

June 24, 2015

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, June 24, 2015 at 8:01 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 6 Reporters ----- 2

The meeting was called to order by Council President Covington.

<u>Roll call:</u>	Council President Covington	Present
	Council Vice President Dean	Present
	Councilman Ellenberg	Present
	Councilwoman Hudanich	Present
	Councilman McCorristin	Present

Also present:

- Scott Wahl, Business Administrator
- James A. Waldron, Assistant Business Administrator
- Stephen D. Barse, Esquire, Borough Solicitor
- William Macomber, Director of Public Works/Utilities
- Police Captain Jeffrey Christopher
- Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Council President Covington read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 25, 2014. 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 27, 2015

Motion made by Councilman McCorristin, seconded by Councilwoman Hudanich that the minutes be approved as submitted.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

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

Work Session, Agenda Session, Regular Meeting – June 10, 2015

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Abstain
	Councilman McCorristin	Aye
	Council President Covington	Abstain

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Public comments regarding Resolutions:

None.

Resolution No. 112-2015: A RESOLUTION AUTHORIZING RELEASE OF CERTAIN CLOSED SESSION MINUTES OF THE BOROUGH OF AVALON FOR THE PERIOD APRIL 22, 2015 THROUGH MAY 13, 2015 CONCERNING MATTERS THAT HAVE BEEN SETTLED OR CONCLUDED

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Resolution No. 113-2015: 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, 2015 THROUGH JUNE 30, 2016

Resolution No. 114-2015: 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, 2015 THROUGH JUNE 30, 2016

Resolution No. 115-2015: 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, 2015 THROUGH JUNE 30, 2016

Resolution No. 116-2015: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH INSURANCE SOLUTIONS, INC. OF MARLTON, NJ AS HEALTHCARE CONSULTANTS FOR THE BOROUGH OF AVALON FOR A ONE (1) YEAR TERM COMMENCING JULY 1, 2015 THROUGH JUNE 30, 2016

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Resolution No. 117-2015: A RESOLUTION 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, 2015 THROUGH JUNE 30, 2016

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Resolution No. 118-2015: A RESOLUTION AUTHORIZING THE PURCHASE OF A 2015 JOHN DEERE 310 SL BACKHOE LOADER THROUGH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Resolution No. 119-2015: A RESOLUTION APPROVING 2015 JITNEY LICENSES FOR A TERM OF ONE (1) YEAR COMMENCING JANUARY 2, 2015 THROUGH JANUARY 1, 2016

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

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Resolution No. 120-2015: A RESOLUTION AUTHORIZING PAYMENT OF
BILLS

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Second reading, public hearing and final action on Ordinance No. 723-2015:

Motion made by Councilman McCorristin, seconded by Councilman Ellenberg that Ordinance No. 723-2015 be brought on for second reading, public hearing and final action.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Borough Clerk to read aloud Ordinance No. 723-2015:

Ordinance No.723-2015:

AN ORDINANCE APPROPRIATING \$23,000 FROM THE CAPITAL SURPLUS FUND FOR CAPITAL IMPROVEMENTS TO BOROUGH BUILDING AND FACILITIES IN AND BY THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY

Council President Covington opened the meeting for public hearing on Ordinance No. 723-2015 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman McCorristin, seconded by Councilman Ellenberg that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Motion made by Councilman McCorristin, seconded by Councilman Ellenberg Covington that Ordinance No. 723-2015 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

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Second reading, public hearing and final action on Ordinance No. 724-2015:

Motion made by Council Vice President Dean, seconded by Councilman McCorristin that Ordinance No. 724-2015 be brought on for second reading, public hearing and final action.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Borough Clerk to read aloud Ordinance No. 724-2015:

Ordinance No.724-2015:

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS OF THE CODE OF THE BOROUGH OF AVALON, 2013, SPECIFICALLY CHAPTERS 2 AND 8

Council President Covington opened the meeting for public hearing on Ordinance No. 724-2015 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council Vice President Dean, seconded by Councilman McCorristin that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Motion made by Council Vice President Dean, seconded by Councilman McCorristin that Ordinance No. 724-2015 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Reports and Recommendations by Mayor and Officials:Reports of Officials:

Scott Wahl, Business Administrator, provided a detailed report to Council which is attached to the minutes.

ADMINISTRATOR'S REPORT FOR JUNE 24, 2015 COUNCIL MEETING

Avalon Beach Fill:

The Avalon beach fill project continues with advancement on the north end of the Avalon beach front. As of the morning of Wednesday, June 24th, a total of 94,815 cubic yards of sand has been placed on the north end of the Avalon beach. This represents 23.7% of the volume of the base package of 400,000 cubic yards of sand. Avalon is exercising three options in the contract that will result in a beach fill that will place 700,000 cubic yards of sand on the beaches from 8th Street south to the border of 25th and 26th streets. The entire project is 4,500 linear feet; to date, 400 linear feet has been completed since the project started on Saturday morning, June 20th. The widest portion of the beach and the greatest need for sand is at the beginning of this beach fill project. Surveys continue today on the Avalon beach front by Great Lakes Dredge and Dock Company through the 11th Street beach. Great Lakes has created a stockpile of sand between 10th and 11th streets in order to fill in the beach where the CRAB, a tall surveying device, is located in the sand. When the CRAB is moved, the sand will be placed in that area. Select beach paths continue to be closed in the north end as the beach fill project occurs on that area of beach, and due to severe erosion in the north end that is currently being repaired. Beach access paths from 8th Street to 15th Street are closed, along with 23rd Street. We continue to ask the public to observe all safety instructions provided by the Avalon Beach Patrol and by the safety team with Great Lakes Dredge and Dock Company.

Great Lakes reports that all efforts will be made during the Avalon beach fill project to minimize equipment noise/lighting during the overnight hours of the beach fill. A reminder: Once the beach fill project begins, sand will be pumped on the beach 24 hours a day, seven days a week until the conclusion of the project. The only stoppage will be due to weather/safety concerns, and mechanical issues with the dredge. The dredge should advance at a rate of approximately 250 feet per day; the beach fill starts at 8th Street and proceeds south to the border of 25th Street and 26th Street at its conclusion. The rate of acceleration in a southerly direction on the Avalon beachfront will increase as the beach fill gets further south where less sand is needed.

Avalon plans on pumping up to 700,000 cubic yards of sand on its beachfront from 8th Street south to the border of 25th Street/26th Street. The benefit to the Borough is for a protective beach in advance of the heart of the Atlantic hurricane season. Another benefit to the Borough is to provide a safe, recreational beach for this summer and into the future. Remember, a healthy beach and dune system is the first line of defense for any major Atlantic storm, including a hurricane. It is necessary to maintain a healthy beach and dune system to provide resiliency to our community.

During the beach fill project, only 1000 linear feet of beach will be closed to the public, 500 feet on either side of where the sand is being placed on the beach. A 1000-foot work zone will be maintained daily, and the zone will move south as the beach fill progresses. As the beach fill moves in a southerly direction, beaches that have the new sand and have been graded by heavy equipment will re-open to the public. Beach paths continue to be closed from 10th Street south to 15th Street, and at 23rd Street, due to severe sand erosion. The public is encouraged to access the Borough's beachfront at any other beach block. These beach paths will be opened once new sand is placed on the beach and the sand is graded to the federal template. A reminder: Avalon maintains a free, 900-space parking lot next to the 30th Street beach where public bathrooms and the Beach Tag Booth is located.

We continue to provide daily updates on the Borough's website regarding the progress of the beach fill, and which beach paths are closed. I want to compliment Great Lakes for cooperating with the Borough's plan to be successful in these public information efforts.

39th Street Park: The 39th Street Park project has been largely completed. Think Pavers completed virtually all of the Park project last week with the exception of minor finishing work on the Bocce courts. Following the spring delay at the initial construction phase of the project, the Park has been completed with new gazebos, bicycle racks, new playground equipment for various age groups, irrigation, sod, and various plantings. Over the weekend when the Park was cleared for use by the contractor, it was a major draw for families in Avalon. The opening of the Park has also had a positive impact on the Avalon History Center as Director Nina Ranalli reported to me that the Park has already drawn new visitors to the Center who otherwise may not have enjoyed the building and exhibits. I reported to Cape May County Planning Director Leslie Gimeno that the Park was completed; as a reminder for the public, the

improvements at the Park were financed courtesy of funding and support from the Cape May County Freeholders and the Cape May County Open Space Board. This is one of two components of our successful application; the other component is the Avalon Dune and Beach Path Trail that opened one month ago.

Dredging Project: On Saturday morning, June 20th, the Borough hosted a successful meeting here at Borough Hall with property owners in advance of the next phase of the back bay dredging project. In a cooperative agreement with Middle Township, we direct mailed all property owners who would be involved in the next phase of the project with a map of their property that details the intended dredging limits. The goal of this open house style meeting was to invited property owners to come in to discuss their individual properties with Tom Thornton and Shawn Carr from Hatch Mott Macdonald and see if any permit modifications would be needed from the federal and state agencies. We had over 60 people in attendance and only several property owners asked for a modification. They were pleased the Borough took this proactive step in advance of the next phase of the project, which will resume on September 15th with a few days of touch up work in Princeton Harbor before moving to Sterbeck Harbor in Middle Township.

Townsend's Inlet Bridge: We are in receipt of a letter dated today, June 24th from Musgrose Construction Inc., the contractor hired by the County of Cape May to repair the Townsend's Inlet Bridge. The letter was written to the United States Coast Guard and was cc'ed to County Engineer Dale Foster and to Avalon and Sea Isle City Police Departments. The letter from Musgrose President Jeffrey Mazur, quote, "*Please be advised that on Friday, June 26th at 3pm the Townsend's Inlet Bridge will be operational and open to the travelling public*".

I reached out to Mr. Foster for confirmation and he replied, quote, "*The date and time is what we have been provided by the Contractor and his attorney. It all we have to go by at this time. They are working 2 shifts – a day shift and then an evening shift. Due to weather conditions yesterday, the evening shift was unable to work. Looking at the forecast, it looks we might have thunderstorm issues again tomorrow evening.*"

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Monthly Reports:Month of May, 2015:

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 Councilwoman Hudanich, seconded by Councilman McCorristin that
 the reports be approved.

ROLL CALL VOTE:	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Pending business.

None

New business

None

Public Comments:

Martha Wright, 632 7th Street, asked for the status of the Beach Management Plan.

Stephen D. Barse, Esquire, Borough Solicitor responded nothing has been finalized. He said the document is still in draft form and still under the deliberative process exception.

James A. Waldron, Assistant Business Administrator, added the current Beach Management Plan adopted in 2009 is about to expire in the month of August. He said prior to the expiration it is the Borough's intention to begin negotiations with both Federal and State Agencies on the draft plan that has been developed through Lomax Consulting. He understands from Mr. Lomax that the Borough will ask that the existing 2009 plan be extended for such time as those negotiations are taking place.

Pat Coyle, 413 21st Street, asked if the monthly reports are available for review and if so how she can review them.

Council President Covington responded the reports are public documents and available for in the Borough Clerk's Office.

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Council President Covington, highlighted accomplishments of Council over the last year while he was Council President such as 18 Ordinances, and over 200 Resolutions adopted, hiring of the Borough Clerk and Deputy Clerk as well as several projects awarded including but not limited to the Beachfill, Paving of 28th Street Parking Lot and 39th Street Playground and the 44th to 48th Street Environmental Nature Trail both financed by an Open Space Agreement with the County. He added several Shared Service Agreements were authorized with Cape May County for use of County Equipment; Borough of Stone Harbor for Chief Financial Services and backup Construction Official Services as well as the City of Sea Isle City and Stone Harbor for the Comcast Access Channel. He congratulated and thanked Council on their efforts over the last year.

Council thanked Council President Covington for his leadership.

Resolution:

Resolution No. 121-2015: 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 ANTICIPATED LITIGATION CONCERNING DECISION OF THE NJ SUPREME COURT DEALING WITH THE COUNCIL ON AFFORDABLE HOUSING

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Council President Covington, stated there will be action taken after the Closed Session Meeting.

Public portion of the Regular Meeting recessed at 8:15 p.m.

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

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

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Public Portion of Regular Meeting reconvened at 8:35 p.m.

Present:

Scott Wahl, Business Administrator
 James A. Waldron, Assistant Business Administrator
 Stephen D. Barse, Esquire, Borough Solicitor

Resolution No. 122-2015: A RESOLUTION AUTHORIZING THE BOROUGH OF AVALON TO FILE A DECLARATORY JUDGMENT ACTION IN THE SUPERIOR COURT OF NEW JERSEY SEEKING A JUDICIAL DECLARATION THAT THE BOROUGH'S HOUSING PLAN IS PRESUMPTIVELY VALID AS PRESENTING A REALISTIC OPPORTUNITY TO PROVIDE ITS FAIR SHARE OF ITS HOUSING REGION'S PRESENT AND PROSPECTIVE NEED FOR LOW AND MODERATE INCOME HOUSING AND AUTHORIZING DEAN R. MARCOLONGO, ESQUIRE, SOLICITOR FOR THE PLANNING AND ZONING BOARD TO FILE SUCH ACTION AT A FEE NOT TO EXCEED FIVE THOUSAND (\$5,000.00) DOLLARS

Resolution No. 123-2015: A RESOLUTION AUTHORIZING THE BOROUGH TO AMEND AND SUPPLEMENT THE PROFESSIONAL SERVICES CONTRACT WITH MICHAEL F. SULLIVAN, ASLA, AICP, OF THE FIRM OF CLARKE, CATON HINTZ OF TRENTON NEW JERSEY TO SERVE AS A CONSULTANT TO THE BOROUGH OF AVALON IN CONNECTION WITH CERTAIN LITIGATION PERTAINING TO AFFORDABLE HOUSING SERVICES IN AN AMOUNT NOT TO EXCEED THE SUM OF EIGHT THOUSAND (\$8,000.00) DOLLARS

Resolution No. 124-2015: A RESOLUTION AUTHORIZING THE BOROUGH OF AVALON TO ENTER INTO A SHARED SERVICES AGREEMENT TOGETHER WITH CERTAIN OTHER MUNICIPALITIES KNOWN AS THE "MUNICIPAL GROUP" FOR THE SERVICES OF DR. ROBERT BURCHELL AND RUTGERS UNIVERSITY AS AN EXPERT CONSULTANT IN DETERMINING THE BOROUGH'S OBLIGATIONS IN HOUSING FOR THE PURPOSES OF PLANNING AND LITIGATION IN AN AMOUNT NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS

Motion made by Councilwoman Hudanich, seconded by Councilman Ellenberg that the resolutions be adopted.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

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Motion made by Councilman McCorristin, seconded by Council President Covington to adjourn the Regular Meeting.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilman Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Covington	Aye

Regular Meeting adjourned at 8:36 p.m.

Respectfully submitted,

Marie J. Hood, Borough Clerk

Charles P. Covington, Council President