A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, September 28, 2016 at 8:03 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 Hudanich.

Roll call: Council President Hudanich Present

Councilman Burns Present

Councilman Covington Present

Councilman Dean Present

Council Vice President McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

William McCormick, Chief of Police

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

Erin Brown, Library Director

Council President Hudanich read the Open Public Meetings Act Announcement.

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

Meetings dated June 22, 2016. 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, Closed Session – August 24, 2016

Work Session, Agenda Session, Regular Meeting – September 14, 2016

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Borough Clerk stated there are no Closed Session Minutes for Release.

Public comments regarding Resolutions:

None.

Resolution No. 158-2016: A RESOLUTION ADOPTING THE REVISED BOROUGH OF AVALON PERSONNEL POLICY MANUAL

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Resolution No. 159-2016: A RESOLUTION ACKNOWLEDGING THE APPOINTMENT BY THE TRUSTEES OF THE FREE PUBLIC LIBRARY OF THE BOROUGH OF AVALON OF A PUBLIC RECORDS CUSTODIAN

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Resolution No. 160-2016: A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE WITH AN ONLINE AUCTION SERVICE

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Resolution No. 161-2016: A RESOLUTION APPROVING THE APPLICATION FOR AN ON-PREMISE MERCHANDISE RAFFLE LICENSE SUBMITTED BY THE CAPE MAY COUNTY CHAMBER OF COMMERCE EDUCATION FOUNDATION TO BE HELD ON THURSDAY, OCTOBER 20, 2016 AT ICONA GOLDEN INN

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Resolution No. 162-2016: A RESOLUTION AUTHORIZING JOSEPH S. CLARK JR., QUALIFIED PURCHASING AGENT FOR THE BOROUGH OF AVALON TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR 2017-2019 FIREWORKS AND ELECTRIC VEHICLE CHARGING STATION

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Resolution No. 163-2016: A RESOLUTION DIRECTING THAT ORDINANCE 750-2016 WHICH AMENDS CHAPTER 27-4 (A) (6) (ZONING ORDINANCE) BE REFERRED TO THE PLANNING AND ZONING BOARD FOR REVIEW AS REQUIRED BY THE MUNICIPAL LAND USE LAW

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Resolution No. 164-2016: A RESOLUTION AUTHORIZING PAYMENT OF

BILLS

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Introduction and first reading by title only of Ordinance No. 748-2016:

Motion made by Councilman Burns, seconded by Council Vice President McCorristin that Ordinance No. 748-2016 be brought on for first reading by title only.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Borough Clerk to read aloud Ordinance No. 748-2016:

Ordinance No. 748-2016:

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE BOROUGH OF AVALON, 2013 TO ESTABLISH A STIPEND PROGRAM FOR ACTIVE VOLUNTEER MEMBERS OF THE AVALON FIRE DEPARTMENT

Motion made by Councilman Burns, seconded by Council Vice President McCorristin that Ordinance No. 748-2016 be passed on first reading and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Introduction and first reading by title only of Ordinance No. 749-2016:

Motion made by Council Vice President McCorristin, seconded by Councilman Burns that Ordinance No. 749-2016 be brought on for first reading by title only.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Borough Clerk to read aloud Ordinance No. 749-2016:

Ordinance No. 749-2016:

AN ORDINANCE AMENDING CHAPTER 19 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE BOROUGH OF AVALON, 2013 PERTAINING TO FEDERAL EMERGENCY MANAGEMENT MAPS AND PENALTIES FOR THE VIOLATION THEREOF

Motion made by Council Vice President McCorristin, seconded by Councilman Burns that Ordinance No. 749-2016 be passed on first reading and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Second reading, public hearing and final action on Ordinance No. 746-2016:

Motion made by Councilman Covington, seconded by Councilman Dean that Ordinance No. 746-2016 be brought on for second reading, public hearing and final action.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Borough Clerk to read aloud Ordinance No. 746-2016:

Ordinance No.746-2016:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 8 OF THE CODE OF THE BOROUGH OF AVALON, 2013 REGULATING THE PARKING OF TRAILERS AND TRAILER-TYPE VEHICLES (SECTION 8-16 ET SEQ.) AND REGULATING PARKING ON RAILROAD AVENUE (SECTION 8-14.1) AND CHAPTER 20 OF SAID CODE PERTAINING TO CONSTRUCTION SITE STANDARDS (SECTION 2-7.1 ET SEQ.)

Council President Hudanich opened the meeting for public hearing on Ordinance No. 746-2016 and asked if there were any questions or comments.

Martha Wright, 632 7th Street, inquired if the proposed Ordinance will apply to all streets within the Borough or if it will only apply to specific streets.

Councilman Covington responded the Ordinance will apply to all streets within the Borough.

Martha Wright raised concerns in reference to seasonal residents that transport motorcycles in box trailers that may not have off-street parking available near their property.

Jim Waldron explained the trailers referenced by Ms. Wright are considered trailer-type vehicles, which would be prohibited from parking on Borough Streets from the Friday of Memorial Day through September 30th.

Council President Hudanich noted extensive discussions took place regarding these proposed amendments after Council’s attention was brought to a perceived safety issue in regards to the line of sight that may be jeopardized by trailer-type vehicles parking on Borough Streets. She suggested residents that do not have off-street parking available on their properties for these types of trailers could park in public parking places.

Councilman Covington also noted a survey was conducted of the number of private trailers that would be affected by these proposed changes, and the survey found there should not be a major inconvenience to residents with these types of trailers during the summer months.

Martha Wright urged Council to consider allowing exceptions for private trailers housing motorcycles and the like owned by residents of Avalon.

Council President Hudanich added Council discussed the proposed amendments at a previous work session meeting attended by many members of the public in support of the amendments and supported Council’s vote upon the Ordinance on Second Reading.

Martha Wright suggested the exception language be included in the Ordinance along with the appropriate notification to the Construction Official or Chief of Police, as is allowed for construction trailers appropriately marked with cones and reflectors.

Council President Hudanich stated Council will take Ms. Wright’s suggestion under advisement, however she stated it may not be prudent to allow exceptions of an Ordinance once enacted and asked for a legal opinion.

Steve Barse agreed with Council President Hudanich that it would not be prudent to allow exclusions and suggested Council could possibly consider an amendment to the Ordinance to account for these types of exceptions in the future.

Council President Hudanich agreed with Mr. Barse’s suggestion and expressed the opinion that at this time, the Ordinance should move forward with the potential of examining possible exceptions in the form of an amendment to the Ordinance in the future.

Council agreed.

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Motion made by Councilman Covington, seconded by Councilman Dean that Ordinance No. 746-2016 be finally adopted, submitted to the Mayor for approval and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Second reading, public hearing and final action on Ordinance No. 747-2016:

Motion made by Councilman Dean, seconded by Councilman Covington that Ordinance No. 747-2016 be brought on for second reading, public hearing and final action.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Borough Clerk to read aloud Ordinance No. 747-2016:

Ordinance No.747-2016:

REFUNDING BOND ORDINANCE OF THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE $2,282,000 WATER/SEWER UTILITY BONDS, SERIES 2003B OF THE BOROUGH, DATED AUGUST 13, 2003 AND $21,350,000 GENERAL OBLIGATION BONDS CONSISTING OF $19,000,000 GENERAL IMPROVEMENT BONDS AND $2,350,000 WATER/SEWER UTILITY BONDS OF THE BOROUGH, DATED MAY 21, 2008, APPROPRIATING $7,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $7,250,000 REFUNDING BONDS OF THE BOROUGH FOR FINANCING THE COST THEREOF

Council President Hudanich opened the meeting for public hearing on Ordinance No. 747-2016 and asked if there were any questions or comments.

There were no questions or comments.

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Motion made by Councilman Dean, seconded by Councilman Covington that Ordinance No. 747-2016 be finally adopted, submitted to the Mayor for approval and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Resolution No. 165-2016: A RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED $7,250,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, OF THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY OR SUCH OTHER AMOUNT AS DETERMINED BY THE CHIEF FINANCIAL OFFICER TO ACCOMPLISH THE REFUNDING ON THE TERMS REQUIRED BY THE LOCAL FINANCE BOARD PURSUANT TO N.J.A.C. 5:30-2.5 AND CONSISTENT WITH THE REFUNDING PROVISIONS OF THE INTERNAL REVENUE CODE, AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH BONDS

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Scott Wahl read the following report:

Cops and Coffee: Chief McCormick announced this week that the Avalon Police Department will conduct its first ever Cops and Coffee event. It will be held at Uncle Bills in Avalon on Friday, October 7th, from 8:00am-10:00am. Patrolman Steve Bowers and Patrolman Will Robinson are assisting the police department with this program. The department is also looking for other businesses to host future Cops and Coffee events.

Avalon Tax Collector: Avalon’s new Tax Collector, Ally Coan, is taking on a substantial task of auditing all of the properties in Avalon and making sure that Middlesex Water Company has accounts to match these properties. As of Friday, September 23rd, the Tax Office had audited about 50 percent of the properties in town and found two that did not have an account with Middlesex. It remains an ongoing and very tedious process but one that is important for the Office to maintain proper records and billing. October water bills have been mailed out.

Avalon Seawatch: The Avalon Seawatch program has resumed its exceptional work on our north end beach. The New Jersey Audubon Society under the direction of Dr. David LaPuma has begun the process of counting the numbers and species of birds who come past Avalon during migrating season. Meaghan Swarovski has been appointed as the lead counter of this year’s project. More than 800,000 birds and some years passing 1 million birds fly past Avalon every season. Last week, a large humpback whale was also spotted near the 8th Street jetty. Updates are available on various social media feeds and on the Borough’s website.

USACOE/NJDEP Meeting: On Wednesday, October 14th, the Mayor, Tom Thornton, and I will attend a meeting with the Army Corps and the DEP in Trenton to have further discussions regarding our temporary road to the CDF. Various discussions will be held including the potential mitigation if the road shall remain for a longer period of time. I will have a report for Council on that meeting

Flood Plain Management Committee: Our Flood Plain Management Committee held its third meeting of the year on September 27, 2016. It was a very good meeting with active participation and a good exchange of ideas. We will have one more meeting and then prepare a final report on our actions and initiatives for next year to present for Council’s consideration at an October meeting.

New Jersey Sea Grant Program: During our attendance last week at the Board of Directors meeting for the Jersey Shore Partnership, New Jersey Sea Grant Coordinator Claire Antonucci displayed this new sign that Sea Grant has produced to provide an educational component of why it is important for people to remain off the dunes. Sea Grant ordered 200 signs, and I obtained this one at the meeting, and have ordered five others at a cost of under $100. Dr. Reynolds from the Environmental Commission agree they are worthy and fits into the education program in our community regarding our dune system. The Commission will discuss the signs and recommend placement by Public Works.

Avalon Beach Patrol: Thanks to the leadership of Mayor and Council, the Borough has, when possible, provided as much Beach Patrol coverage on weekends past Labor Day, so long as we had the manpower and the weather conditions warranted this coverage. Very briefly, I would like to share a letter I received from Dana McCann of Audubon, PA. We advertised the staffing of some beaches for the weekend of September 16th-18th and during that weekend, Dana’s 16 year old daughter and niece had difficulty coming in from the surf due to the existence of a rip current or some other condition. The two guards reached the two girls and they were brought safely to shore with no injuries; it occurred at the 78th Street beach. Dana points out that the guards were very busy on both days and provided instructions to bathers on numerous occasions. Thanks to this proactive approach by Mayor and Council this incident may have turned out much differently had we not staffed the beaches to the best of our ability.

Monthly Reports:

Month of August, 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 & Jitney 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 & Water/Sewer Control Account reports submitted by Connie L. DiCola.

Zoning Report submitted by Jeffrey R. Hesley.

Motion made by Councilman Covington, seconded by Council President Hudanich that the reports be received and filed.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Pending business.

None.

New business

None

Public Comments:

None.

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Regular Meeting adjourned at 8:30 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Nancy M. Hudanich, Council President