

April 9, 2014

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, April 9, 2014 at 7:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 7

Reporters ----- 0

The Meeting was called to order by Council President Ellenberg.

Pledge of allegiance.

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

Also present:

Andrew J. Bednarek, Business Administrator
Nicole J. Curio, Esquire, Representing Borough Solicitor
Police Captain Jeffrey R. Christopher
Jeffrey R. Hesley, Tax Assessor/Zoning Official
William Macomber, Director of Public Works/Utilities
Paul E. Short Sr., Code Enforcement Official
Sue Ellenberg, Recreation Personnel
Erin K. Law, Esquire, Bond Counsel, McManimon, Scotland & Baumann, LLC
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC
William R. Serber, Esquire, Serber Konschak LLP

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 12, 2013. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Ellenberg read the Open Public Meetings Act Announcement.

Discussion regarding sale of Borough property (5' X 110' strip of land on 26th Street).

Jeffrey R. Hesley, Tax Assessor/Zoning Official stated he reviewed the appraisal and the appraisal conformed to Uniform Standards of Professional Appraisal Practice and was a logical conclusion to value. He recommended the Borough go forth with the sale of this property. He indicated this would give the neighboring property a 100' x 110' lot, thereby providing two duplex lots. He further indicated the old house would be torn down and two duplexes would be built thus increasing the ratables for the Borough.

William R. Serber, Esquire, Serber Konshak LLP stated he represented Mary Bianco owner of 279 26th Street who was the interested party in acquiring the 5' x 110' strip of Borough owned property so that she would have two fully conforming lots 50' x 110' in the duplex zone. He indicated his client was in agreement with the numbers set forth in the appraisal. He further stated he reviewed the Borough's procedure regarding a resolution setting a private auction to set a private sale with Mr. Stephen D. Barse, Esquire, Borough Solicitor. He indicated a private auction would be necessary as there was also one other property owner adjacent to this strip of Borough owned land, so notice would need to be given to both owners.

Brief discussion followed.

Jeffrey R. Hesley stated he would discuss the procedure regarding subdivision with Mr. Stephen D. Barse, Esquire, Borough Solicitor and Mr. Dean Marcolongo, Esquire, Planning/Zoning Board Attorney to determine the Borough's responsibility in the process.

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Discussion regarding amendments to the Borough of Avalon Personnel Policy Manual.

Nicole J. Curio, Esquire, Representing Borough Solicitor, reviewed the recommended amendments of the Personnel Policy Manual with Council.

Council discussed these amendments briefly and agreed to proceed with a Resolution to be prepared for the April 23, 2014 Regular Meeting.

Andrew J. Bednarek, Business Administrator reviewed the MEL Check List with Council.

Brief discussion followed.

Discussion regarding a Bond Ordinance for Backbay Dredging Project and a Shared Services Agreement with Middle Township.

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC updated Council regarding the progress of the Confined Disposal Facility. He indicated one thousand yards of material has been moved daily. He further indicated the Confined Disposal Facility project was about forty percent finished. He reported dredging should start mid-September, assuming the sampling goes well. He indicated the 2014 dredging phase would run for about four months with dredging the most critical waterways which included Princeton, Cornell, Pennsylvania, Porpoise Lagoon and the Middle Township portion. He reported the September 2015 dredging phase would start dredging of the State channels. He indicated the Department of Transportation has agreed to pay for the soft costs and construction costs for State maintained channels.

Andrew J. Bednarek, Business Administrator indicated South State would continue to empty the Confined Disposal Facility throughout the summer. He further indicated South State agreed to hold their price at the current rate.

Thomas R. Thornton, P.E., Borough Engineer reviewed the breakdown of the Middle Township Dredging Project. He indicated the Borough's total cost stands at \$5,200,000.00. He reported Middle Township would offset that number by approximately \$740,000.00 which would be a significant savings to the Borough.

Council Vice President Covington questioned if a procedure for payment to the Borough by Middle Township had been discussed.

Andrew J. Bednarek indicated an arrangement had been agreed upon so that the Borough receives money up front and additionally Middle Township would place periodic payments in an escrow account for the Borough of Avalon.

Erin K. Law, Esquire, Bond Counsel, McManimon, Scotland & Baumann, LLC reviewed the Shared Services Agreement between the Borough of Avalon and Middle Township with Council. She indicated she sees this as a three-phase project, first the Confined Disposal Facility, secondly the dredging and thirdly the State project. She reported on phase two the dredging portion which includes Middle Township. She indicated Middle Township was in the process of adopting a Special Assessment Ordinance for the dredging project of the residents of Sterback Harbor, Avalon Manor. She further indicated she had been working with Middle Township to figure out the best way to structure the deal. She stated there are certain contingencies in place for Middle Township that would allow them to pull out of the project, such as contamination of samplings and significant increase of the project's cost. She indicated the testing of Sterback Harbor, Avalon Manor would be completed in June. She stated because she is Bond Counsel for both municipalities the draft Shared Services Agreement was at the point it needed to be turned over to Neil Yoskin, Esquire, Special Litigation and Special Environmental Counsel for the Borough of Avalon and Mark Caravan, Esquire for Middle Township for the final negotiations. She further stated the Borough should receive the resolution along with the Shared Services Agreement by the end of next month. She commented on the foresight of Andrew Bednarek and Thomas Thornton to apply to the New Jersey Environmental Infrastructure Trust for the phase two portion of the project.

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Councilman McCorristin commented on his concerns for the boaters during the dredging and questioned if there was a process to notify boaters of the dredging plans.

Brief discussion followed.

Council agreed to proceed with the Introduction of a Bond Ordinance at the Regular Meeting this evening.

Discussion regarding a Resolution authorizing the sale of abandoned and unclaimed property on Saturday, May 10, 2014.

Council had no problem with this annual auction and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Discussion regarding a Resolution amending Resolution No. 127-2013 entitled "A Resolution Establishing Standing Committees and Designating Appointments Thereto for a Period of One (1) Year Commencing July 1, 2013 through June 30, 2014".

Council had no problem with these amendments and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Discussion regarding a Resolution expressing support to increase the funding for the Dedicated Shore Protection Fund.

Council agreed to support the proposed increase of funding for the Dedicated Shore Protection Fund and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Discussion regarding a Resolution authorizing Hatch Mott Macdonald, LLC to provide Engineering Services for Long Reach, Whale Harbor and Third Avenue Waterway of the 2014 Back Bay Dredging Project, including sediment sampling and characterization, hydrographic surveys, permitting services, design services, preparation of plans and specifications and advertisement for bids for a lump sum fee of eighty-eight thousand seven hundred (\$88,700.00) dollars.

Council reviewed the proposal and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Public comments:

Sue Ellenberg, Avalon Recreation Representative updated Council on the following upcoming events:

1. April 12, 2014, Kayak Pilot Program Registration at 9:00 a.m.
2. April 12, 2014, ALOHA Community Connections.
3. April 19, 2014, Annual Easter Egg Hunt at the 8th Street and 10th Street Playgrounds.

Motion made by Councilman McCorristin, seconded by Council President Ellenberg to adjourn the Work Session.

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

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Work Session adjourned at 7:54 p.m.

Respectfully submitted,

Georgann M. Berardis, Borough Clerk

David B. Ellenberg, Council President