

June 12, 2013

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, June 12, 2013 at 7:43 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 9 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
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, 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.

Public comments regarding Resolutions:

None.

Resolution No. 97-2013: A RESOLUTION REGARDING 2013 LOCAL MUNICIPAL BUDGET AS FINALLY ADOPTED

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	Aye

Resolution No. 98-2013: A RESOLUTION A RESOLUTION AUTHORIZING A PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0501-36-001-005 HERETOFORE ISSUED TO DILBET, INC., T/A WINDRIFT HOTEL RESORT

Motion made by Councilman Dean, seconded by Council President Tipping 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

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Resolution No. 99-2013: A RESOLUTION AUTHORIZING THE RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LICENSES IN THE BOROUGH OF AVALON, CAPE MAY COUNTY, NEW JERSEY FOR THE LICENSE TERM JULY 1, 2013 THROUGH JUNE 30, 2014

Resolution No. 100-2013: A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE - FRED'S AVALON LIQUOR STORE, INC., T/A FRED'S AVALON LIQUOR STORE, LICENSE NO. 0501-44-003-003 FOR LICENSE TERM JULY 1, 2013 THROUGH JUNE 30, 2014

Resolution No. 101-2013: A RESOLUTION APPROVING THE APPLICATION OF A.V.E., INC., P.R.C. LICENSE NO. 0501-36-011-002, FOR RELEASE OF CERTAIN RESTRICTIONS

Resolution No. 102-2013: A RESOLUTION RE: REQUESTING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL TO ACT UPON THE RENEWAL APPLICATION OF THE AVALON YACHT CLUB, CLUB LICENSE NO. 0501-31-010-004, FOR THE LICENSE TERM JULY 1, 2013 THROUGH JUNE 30, 2014

Motion made by Council Vice President Ellenberg, seconded by Council President Tipping that the resolutions 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. 103-2013: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD LLC TO PROCEED WITH DESIGN, PREPARATION OF PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR A FALL, 2013 ROAD RECONSTRUCTION PROJECT FOR A LUMP SUM FEE OF FIFTY-TWO THOUSAND (\$52,000.00) DOLLARS

Motion made by Council President Tipping, 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

Resolution No. 104-2013: A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS, (N.J.S.A. 40A:4-87), NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR COPS IN SHOPS-SUMMER SHORE INITIATIVE 2013 AND NEW JERSEY DEPARTMENT OF TRANSPORTATION, FY2013 MUNICIPAL AID PROGRAM GRANT

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

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

Resolution No. 105-2013: A RESOLUTION APPROVING 2013 JITNEY LICENSES

Motion made by Council Vice President Ellenberg, 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. 106-2013: A RESOLUTION AUTHORIZING JOSEPH S. CLARK, QUALIFIED PURCHASING AGENT FOR THE BOROUGH OF AVALON TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR 2014 OR NEWER HEAVY DUTY TRACTOR

Motion made by Councilwoman Hudanich, seconded by Councilman Covington 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. 107-2013: A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE WITH AN ONLINE AUCTION SERVICE

Motion made by Councilman Covington, seconded by Council Vice President Ellenberg 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. 108-2013: A RESOLUTION DESIGNATING AND ESTABLISHING MEETING TIMES FOR THE GOVERNING BODY OF THE BOROUGH OF AVALON (CH. 231 P.L. 1975, OPEN PUBLIC MEETINGS ACT) FOR THE PERIOD FROM JULY 1, 2013 THROUGH JUNE 30, 2014

Motion made by Councilman Dean, seconded by Councilwoman Hudanich 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

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Resolution No. 109-2013: A RESOLUTION AUTHORIZING DISCHARGE OF A MORTGAGE UNDER THE SMALL CITIES HOUSING REHABILITATION PROGRAM FOR PROPERTY LOCATED AT 2117 4TH AVENUE, AVALON, NJ

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. 110-2013: A RESOLUTION AUTHORIZING REFUND OF 2013 FEE PAID FOR SLIP NO. 23 AT THE BAY PARK MARINA

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	Aye

Resolution No. 111-2013: A RESOLUTION APPROVING THE APPLICATION FOR A TAXICAB LICENSE SUBMITTED BY JOSEPH CONFORTO, T/A OFF SHORE TAXI CO. OF NORTH CAPE MAY, NJ FOR A TERM OF ONE (1) YEAR COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

Motion made by Councilman Covington, seconded by Council President Tipping 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. 112-2013: A RESOLUTION APPROVING THE APPLICATION FOR AN OFF-PREMISE MERCHANDISE RAFFLE LICENSE SUBMITTED BY THE BRENDAN BOREK HIGH TIDES MEMORIAL FUND, INC. TO BE HELD ON MONDAY, SEPTEMBER 2, 2013 AT THE BRENDAN BOREK HIGH TIDES MEMORIAL FUND OFFICE, 2170 DUNE DRIVE, AVALON, NJ FROM 12:00 P.M. TO 5:00 P.M.

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	Aye

Resolution No. 113-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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Motion made by Council 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

Ordinance:

Second reading, public hearing and final action on Ordinance No. 681-2013:

Motion made by Council Vice President Ellenberg, seconded by Councilman Dean that Ordinance No. 681-2013 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. 681-2013:

Ordinance No.681-2013:

AN ORDINANCE AMENDING CHAPTER 27 (ZONING) OF THE
CODE OF REVISED GENERAL ORDINANCES, 2000 REGARDING
LIVING FENCES

Council President Tipping opened the meeting for public hearing on Ordinance No. 681-2013 and asked if there were any questions or comments.

Lisa Grant, 1958 Ocean Drive expressed her opinion that the Ordinance is wonderful for living fences but her neighbor just put in a row of Leyland Cypress that are ten to twelve feet tall and hang two to three feet over onto her property. She indicated her understanding is that it is her responsibility to maintain the branches overhanging on her property.

Stephen D. Barse, Esquire, Borough Solicitor commented that that is a zoning issue.

Lisa Grant pointed out that because they are grandfathered it will be her responsibility to keep up the trimming. She questioned whether the owners could be required to do the maintenance rather than her.

Stephen D. Barse, Esquire responded that this is not easy to answer. He will talk to the Zoning Official about this issue.

Lisa Grant reiterated that this is a wonderful step moving forward but it doesn't help with home owners who have to maintain what neighbors have already done.

Discussion followed concerning setback requirement of trees.

Motion made by Council Vice President Ellenberg, seconded by Councilman Dean 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

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Motion made by Council Vice President Ellenberg, seconded by Councilman Dean that Ordinance No. 681-2013 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 of Officials:

Paul E. Short, Sr., Code Enforcement Officer updated Council on the back bay debris removal as a result of Hurricane Sandy. He indicated that this would be finished this Saturday.

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC gave an update regarding the shore stabilization study (originally entitled “an evaluation of the feasibility of a groin field or alternative structural shore protections measures to reduce storm damage at the borough’s northerly beaches”). He commented on the schedule with an interim report submitted by September 20, 2013, periodic meetings with stake holders and a final report by October 6, 2013.

Council Vice President Ellenberg commented that Dr. Stewart C. Farrell, Executive Director, Coastal Research Center, Richard Stockton College will be involved in all meetings.

Public Comments:

None.

Resolution No. 114-2013: 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 NEGOTIATIONS REGARDING ORDINANCE NO. 561-2006 (CRIMINAL BACKGROUND CHECKS) COOPERATIVE PURCHASING AGREEMENT WITH THE TOWNSHIP OF MIDDLE FOR EMPTYING OF GRAVEN’S ISLAND CONFINED DISPOSAL FACILITY (CDF) AND A 2014 DREDGING PROJECT

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	Aye

Motion made by Councilman Dean, seconded by Councilman Covington 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

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

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Motion made by Council President Tipping, seconded by Councilman Dean 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 8:25 p.m.

Councilwoman Hudanich clarified for the record that the discussion regarding Ordinance No. 561-2006 (Criminal Background Checks) was not discussed in Closed Session this evening. It was deferred to a future meeting.

Motion made by Councilwoman Hudanich, seconded by Councilman Dean 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 8:25 p.m.

Respectfully submitted,

Amy W. Kleuskens, Borough Clerk

Joseph V. Tipping, Council President