROUGH ENGINEER, HATCH MOTT MACDONALD

Resolution No. 6-2016: HOWARD MARLOWE, WARWICK CONSULTANTS,

 LLC, GOVERNMENT AFFAIRS CONSULTANT AND

 LOBBYIST

Resolution No. 7-2016: SCOTT D. TAYLOR, TAYLOR DESIGN GROUP, INC., PROFESSIONAL PLANNER AND LANDSCAPE ARCHITECT

Resolution No. 8-2016: MICHAEL F. SULLIVAN, CLARKE CATON HINTZ, PROFESSIONAL PLANNER FOR THE PLANNING/ZONING BOARD

Resolution No. 9-2016: JOSEPH H. MAFFEI, ENGINEERING DESIGN ASSOCIATES, ENGINEER OF THE PLANNING/ZONING BOARD

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Resolution No. 10-2016: DEAN R. MARCOLONGO, ESQUIRE, OFFICE OF NATHAN VAN EMBDEN, SOLICITOR FOR THE PLANNING/ZONING BOARD

Resolution No. 11-2016: V-COMM, LLC, TELECOMMUNICATIONS TECHNICAL

Resolution No. 12-2016: LOMAX CONSULTING GROUP, ENVIRONMENTAL CONSULTING SERVICES ON AN AS NEEDED BASIS IN SUPPORT OF SPECIFIC NATURAL RESOURCE ISSUES WITHIN THE BOROUGH OF AVALON

Resolution No. 13-2016: NEIL YOSKIN, ESQUIRE, SOKOL, BEHOT & FIORENZO, SPECIAL LITIGATION COUNSEL AND SPECIAL ENVIRONMENTAL COUNSEL

UNDER THE NON-FAIR AND OPEN THRESHOLD (CONTRACT ANTICIPATED TO FALL BELOW $17,500.00):

Resolution No. 14-2016: ALAN I. GOULD, ESQUIRE, SPECIAL CONFLICT COUNSEL

 Resolution No. 15-2016: THOMAS G. SMITH, ESQUIRE, TAX APPEAL COUNSEL

Resolution No. 16-2016: BAY ATLANTIC SYMPHONY, 3rd OF JULY PERFORMANCE

Resolution No. 17-2016: MARSH & MCLENNAN AGENCY, LLC RISK MANAGEMENT CONSULTANT TO PERFORM VARIOUS PROFESSIONAL SERVICES RELATIVE TO THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND AND MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

OVER $17,500.00 BUT EXEMPT FROM THE PAY-TO-PLAY NON-FAIR AND OPEN

REQUIREMENT BECAUSE VENDOR IS THE COLLEGE:

Resolution No. 18-2016: DR. STEWART C. FARRELL, EXECUTIVE DIRECTOR, COASTAL RESEARCH CENTER, THE RICHARD STOCKTON COLLEGE OF NJ, BEACH MONITORING SERVICES, TASK 1 AND CONTINGENCY AND BATHYMETRIC SURVEY OF

 TOWNSENDS INLET

Motion made by Council Vice President Hudanich, seconded by Councilman Burns that resolutions d-r be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

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January 13, 2016

Resolution No. 19-2016: A RESOLUTION AUTHORIZING THE RELEASE

 OF THE PERFORMANCE GUARANTEE IN THE

 AMOUNT OF FIFTY-TWO THOUSAND NINE

 HUNDRED THIRTY-FIVE DOLLARS AND

 THREE CENTS ($52,935.03) SUBMITTED BY

 NEW CINGULAR WIRELESS, PCS, LLC FOR

 VARIANCE APPLICATION FOR BLOCK 13.03,

 LOTS 37, 38, 40-42, 13TH STREET WATER

 TOWER

Motion made by Councilman Covington, seconded by Councilman McCorristin that the resolution be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Resolution No. 20-2016: A RESOLUTION AUTHORIZING A SHARED

SERVICES AGREEMENT BETWEEN THE

BOROUGH OF AVALON AND THE TRUSTEES

OF THE FREE PUBLIC LIBRARY FOR

QUALIFIED PURCHASING SERVICES

 Motion made by Councilman Burns, seconded by Council Vice President Hudanich that the resolutions be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Resolution No. 21-2016: A RESOLUTION EXPRESSING SUPPORT OF

 SENATE BILL NO. S-2615/ASSEMBLY BILL

 NO. A-3932 REGARDING CATEGORIZING

 DIAMONDBACK TERRAPINS AS NON-GAME

 SPECIES

Motion made by Councilman McCorristin, seconded by Council President Dean that the resolutions be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

**7472**

January 13, 2016

Resolution No. 22-2016: A RESOLUTION APPOINTING DOROTHY

 INCARVITO-GARRABRANT AS JUDGE OF

 THE MUNICIPAL COURT OF THE BOROUGH

 OF AVALON TO FILL THE UNEXPIRED TERM

 OF GEORGE B. NEIDIG, JR SAID TERM TO

 EXPIRE ON FEBRUARY 28, 2018

Motion made by Council Vice President Hudanich, seconded by Councilman Covington that the resolution be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Resolution No. 23-2016: A RESOLUTION AUTHORIZING THE

 APPOINTMENT OF FRANK GUARACINI, III,

 ESQUIRE OF BLANEY & KARAVAN, P.C.

 OF AVALON, NJ AS MUNICIPAL

 PROSECUTOR AND EMILY A.

 BUONADONNA, ESQUIRE OF UPPER

 TOWNSHIP, NEW JERSEY AS ASSISTANT

 MUNICIPAL PROSECUTOR FOR THE

 BOROUGH OF AVALON EACH FOR A ONE

 YEAR TERM COMMENCING JANUARY 1,

 2016

Motion made by Councilman Covington, seconded by Council Vice President Hudanich that the resolution be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Resolution No. 24-2016: A RESOLUTION AUTHORIZING THE

 BOROUGH OF AVALON TO ENTER INTO A

 SHARED SERVICES AGREEMENT WITH THE

 COUNTY OF CAPE MAY FOR ANIMAL

 SHELTERING SERVICES FOR A FIVE (5)

 YEAR TERM COMMENCING JANUARY 1,

 2016

Motion made by Council President Dean, seconded by Councilman Burns that the resolutions be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

**7473**

January 13, 2016

Resolution No. 25-2016: A RESOLUTION AUTHORIZING A PERSON-

 TO-PERSON TRANSFER OF PLENARY RETAIL

CONSUMPTION LICENSE NO. 0501-36-002-002

Motion made by Councilman Burns, seconded by Councilman McCorristin that the resolutions be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Resolution No. 26-2016: A RESOLUTION AUTHORIZING PAYMENT OF

 BILLS

Motion made by Councilman Covington, seconded by Council Vice President Hudanich that the resolutions be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Reports of Officials:

Scott Wahl reported that he was tasked by Mayor Pagliughi to offer comments at the Senate Environmental Committee Meeting in Trenton on Thursday, January 7th.  He said the Committee met to discuss an emergency bill in Trenton requested by New Jersey Department of Environmental Commissioner Robert Martin and the bill would provide legislative authority to the NJDEP to require public access to New Jersey’s beaches and waterways.  He reported it is in response to an appellate court ruling in December, 2015 that determined the NJDEP did not have the authority to provide public access.  He stated that only he and Cape May Mayor Edward Mahaney testified from Cape May County and following his testimony, the Committee voted unanimously in favor of the legislation.

Council Vice President Hudanich asked what protections will be in place for coastal communities to ensure that the NJDEP does not return to a previous past practice of a “one size fits all” approach to public access rules regarding public access.

Mr.Wahl noted that the Committee’s Chair, Senator Robert Smith, announced at the meeting that an ad hoc committee was being formed to address any changes to public access policy currently enacted by the NJDEP.

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC, reported on the progress of the repaving of the 28th Street parking Lot. He said ironically the warm temperatures were a plus but all the rain has affected the paving. He added the proposed project completion is March, 2016.

Council Vice President Hudanich, expressed concern of Pedestrian Safety where the steps have been removed and new placement of those steps.

Mr. Thornton, indicated the project plans called for the replacement of the steps in the areas in which they were originally.

Brief discussion followed.

**7474**

January 13, 2016

Public Comments:

There were no comments from the public.

Councilman Burns, said he has response to a public question from a previous Council meeting. He spoke to Mr. Hesley concerning buffer landscaping around swimming pools at 526 7th Street, 622 7th Street, 408 7th Street and 400 20th Street and those issues have been addressed and corrected.

Resolution No. 27-2016: A RESOLUTION TO CONDUCT A CLOSED SESSION PURSUANT TO N.J.S.A. 10:4-12.b OF THE OPEN PUBLIC MEETINGS ACT PERTAINING TO

 CONTRACT NEGOTIATIONS CONCERNING

 DEPARTMENT OF PUBLIC SAFETY

Motion made by Councilman McCorristin, seconded by Council President Dean that the resolutions be adopted.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

 Motion made by Councilman Covington, seconded by Councilman Burns to recess the public portion of the Regular Meeting and go into Closed Session.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Public portion of Regular Meeting recessed at 5:00 p.m.

Motion made by Council Vice President Hudanich, seconded by Councilman Covington to adjourn the Closed Session and go back into public portion of the Regular Meeting.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Public Portion of Regular Meeting reconvened at 5:17 p.m.

Present:

Full Council

 Scott Wahl, Business Administrator

James A. Waldron, Assistant Business Administrator

 Stephen D. Barse, Esquire, Borough Solicitor

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Motion made by Councilman Burns, seconded by Council President Dean to adjourn the Regular Meeting.

ROLL CALL VOTE: Councilman Burns Aye

 Councilman Covington Aye

 Council Vice President Hudanich Aye Councilman McCorristin Aye

 Council President Dean Aye

Regular Meeting adjourned at 5:18 p.m.

 Respectfully submitted,

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 Marie J. Hood, Borough Clerk

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 Richard E. Dean, Council President