A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, June 22, 2016 at 8:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - - - - - - 3 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 Absent

Also present:

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

Chief William McCormick, Police Department

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

Paul E. Short, Sr., Code Enforcement Officer

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.

Minutes:

Work Session, Agenda Session, Regular Meeting – May 25, 2016

Motion made by Councilman Covington, seconded by Councilman Burns that the minutes be approved as submitted.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye

Councilman McCorristin Absent

Council President Dean Aye

(The following minutes are being voted upon separately due to the absence of Council Vice President Hudanich)

Work Session, Agenda Session, Regular Meeting – June 8, 2016

Motion made by Councilman Burns, seconded by Council President Dean that the minutes be approved as submitted.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Abstain

Councilman McCorristin Absent

Council President Dean Aye

There are no Closed Session Minutes for release.

Public comments regarding Resolutions:

None.

Resolution No. 108-2016: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, NON-FAIR AND OPEN, WITH STEPHEN D. BARSE, ESQUIRE OF GRUCCIO, PEPPER, DE SANTO & RUTH, PA OF VINELAND, NJ AS BOROUGH SOLICITOR FOR THE BOROUGH OF AVALON FOR A ONE (1) YEAR TERM COMMENCING JULY 1, 2016 THROUGH JUNE 30, 2017

Resolution No. 109-2016: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, NON-FAIR AND OPEN, WITH LAWRENCE A. PEPPER, JR., ESQUIRE OF GRUCCIO, PEPPER, DE SANTO & RUTH, PA OF VINELAND, NJ AS LABOR ATTORNEY FOR THE BOROUGH OF AVALON FOR A ONE (1) YEAR TERM COMMENCING JULY 1, 2017

Resolution No. 110-2016: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, NON-FAIR AND OPEN, WITH MCMANIMON, SCOTLAND AND BAUMANN, LLC, ATTORNEYS AT LAW OF ROSELAND, NJ AS BOND COUNSEL FOR THE BOROUGH OF AVALON FOR A ONE (1) YEAR TERM COMMENCING JULY 1, 2016 THROUGH JUNE 30, 2017

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 Absent

Council President Dean Aye

Resolution No. 111-2016: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CHANNEL MARINE CONSTRUCTION, INC., FOR RECONSTRUCTION OF FIFTH AVENUE BULKHEAD CONTRACT NO. M-104 IN THE AMOUNT OF EIGHTY-NINE THOUSAND EIGHT HUNDRED ($89,800.00) DOLLARS

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 Absent

Council President Dean Aye

Resolution No. 112-2016: A RESOLUTION DESIGNATING AND ESTABLISHING MEETING TIMES FOR THE GOVERNING BODY OF THE BOROUGH OF AVALON (CH. 231 P.L. 1975, OPEN PUBLIC MEETINGS ACT) FOR THE PERIOD FROM JULY 1, 2016 THROUGH JUNE 30, 2017

Motion made by Council Vice President Hudanich, 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 Absent

Council President Dean Aye

Resolution No. 113-2016: A RESOLUTION APPROVING THE APPLICATION FOR AN OFF-PREMISE 50/50 CASH RAFFLE LICENSE SUBMITTED BY THE BAY-ATLANTIC SYMPHONY TO BE HELD ON FRIDAY, OCTOBER 28, 2016 AT 12:00 P.M. AT COMMUNITY HALL, 3001 AVALON AVENUE, AVALON, NJ

Motion made by Councilman Burns, 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 Absent

Council President Dean Aye

Resolution No. 114-2016: A RESOLUTION AUTHORIZING THE RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LICENSES IN THE BOROUGH OF AVALON, CAPE MAY COUNTY, NEW JERSEY FOR THE LICENSE TERM JULY 1, 2016 THROUGH JUNE 30, 2017

Resolution No. 115-2016 A RESOLUTION APPROVING THE APPLICATION OF A.V.E., INC., P.R.C. LICENSE NO. 0501-36-011-022, FOR RELEASE OF CERTAIN RESTRICTIONS

Resolution No. 116-2016 A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE – FRED’S AVALON LIQUOR STORE, INC., LICENSE NO. 0501-44-003-003 FOR LICENSE TERM JULY 1, 2016 THROUGH JUNE 30, 2017

Resolution No. 117-2016 A RESOLUTION REQUESTING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL TO ACT UPON THE RENEWAL APPLICATION OF THE AVALON YACHT CLUB, CLUB LICENSE NO. 0501-31-010-004, FOR THE LICENSE TERM JULY 1, 2016 THROUGH JUNE 30, 2017

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye

Councilman McCorristin Absent

Council President Dean Aye

Resolution No. 118-2016 A RESOLUTION APPROVING THE CAPE MAY COUNTY MULTI-JURISDICTIONAL ALL-HAZARDS MITIGATION PLAN

Motion made by Councilman Covington, 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 Absent

Council President Dean Aye

Resolution No. 119-2016 A RESOLUTION CONFIRMING THAT THE BOROUGH OF AVALON PROVIDED MATCHING FUNDS FOR A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2015 – DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

Motion made by Council President Dean, 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 Absent

Council President Dean Aye

Resolution No. 120-2016 A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS, (N.J.S.A. 40A:4-87), 2016 CLEAN COMMUNITIES GRANT, 2016 COPS IN SHOPS – SUMMER SHORE INITIATIVE AND 2015 RECYCLING TONNAGE GRANT

Motion made by Councilman Burns, 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 Absent

Council President Dean Aye

Resolution No. 121-2016: A RESOLUTION REAFFIRMING RESOLUTION 55-2016 CONCERNING THE BOROUGH’S ACCEPTANCE OF THE SOUTHERN PINE BEETLE GRANT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY AND EXPRESSING THE BOROUGH’S INTENT AND DETERMINATION TO PROCEED TOWARD THE SUCCESSFUL COMPLETION OF THIS PROJECT AND RATIFYING AND APPROVING ALL ACTION TAKEN TO DATE

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 Absent

Council President Dean Aye

Resolution No. 122-2016: A RESOLUTION AUTHORIZING PAYMENT OF

BILLS

Motion made by Councilman Burns, 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 Absent

Council President Dean Aye

Second reading, public hearing and final action on Ordinance No. 742-2016:

Motion made by Councilman Covington, seconded by Councilman Burns that Ordinance No. 742-2016 be brought on for second reading, public hearing and final action.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye

Councilman McCorristin Absent

Council President Dean Aye

Borough Clerk to read aloud Ordinance No. 742-2016:

Ordinance No.742-2016:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 (ADMINISTRATION) AND CHAPTER 5 (PERSONNEL) OF THE CODE OF THE BOROUGH OF AVALON, 2013

Council President Dean opened the meeting for public hearing on Ordinance No. 742-2016 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Covington, seconded by Councilman Burns that the public hearing be closed.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye

Councilman McCorristin Absent

Council President Dean Aye

Motion made by Councilman Covington, seconded by Councilman Burns

Covington that Ordinance No. 742-2016 be finally adopted, submitted to the Mayor for approval and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye

Councilman McCorristin Absent

Council President Dean Aye

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Jim Waldron reported a conference call was held with the President of Atlantic City Electric regarding storm damage. Participants in the conference call included Bill Macomber, Paul Short, and representatives from other municipalities in Cape May County. The report from Atlantic City Electric is as of 3:00 p.m. today the customers without service has been reduced to 8,100 from 39,000 originally affected. Of the 8,100 currently without service, the majority of those are expected to be reinstated to service by midnight tonight. There will be approximately 200-300 customers that will not be restored service until late tomorrow afternoon. Not included in that number are properties that have been severely damaged. Fortunately, none of the damaged properties are within Avalon, however our sister communities have sustained a devastating hit in Lower Township, Middle Township and the Wildwoods. As a consequence, our Public Works Department will be participating in Lower Township tomorrow to assist that community in the attempt to clean up. During the conference call today it was pointed out by the manager in Lower Township that there are roads that are impassable and are blocked with down trees and down power lines. Similar situations exist in a number of municipalities throughout Cape May County. Also participating in the call was a representative of the Board of Public Utilities who questioned the President of Atlantic City Electric on their preparation for storms forecast to affect the area tomorrow. In an attempt to be prepared for the forecasted storms, approximately 300 vehicles from sister utilities in the tristate area are on standby to assist in the event extreme storms affect the area.

Council Vice President Hudanich questioned how long the Public Works Department will be assisting the other municipalities.

Bill Macomber reported the time frame is unknown until the extent of the damage and the number of participating communities is assessed.

Council Vice President Hudanich spoke in support of aiding entities in need of assistance and noted the Borough and the employees of Public Works are fully insured.

Jim Waldron further reported there have been complaints that citizens were not alerted to the severity of the storm through the reverse 911 system and noted the problem is being evaluated and addressed.

Monthly Reports:

Month of May, 2016:

Borough Clerk and Registrar’s Report submitted by Marie J. Hood.

Bureau of Fire Prevention, Licensing, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code, Taxicab, Beach Vehicle Reports submitted by John Tracy.

Code Enforcement Report submitted by Paul E. Short, Sr.

Municipal Court Report submitted by George B. Neidig, Jr.

Police Department Report submitted by Chief William McCormick.

Public Works Department Report submitted by William Macomber.

Recreation Operations Report submitted by Chuck McDonnell.

Tax Collector Control Account and Water/Sewer Control Account Reports submitted by Connie L. DiCola.

Zoning Report submitted by Jeffrey R. Hesley.

Motion made by Council Vice President Hudanich, seconded by Council President Dean that the reports be approved.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye

Councilman McCorristin Absent

Council President Dean Aye

Chief McCormick noted he received a storm update that the severe storms are to be expected late tonight into tomorrow morning.

Pending business.

None

New business

Council Vice President Hudanich announced the reorganization meeting will be held July 1, 2016 at 12:00 noon and encouraged all to attend.

Public Comments:

Lou Perrotta, 233 34th Street, opposed the removal of Japanese Black Pine trees on the dunes and encouraged Council to reconsider cutting down the trees.

Council Vice President Hudanich thanked Mr. Perrotta and all residents who have spoken on this issue for their passion related to the wellbeing of the Borough and explained there is no causal connection between comments made regarding topics discussed at an environmental meeting held in 2008 and the removal of trees along the 48th Street dune path. She noted the Resolution adopted this evening examines the diligence of Borough officials and Council members in examining each concern raised by residents with the assistance of the Department of Environmental Protection and the New Jersey Division of Forestry to ensure actions taken by the Borough are efficient and in-line with all regulations set forth in the grant documents.

Martha Wright, 632 7th Street, raised concerns about turtles and encouraged Council to communicate with visitors and residents the importance of helping turtles cross the road in the direction they were going. She also announced if a turtle has been hit by a car and has a cracked shell it can be taken to the Wetlands Institute where the eggs will be harvested. She stressed the importance of working together as a community to protect the turtles and urged Council to release information via messaging, printed newsletters, the digital board, and possibly signage to help this protected species.

Frank McLaughlin, 261 47th Street, voiced the opinion that the minutes from the Environmental Commission meeting in August of 2008 referenced at the work session are very pertinent to discussions and actions taken by Council in connection with the Japanese Black Pine trees. He further expressed concern that the Borough responded to allegations made at the May 25, 2016 Council meeting on May 27, 2016, which may have not been enough time to research all concerns raised by the public.

Council Vice President Hudanich noted there have been additional conversations with experts since the press release published on May 27, 2016 where it has been conveyed to the Borough by state officials that all actions taken are in compliance with all regulations associated with this grant.

Frank McLaughlin argued the comments referencing conversations during the Environmental Commission meeting held in 2008 should not be discounted.

Council Vice President Hudanich explained the Environmental Commission is an independent arm of the government and is not directly connected with Borough Council. She further stated any clear cutting of trees is not the initiative of Council.

Resolution:

Resolution No. 123-2016: A RESOLUTION 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 REGARDING HEALTH INSURANCE CONSULTANT

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 Absent

Council President Dean Aye

Motion made by Council Vice President Hudanich, seconded by Councilman Covington 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 Absent

Council President Dean Aye

Public portion of the Regular Meeting recessed at 8:30 p.m.

Council Vice President Hudanich announced official action will be taken after the Closed Session.

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 Absent

Council President Dean Aye

Public Portion of Regular Meeting reconvened at 9:06 p.m.

Present:

Tom Rotundi, Marsh McLennan Agency, LLC

James A. Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Resolution No. 124-2016: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROVFESSIONAL SERVICES CONTRACT WITH MARCH & MCLENNAN AGENCY, LLC OF CAPE MAY, NJ AS HEALTHCARE CONSULTANTS FOR THE BOROUGH OF AVALON FOR A ONE (1) YEAR TERM COMMENCING JULY 1, 2016 THROUGH JUNE 30, 2017

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 Absent

Council President Dean Aye

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 Absent

Council President Dean Aye

Regular Meeting adjourned at 9:08 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President