

January 23, 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:

Andrew J. Bednarek Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
Police Captain David McCallion
Paul E. Short Sr., Code Enforcement Officer
Scott Wahl, Public Information Officer
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald
Vincent Lamanna, Esquire
Robert Fineberg, Esquire

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:

Work Session, Agenda Session, Regular Meeting, Closed Session – December 19, 2012
Work Session, Agenda Session, Regular Meeting – January 9, 2013

Motion made by Councilman Dean, seconded by Councilwoman Hudanich 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

Public comments regarding Resolutions:

None.

Resolutions:

Resolution No. 7-2013: A RESOLUTION AFFIRMING THE RECOMMENDATION OF THE HEARING OFFICER WITH RESPECT TO RENTAL LICENSE ISSUED TO HARRY B. FRENCH, JR. FOR PREMISES SITUATE AT 259 24TH STREET, EAST UNIT

Resolution No. 8-2013: A RESOLUTION AFFIRMING THE RECOMMENDATION OF THE HEARING OFFICER WITH RESPECT TO RENTAL LICENSE ISSUED TO THOMAS AND DEBBIE MCMAHON FOR PREMISES SITUATE AT 449 22ND STREET, REAR UNIT

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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

Resolution No. 9-2013: A RESOLUTION AUTHORIZING THE TAX ASSESSOR TO FILE CROSS APPEALS AND/OR MUNICIPAL APPEALS ON THE BEHALF OF THE BOROUGH OF AVALON FOR THE TAX YEAR 2013

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. 10-2013: A RESOLUTION APPROVING THE CERTIFIED LIST OF INDIVIDUALS QUALIFYING FOR 2012 LENGTH OF SERVICE PROGRAM CREDITS

Motion made by Councilwoman Hudanich, 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. 11-2013: A RESOLUTION ADOPTING THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND PUBLIC OFFICIALS LIABILITY/EMPLOYER PRACTICE LIABILITY (POL/EPL) PREMIUM OPTION FOR FY2013 AND MEMORIALIZING THE MOTION OF BOROUGH COUNCIL ON DECEMBER 19, 2012

Motion made by Councilman Dean, 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. 12-2013: A RESOLUTION DESIGNATING THE PROTECTED BATHING BEACHES FOR 2013 DESIGNATING BEACHES FOR THE USE OF RAFTS, SURFING BEACHES AND AREAS WHERE VOLLEYBALL WILL BE PERMITTED; AND DETERMINING THE DATES DURING WHICH LIFEGUARDS WILL BE ON DUTY

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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. 13-2013: A RESOLUTION AMENDING RESOLUTION NO. 225-2012, ADOPTED DECEMBER 19, 2012 ENTITLED "A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH DR. STEWART C. FARRELL, DIRECTOR, COASTAL RESEARCH CENTER, THE RICHARD STOCKTON COLLEGE OF NJ FOR MONITORING COMMUNITY BEACHES SEASONALLY – TASK 1 FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013"

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. 14-2013: A RESOLUTION APPROVING A MEMBERSHIP IN THE NEW JERSEY STATE FIREMEN'S RELIEF ASSOCIATION

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

<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. 15-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

Ordinances:

Introduction and first reading by title only of Ordinance No. 673-2013:

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 673-2013 be brought on for first reading by title only.

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<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. 673-2013:

Ordinance No. 673-2013:

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

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 673-2013 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

Final action on Ordinance No. 672-2012:

Ordinance No. 672-2012:

AN ORDINANCE GRANTING AN ACCESS AND UTILITY EASEMENT OF THE PREMISES BLOCK 83, LOT 11 A/K/A 4046 FOURTH AVENUE: OWNER: JOHN L. ADAMS

Council Vice President Ellenberg stated that the public hearing on Ordinance No. 672-2012 was conducted and closed on January 9, 2013.

Motion made by Council Vice President Ellenberg, seconded by Councilwoman Hudanich that Ordinance No. 672-2012 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports and recommendations by Mayor and Officials:

Reports of Officials:

Update by Borough Engineer regarding beachfill project.

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC commented that the Army Corps of Engineers' contractor Norfolk Dredging are about three to four days from completion. They plan to be done by January 26, 2013 and a walk through with the Army Corps of Engineers on January 28, 2013. He gave an update regarding the additional work requested to be done by the Army Corps of Engineers contractor, indicating that they have prepared a plan along with a statement of work and bid sheet which has been provided to the Army Corps of Engineers and the New Jersey Department of Environmental Protection and forwarded to Norfolk Dredging. They are waiting for a quote. Norfolk Dredging is anticipating everything to

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Thomas R. Thornton, P.E. (Continued) be worked out so they are stockpiling the volume of sand the Borough needs. Upon reaching an agreement and negotiated price they will direct the subcontractor to do final grading and any other work that may be required including dune crossovers, split rail fence and grass planting. When they get a quote from Norfolk Dredging he will pass this along to Mr. Bednarek. He doesn't know what the cost range is going to be, but it could be between \$50,000.00 and \$75,000.00. He will be sure to notify Council when the figure comes in.

Councilman Covington commented on opportunity for participation and cost share by the State.

Thomas R. Thornton, P.E. indicated that the State hasn't been totally committal but he is hopeful they will come through. The final grading of the dune will be done by the subcontractor. There is no specific timeline, it could take a few months but he is requesting that they not delay. Two months is a conservative estimate. They should mobilize pretty quickly. He indicated prior to Easter Weekend.

Councilman Covington mentioned Dr. Farrell's report which suggested a higher grading.

Thomas R. Thornton, P.E. commented that eighteen feet would have been a significant fill. They tried to balance all the factors and the Mayor agreed on sixteen feet which is fifteen inches higher than the Army Corps of Engineers dune and ten feet, a significant improvement.

Council thanked Mr. Thornton for his report.

Monthly Reports:

Month of June through November, 2012:

Water/Sewer Control Account Reports from June 21, 2012 through November 30, 2012 submitted by Connie L. DiCola.

Month of December, 2012:

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 and Taxicab Reports submitted by John Tracy.
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's and Water/Sewer Control Account Report submitted by Connie L. DiCola.
Zoning Report submitted by Jeffrey R. Hesley.

Motion made by Councilwoman Hudanich, 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.

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Public Comments:

Robert Fineberg, Esquire, Representing neighbors of the Adams Property stated that they agree to disagree. He asked if there was any new information from the last meeting to tonight.

Stephen D. Barse, Esquire responded that there are no new documents in this matter since January 9, 2013.

Resolution:

Resolution No. 16-2013: A RESOLUTION TO CONDUCT A CLOSED SESSION PURSUANT TO N.J.S.A. 10:4-12b. OF THE OPEN PUBLIC MEETINGS ACT PERTAINING TO ATTORNEY CLIENT PRIVILEGE REGARDING UPDATE ON APPRAISAL OF BLOCK 83, LOT 8 IN THE BOROUGH OF AVALON

Motion made by Councilman Dean, 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

Motion made by Council Vice President Ellenberg, seconded by Councilwoman Hudanich 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	Absent

Public portion of Regular Meeting recessed at 8:36 p.m.

Motion made by Councilman Covington, seconded by Councilwoman Hudanich 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	Absent

Public portion of Regular Meeting reconvened at 8:50 p.m.

Motion made by Councilman Covington, seconded by Councilwoman Hudanich authorizing Stephen D. Barse, Esquire to proceed

<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 Council Vice President Ellenberg to adjourn the Regular Meeting.

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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 8:50 p.m.

Respectfully submitted,

Amy W. Kleuskens, Borough Clerk

David B. Ellenberg, Council Vice President