

April 24, 2013

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, April 24, 2013 at 7:24 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 3                      Reporters - - - - - 0

The meeting was called to order by Council President Tipping.

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

Also present:

Andrew J. Bednarek Business Administrator  
Stephen D. Barse, Esquire, Borough Solicitor  
Police Chief William McCormick  
William Macomber, Director of Public Works/Utilities  
Paul E. Short, Sr., Code Enforcement Officer  
Scott Wahl, Public Information Officer  
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC  
Glen Ortman, Auditor, Ford Scott Associates, LLC

Council President Tipping read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 27, 2012. It was given to the news media and posted on the Official Bulletin Board as required by law.

Minutes:

The following minutes are being voted upon separately due to the absence of Council President Tipping:

Work Session, Agenda Session, Regular Meeting – March 27, 2013

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

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

Work Session, Agenda Session, Regular Meeting, Closed Session – April 10, 2013

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

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

There are no Closed Session Minutes to release for the period March 27, 2013 through April 10, 2013.

April 24, 2013

Public comments regarding Resolutions:

None.

Resolutions:

Resolution No. 66-2013: A RESOLUTION REGARDING THE 2013 LOCAL MUNICIPAL BUDGET READ BY TITLE ONLY AS PROVIDED BY N.J.S.A. 40A:4-8

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

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

Councilman Covington, Glen Ortman, Auditor, Ford Scott Associates, LLC and Councilwoman Hudanich gave a power point presentation and reviewed the 2013 Local Municipal Budget, a copy of which is attached to these minutes.

Public Hearing regarding 2013 Local Municipal Budget.

Presiding Officer: The meeting is now open for public hearing on the 2013 Local Municipal Budget. Are there any questions or comments?

There were no questions or comments.

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

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

Councilman Covington stated that the adoption of the 2013 Municipal Budget is being deferred due to State approval needed regarding the surplus from the library.

Resolution No. 67-2013: A RESOLUTION A RESOLUTION FURTHER AMENDING RESOLUTION NO. 225-2012, ADOPTED DECEMBER 19, 2012 AUTHORIZING THE 2013 PROFESSIONAL SERVICES CONTRACT WITH DR. STEWART C. FARRELL, DIRECTOR, COASTAL RESEARCH CENTER, THE RICHARD STOCKTON COLLEGE OF NJ TO PROVIDE FOR ADDITIONAL SERVICES INCLUDING 2013 ENGINEERED BEACH 6 MONTH POST CONSTRUCTION SURVEY – TASKS 1 – 5 AND CONTIGENCY FOR EMERGENCY SURVEY

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

April 24, 2013

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

Resolution No. 68-2013: A RESOLUTION EXPRESSING SUPPORT OF SENATE BILL NO. S-1896 AND COMPANION ASSEMBLY BILL NO. A-1503 REGARDING SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

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

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

Resolution No. 69-2013: A RESOLUTION A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL NO. S-2601 WHICH WOULD PERMIT FIFTH AND SIXTH CLASS COUNTIES TO ASSUME CONTROL AND RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF BEACHES BORDERING THE ATLANTIC OCEAN

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

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

Resolution No. 70-2013: A RESOLUTION GRANTING A 2013 AMUSEMENT GAMES LICENSE TO TWO BITS AMUSEMENTS, INC., T/A GREYHOUND POKER PALACE FOR PREMISES LOCATED AT 2805-07-09 BOARDWALK, AVALON, NEW JERSEY

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

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

Resolution No. 71-2013: A RESOLUTION EXPRESSING GRATITUDE TOWARDS THE OCEAN VIEW VOLUNTEER FIRE COMPANY FOR RESPONDING TO A FIRE CALL IN THE BOROUGH OF AVALON ON MARCH 9, 2013

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

April 24, 2013

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

Resolution No. 72-2013: A RESOLUTION APPROVING THE APPLICATION FOR A TAXICAB LICENSE SUBMITTED BY OLEG PISMENNY, T/A G TAXI OF VILLAS, NJ FOR A TERM OF ONE (1) YEAR COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

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

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

Resolution No. 73-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Ordinance:

Second reading, public hearing and final action on Ordinance No. 680-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 680-2013 be brought on for second reading, public hearing and final action.

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

Borough Clerk to read aloud Ordinance No. 680-2013:

Ordinance No.680-2013:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 (LICENSING AND PERMITS GENERALLY) OF THE CODE OF REVISED GENERAL ORDINANCES, 2000 AUTHORIZING THE LICENSING AND OPERATION OF JITNEYS IN THE BOROUGH OF AVALON

Council President Tipping opened the meeting for public hearing on Ordinance No. 680-2013 and asked if there were any questions or comments.

There were no questions or comments from the public.

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

April 24, 2013

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

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 680-2013 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports and recommendations by Mayor and Officials:

Reports of Officials:

None.

Monthly Reports:

Month of March, 2013:

Borough Clerk and Registrar's Report submitted by Amy W. Kleuskens.  
Bureau of Fire Prevention, Licensing, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code, Beach Vehicles and Taxicab 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 Division Report submitted by Recreation Personnel.  
Tax Collector Control Account Report submitted by Connie L. DiCola.  
Zoning Report submitted by Jeffrey R. Hesley.

Motion made by Council President Tipping, seconded by Council Vice President Ellenberg that the reports be received and filed.

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

Pending business:

None.

New business:

None.

Public Comments:

Councilman Covington acknowledged and welcomed Council Member-At-Large candidate John McCorristin who was present at the meeting.

April 24, 2013

Resolution No. 74-2013: 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 ATTORNEY CLIENT PRIVILEGE AND CONTRACT NEGOTIATION REGARDING REPLACEMENT WELL #7, CONTRACT NO. 50 (RE-BID)

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

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

Motion made by Councilman Dean, seconded by Council President Tipping to recess the public portion of the Regular Meeting and go into Closed Session.

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

Councilwoman Hudanich stated that formal action is anticipated this evening following the Closed Session.

Public portion of Regular Meeting recessed at 8:07 p.m.

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

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

Public portion of Regular Meeting reconvened at 8:47 p.m.

Resolution No. 75-2013: A RESOLUTION AMENDING RESOLUTION NO. 222-2008, ADOPTED DECEMBER 10, 2008 ENTITLED "A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR REPLACEMENT WELL #7, CONTRACT NO. 50 (RE-BID) ON A REIMBURSEABLE BASIS FOR AN AMOUNT NOT TO EXCEED FORTY THOUSAND (\$40,000.00) DOLLARS" TO INCREASE THE NOT TO EXCEED AMOUNT TO SEVENTY-SIX THOUSAND THREE HUNDRED EIGHTY-TWO DOLLARS AND SIXTY-ONE CENTS (\$76,382.61)

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

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

April 24, 2013

Resolution No. 76-2013:      A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1  
FOR REPLACEMENT WELL #7, CONTRACT NO. 50 (RE-  
BID)

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

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

Motion made by Council Vice President Ellenberg, seconded by Council President Tipping to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 8:48 p.m.

Respectfully submitted,

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Amy W. Kleuskens, Borough Clerk

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Joseph V. Tipping, Council President