

February 27, 2013

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, February 27, 2013 at 8:27 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 3                      Reporters - - - - - 1

The meeting was called to order by Council Vice President Ellenberg.

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

Also present:

Mayor Martin L. Pagliughi  
Andrew J. Bednarek Business Administrator  
Stephen D. Barse, Esquire, Borough Solicitor  
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

Council Vice President Ellenberg 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:

Special Meeting, Closed Session, Work Sssion, Agenda Session, Regular Meeting,  
Closed Session – January 23, 2013  
Work Session, Agenda Session, Regular Meeting, Closed Session – February 13, 2013

Motion made by Councilwoman Hudanich, 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	Absent

Ordinance:

Introduction and first reading by title only of Ordinance No. 676-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 676-2013 be brought on for first reading by title only.

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

February 27, 2013

Borough Clerk to read aloud Ordinance No. 676-2013:

Ordinance No. 676-2013:

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 Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 676-2013 be passed on first reading 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	Absent

Public comments regarding Resolutions:

None.

Resolutions:

Resolution No. 30-2013: A RESOLUTION REGARDING THE LOCAL MUNICIPAL BUDGET OF THE BOROUGH OF AVALON, COUNTY OF CAPEMAY FOR THE FISCAL YEAR 2013

Councilman Covington stated the following: The budget Council received from the Mayor meets all statutory requirements. The Borough's ratable base is stable and grew slightly by \$24.7 million dollars. Projected surplus after using \$2.7 million dollars to balance the budget is strong at \$3.5 million dollars. That should protect our AAA bond rating. The capital projects budget is \$6.8 million dollars. The largest project planned is the work to off load the spoils on the Macchia's Island site to pave the way for dredging the back bay waterways. The use of surplus is high because the reimbursement of \$350,000 spent on Sandy cleanup can't be included until FEMA approves the Borough's declaration. Without the \$350,000 of recoverable Sandy costs the current fund appropriations are up a modest 1.4%. Irreplaceable lost revenue occurs from using the last of the revenue from the bond fund reserve and less return of surplus from AFPL. Together they represent a \$380,000 loss of revenue year over year. The combination of the two represents about \$.01 on the tax rate. Based on the budget, the tax rate will increase from \$.21 to \$.219 water & sewer. Transition to Middlesex Water Co. is going well. Surplus is rebuilding. Rates are stable. Lower debt service payments reducing costs to operate. \$1.2 million dollars capital program to upgrade SCADA system, sanitary sewer upgrades, pump station at 78<sup>th</sup> Street and 1<sup>st</sup> year of 10 year program to replace fire hydrants. After meeting with the Mayor and Administration, the Finance Committee is confident that the proposed budget, while of minimum growth, does not impact the delivery of essential services to our residents. We recommend Council introduce this budget for review by the public.

Motion made by Councilman Covington, 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	Absent

February 27, 2013

Borough Clerk read:

The 2013 Local Municipal Budget Summary is available at the back of the room this evening. Copies of the introduced 2013 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](http://www.avalonboro.org), up to and including the time of the Budget Hearing to be held on April 24, 2013.

Resolution No. 31-2013: A RESOLUTION REGARDING THE 2013 LOCAL MUNICIPAL BUDGET EXAMINATION

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	Absent

Resolution No. 32-2013: A RESOLUTION AUTHORIZING THE MUNICIPAL CLERK TO PUBLISH A SUMMARY OF THE 2013 LOCAL MUNICIPAL BUDGET

Motion made by Councilman Covington, 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	Absent

Resolution No. 33-2013: A RESOLUTION AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION

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	Absent

Resolution No. 34-2013: A RESOLUTION APPROVING THE APPLICATION FOR AN OFF-PREMISE CASH RAFFLE LICENSE SUBMITTED BY FRIENDS OF THE AVALON VOLUNTEER FIRE DEPARTMENT, INC. TO BE HELD ON SATURDAY, OCTOBER 19, 2013 AT 12:00 P.M. AT AVALON COMMUNITY HALL, 3001 AVALON AVENUE, AVALON, NJ

Motion made by Councilman Dean, 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	Absent

February 27, 2013

Resolution No. 35-2013: A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS FOR VARIOUS SPORTS AND RECREATIONAL CAMPS FOR THE 2013 SEASON

Motion made by Council Vice President Ellenberg, 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	Absent

Resolution No. 36-2013: A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE COUNTY OF CAPE MAY OPEN SPACE PROGRAM FOR ACQUISITION COSTS ASSOCIATED WITH CERTAIN BEACH FRONT AREAS

Motion made by Councilman Dean, 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	Absent

Resolution No. 37-2013: A RESOLUTION A RESOLUTION AUTHORIZING RELEASE OF CERTAIN CLOSED SESSION MINUTES OF THE BOROUGH OF AVALON FOR THE PERIOD DECEMBER 19, 2012 THROUGH FEBRUARY 13, 2013 CONCERNING MATTERS THAT HAVE BEEN SETTLED OR CONCLUDED

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	Absent

Resolution No. 38-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Councilwoman Hudanich, 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	Absent

Resolution No. 39-2013: A RESOLUTION STRONGLY URGING THE CAPE MAY COUNTY BOARD OF CHOSEN FREEHOLDERS TO PROCEED WITH THE OCEAN DRIVE TOWNSEND'S INLET ROAD RECONSTRUCTION PROJECT

February 27, 2013

Motion made by Council Vice President Ellenberg, 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	Absent

Ordinances:

Introduction and first reading by title only of Ordinance No. 677-2013:

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 677-2013 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 677-2013:

Ordinance No. 677-2013:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$6,254,700 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,629,230 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 677-2013 be passed on first reading 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	Absent

Introduction and first reading by title only of Ordinance No. 678-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 678-2013 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 678-2013:

February 27, 2013

Ordinance No. 678-2013:

BOND ORDINANCE PROVIDING FOR VARIOUS WATER SEWER UTILITY IMPROVEMENTS OF THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,061,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,008,425 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 678-2013 be passed on first reading 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	Absent

Second reading, public hearing and final action on Ordinance No. 674-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 674-2013 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	Absent

Borough Clerk to read aloud Ordinance No. 674-2013:

Ordinance No.674-2013:

AN ORDINANCE APPROVING THE PURCHASE BY THE BOROUGH OF AVALON OF REAL PROPERTY KNOWN AS BLOCK 83, LOT 8 ON THE TAX MAP OF THE BOROUGH OF AVALON FROM THE ESTATE OF ADELE RICH

Council Vice President Ellenberg opened the meeting for public hearing on Ordinance No. 674-2013 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilwoman Hudanich, seconded by Councilman Covington 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	Absent

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 674-2013 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	Absent

February 27, 2013

Reports and recommendations by Mayor and Officials:

Reports of Officials:

None.

2012 Annual Reports:

Avalon Volunteer Fire Department Report submitted by Kevin Scarpa.  
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 David P. Dean.  
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.

Monthly Reports:

Month of January, 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 David P. Dean.  
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 Vice President Ellenberg, seconded by Councilman Dean 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	Absent

Pending business:

None.

New business:

None.

Public Comments:

None.

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

February 27, 2013

ROLL CALL VOTE:

Councilman Covington	Aye
Councilman Dean	Aye
Council Vice President Ellenberg	Aye
Councilwoman Hudanich	Aye
Council President Tipping	Absent

Regular Meeting adjourned at 8:40 p.m.

Respectfully submitted,

---

Amy W. Kleuskens, Borough Clerk

---

David B. Ellenberg, Council Vice President