

February 26, 2014

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, February 26, 2014 at 8:55 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 10 Reporters - - - - - 2

The meeting was called to order by Council President Ellenberg.

<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
Stephen D. Barse, Esquire, Borough Solicitor
James V. Craft, Director of Revenue/Finance
Captain Jeffrey Christopher
Scott Wahl, Public Information Officer
Paul E. Short, Sr., Code Enforcement Officer
Sue Ellenberg, Recreation Personnel
Mark Sray, P.E., Hatch Mott Macdonald, LLC
Steve Morey, Hatch Mott Macdonald, LLC

Council President Ellenberg read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting 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.

Minutes:

The following minutes are being voted upon separately due to the absence of Councilman McCorristin:

Work Session, Agenda Session, Regular Meeting – January 29, 2014

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

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

The following minutes are being voted upon separately due to the absence of Council President Ellenberg and Councilwoman Hudanich:

Work Session, Agenda Session, Regular Meeting – February 12, 2014

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

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

There are no Closed Session Minutes to release for the period January 29, 2014 through February 12, 2014.

Ordinance:

Introduction and first reading by title only of Ordinance No. 697-2014:

Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich that Ordinance No. 697-2014 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 697-2014:

Ordinance No. 697-2014:

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK (N.J.S.A. 40A:4-45.14)

Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich that Ordinance No. 697-2014 be passed on first reading and advertised according to law.

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

Public comments regarding Resolutions:

None.

Resolution No. 30-2014: A RESOLUTION REGARDING THE LOCAL
MUNICIPAL BUDGET OF THE BOROUGH OF
AVALON, COUNTY OF CAPE MAY FOR THE FISCAL
YEAR 2014

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

<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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Borough Clerk read:

The 2014 Local Municipal Budget Summary is available at the back of the room this evening. Copies of the introduced 2014 Local Municipal Budget, in its entirety, and Budget Summary may also be obtained by members of the general public at the Borough Clerk's Office and on the Borough's website, www.avalonboro.org, up to and including the time of the Budget Hearing to be held on March 12, 2014.

Resolution No. 31-2014: A RESOLUTION REGARDING THE 2014 LOCAL MUNICIPAL BUDGET EXAMINATION

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

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

Resolution No. 32-2014: A RESOLUTION AUTHORIZING THE MUNICIPAL CLERK TO PUBLISH A SUMMARY OF THE 2014 LOCAL MUNICIPAL BUDGET

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

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

Resolution No. 33-2014: A RESOLUTION AUTHORIZING THE TRANSFER OF 2013 APPROPRIATIONS

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

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

Resolution No. 34-2014: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH EARTHWORKS, INC. OF FARMINGDALE, NEW JERSEY, FOR 2014 BEACH RENOURISHMENT PROJECT CONTRACT NO. M-97, TO INCLUDE THE BASE BID IN THE AMOUNT OF TWO HUNDRED SIX THOUSAND (\$206,000.00) DOLLARS AND A SUPPLEMENTAL BID IN THE AMOUNT OF ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS FOR A TOTAL AMOUNT OF THREE HUNDRED SIX THOUSAND (\$306,000.00) DOLLARS

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

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

Resolution No. 35-2014: A RESOLUTION AUTHORIZING SCOTT D. TAYLOR, TAYLOR DESIGN GROUP INC. TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURAL AND RELATED PARK DESIGN SERVICES FOR THE 39TH STREET PLAYGROUND PROJECT, GENERAL SIGN DESIGN ASSISTANCE FOR THE BEACH/DUNE TRAIL PROJECT AND A LANDSCAPE PLAN FOR THE HISTORICAL CENTER

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

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

Resolution No. 36-2014: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Resolution No. 37-2014: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR TASKS 1 AND 2 FOR THE 2014 BEACH RENOURISHMENT PROJECT, CONTRACT NO. M-97 ON A REIMBURSABLE BASIS FOR AN AMOUNT NOT TO EXCEED SIXTY-EIGHT THOUSAND NINE HUNDRED (\$68,900.00) DOLLARS

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

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

Resolution No. 38-2014: A RESOLUTION OF THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM

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

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

Ordinances:

Introduction and first reading by title only of Ordinance No. 698-2014:

Motion made by Council President Ellenberg, seconded by Councilman McCorristin that Ordinance No. 698-2014 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 698-2014:

Ordinance No. 698-2014:

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 10 (LICENSES AND PERMITS) OF THE CODE OF
THE BOROUGH OF AVALON, AUTHORIZING THE
LICENSING AND OPERATION OF JITNEYS IN THE
BOROUGH OF AVALON

Motion made by Council President Ellenberg, seconded by Councilman McCorristin that Ordinance No. 698-2014 be passed on first reading and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 696-2014:

Motion made by Councilman McCorristin, seconded by Councilman Dean that Ordinance No. 696-2013 be brought on for second reading, public hearing and final action.

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

Borough Clerk to read aloud Ordinance No. 696-2014:

Ordinance No.696-2014:

AN ORDINANCE AMENDING CHAPTER 9
(PARKS, BEACHES AND RECREATION FACILITIES)
OF THE CODE OF THE BOROUGH OF AVALON
REGARDING BEACH FEES

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Council President Ellenberg opened the meeting for public hearing on Ordinance No. 696-2014 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Councilman McCorristin, seconded by Councilman Dean that Ordinance No. 696-2014 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports and recommendations by Mayor and Officials:

Reports of Officials:

None.

2013 Annual Reports:

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, 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 Division Report submitted by Recreation Personnel.
Tax Collector Control Account Report and Water Sewer Control Account Report
submitted by Connie L. DiCola.
Zoning Report submitted by Jeffrey R. Hesley.

Monthly Reports:

Month of January 2014:

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, 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 Division Report submitted by Recreation Personnel.
Recreation Operations Report submitted by Sue Ellenberg.
Tax Collector Control Account Report submitted by Connie L. DiCola.
Zoning Report submitted by Jeffrey R. Hesley.

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

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

Pending business:

None.

New business:

None.

Public Comments:

None.

Resolution:

Resolution No. 39-2013: 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, PENDING LITIGATION AND PERSONNEL REGARDING WILLIAM W. LISOWSKI AND CLARA E. LISOWSKI V. BOROUGH OF AVALON AND THE STATE OF NEW JERSEY, TIDELANDS RESOURCE COUNCIL AND AMENDMENT TO ADMINISTRATIVE CODE 2-64.4 SUPERVISION AND CONTROL

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

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

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

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

Council President Ellenberg stated that formal action will be taken following the Closed Session this evening.

Public portion of the Regular Meeting recessed at 9:08 p.m.

Motion made by Council President Ellenberg, seconded by Councilwoman Hudanich to adjourn the Closed Session and go back into public portion of the Regular Meeting.

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

Public Portion of Regular Meeting reconvened at 9:25 p.m.

Present:

Andrew J. Bednarek, Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor

Ordinance:

Introduction and first reading by title only of Ordinance No. 700-2014:

Motion made by Councilman Dean, seconded by Council Vice President Covington that Ordinance No. 700-2014 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 700-2014:

Ordinance No. 700-2014:

AN ORDINANCE AMENDING CHAPTER 2
(ADMINISTRATION) OF THE CODE OF THE BOROUGH
OF AVALON TO CLARIFY ADMINISTRATIVE DUTIES

Motion made by Councilman Dean, seconded by Council Vice President Covington that Ordinance No. 700-2014 be passed on first reading and advertised according to law.

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

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

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

Regular Meeting adjourned at 9:27 p.m.

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Respectfully submitted,

Georgann M. Berardis, Borough Clerk

David B. Ellenberg, Council President