

March 12, 2014

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, March 12, 2014 at 7:40 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 13                      Reporters - - - - - 2

The meeting was called to order by Council President Ellenberg.

Roll call:

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  
Police Chief William McCormick  
William Macomber, Director of Public Works/Utilities  
Paul E. Short Sr., Code Enforcement Official  
Scott Wahl, Public Information Officer  
Sue Ellenberg, Recreation Personnel  
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC  
William J. Kearns, Jr., Esquire, Special Counsel for Land Use  
Dr. Stewart C. Farrell, Director, Coastal Research Center, The Richard Stockton  
College of NJ  
Dominic Villecco, President, Telecommunications Representative, V-COMM,  
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.

Public comments regarding Resolutions:

None.

Resolution No. 40 -2014:                      A RESOLUTION ADOPTING THE AVALON  
POLICE DEPARTMENT RULES AND  
REGULATIONS AS REVISED

Motion made by Councilman McCorristin, 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. 41 -2014:                      A RESOLUTION ESTABLISHING RULES AND  
REGULATIONS FOR MUNICIPALLY OWNED  
AND/OR CONTROLLED TENNIS COURTS

Motion made by Councilwoman Hudanich, seconded by Council President Ellenberg 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. 42 -2014: A RESOLUTION ESTABLISHING CHANGE FUNDS FOR OPERATION OF VARIOUS SUMMER FUNCTIONS FOR THE 2014 SEASON

Motion made by Council President Ellenberg, seconded by Councilwoman Hudanich 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. 43 -2014: A RESOLUTION ESTABLISHING FEES FOR VARIOUS ACTIVITIES WITHIN THE DIVISION OF RECREATION

Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin 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. 44 -2014: A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS FOR VARIOUS SPORTS AND RECREATIONAL CAMPS FOR THE 2014 SEASON

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. 45 -2014: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, NON-FAIR AND OPEN, WITH 7 MILE PUBLISHING AND CREATIVE GROUP, LLC OF AVALON, NJ FOR PUBLIC RELATIONS AND ADVERTISING SERVICES FOR THE BOROUGH OF AVALON FOR A TERM OF ONE (1) YEAR COMMENCING APRIL 1, 2014 THROUGH MARCH 31, 2015

Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich 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. 46 -2014:

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF AVALON, CITY OF SEA ISLE CITY AND BOROUGH OF STONE HARBOR FOR UTILIZATION OF THE COMCAST LOCAL ACCESS CHANNEL FOR A ONE (1) YEAR TERM COMMENCING APRIL 1, 2014 THROUGH MARCH 31, 2015

Motion made by Council Vice President Covington, seconded by Councilman McCorristin 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. 47 -2014:

A RESOLUTION GRANTING A 2014 AMUSEMENT GAMES LICENSE TO TWO BITS AMUSEMENTS, INC. FOR PREMISES LOCATED AT 2805-07-09 BOARDWALK, AVALON, NEW JERSEY

Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin 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. 48 -2014:

A RESOLUTION AMENDING RESOLUTION NO. 231-2013, ADOPTED DECEMBER 18, 2013 AUTHORIZING THE 2014 PROFESSIONAL SERVICES CONTRACT WITH DR. STEWART C. FARRELL, DIRECTOR, COASTAL RESEARCH CENTER, THE RICHARD STOCKTON COLLEGE OF NJ TO PROVIDE FOR ADDITIONAL SERVICES INCLUDING 2014 MONITORING OF USACE LINES AND ALL ENGINEERED BEACH LINES, PRE CONSTRUCTION SURVEY AND POST CONSTRUCTION SURVEY, TASKS 1 – 7 AND BACKPASS TRUCK COUNTING

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

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Resolution No. 49 -2014:

A RESOLUTION AMENDING RESOLUTION NO. 222-2013 AND AUTHORIZING THE EXECUTION OF A CONSULTING CONTRACT, NON-FAIR AND OPEN, TO JAMES A. WALDRON OF CAPE MAY COURT HOUSE, NEW JERSEY, FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

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

Resolution No. 50 -2014:

A RESOLUTION AMENDING RESOLUTION NO. 49-2013, ADOPTED MARCH 27, 2013 ENTITLED "A RESOLUTION AUTHORIZING THE EXTENSION OF THE SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY FOR HEAVY EQUIPMENT FLEET MAINTENANCE FOR A TERM OF ONE (1) YEAR COMMENCING MARCH 25, 2013 THROUGH MARCH 24, 2014"

Motion made by Councilman McCorristin, seconded by Councilman Dean 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. 51 -2014:

A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Council President Ellenberg, 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. 699-2014:

Motion made by Councilwoman Hudanich, seconded by Council President Ellenberg that Ordinance No. 699-2014 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

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Borough Clerk to read aloud Ordinance No. 699-2014:

Ordinance No. 699-2014:

AN ORDINANCE AMENDING CHAPTER 9 (PARKS, BEACHES AND RECREATION FACILITIES) OF THE CODE OF THE BOROUGH OF AVALON REGULATING THE STORAGE AND USE OF KAYAKS AT THE NORTHWEST CORNER OF 57<sup>TH</sup> STREET IN THE BOROUGH OF AVALON

Motion made by Councilwoman Hudanich, seconded by Council President Ellenberg that Ordinance No. 699-2014 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

Introduction and first reading by title only of Ordinance No. 701-2014:

Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin that Ordinance No. 701-2014 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. 701-2014:

Ordinance No. 701-2014:

AN ORDINANCE AMENDING CHAPTER 9 (PARKS, BEACHES AND RECREATION FACILITIES) OF THE CODE OF THE BOROUGH OF AVALON ENTITLED THE AVALON BAY PARK MARINA

Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin that Ordinance No. 701-2014 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. 694-2014:

Motion made by Councilman Dean, seconded by Council Vice President Covington that Ordinance No. 694-2014 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

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Borough Clerk to read aloud Ordinance No. 694-2014:

Ordinance No. 694-2014:

AN ORDINANCE AMENDING CHAPTER 27  
(ZONING) OF THE CODE OF THE BOROUGH  
OF AVALON

Council President Ellenberg opened the meeting for public hearing on Ordinance No. 694-2014 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Dean, seconded by Council Vice President Covington 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 Dean, seconded by Council Vice President Covington that Ordinance No. 694-2014 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

Motion made by Councilman Dean, seconded by Councilman McCorristin for clarification on amendment on Ordinance No. 695-2014.

<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 as amended on Ordinance No. 695-2014:

Motion made by Councilman Dean, seconded by Councilman McCorristin that Ordinance No. 695-2014 as amended 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. 695-2014:

Ordinance No. 695-2014:

AN ORDINANCE TO AMEND CHAPTER 27 (ZONING) OF THE  
CODE OF THE BOROUGH OF AVALON TO PROVIDE FOR  
RESORT HOUSES AS CONDITIONAL USES ONLY IN THE  
R/M (HOTEL-MOTEL) ZONING DISTRICT

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Council President Ellenberg opened the meeting for public hearing on Ordinance No. 695-2014 and asked if there were any questions or comments.

Richard DeMarco, 80 W. 14<sup>th</sup> Street questioned the meaning of Section 8, Exception.

Andrew J. Bednarek, Business Administrator asked William J. Kearns, Jr., Esquire, Special Counsel for Land Use to respond to Mr. DeMarco's question.

William J. Kearns, Jr., Esquire, Special Counsel Land Use explained there was a settlement agreement with respects to a specific property. He further explained the Borough of Avalon wanted the terms of that property agreement to stay in effect.

Mr. DeMarco questioned which property it referenced.

Mr. Kearns responded the property was on 48<sup>th</sup> Street.

Mr. DeMarco questioned if that was the only property referenced.

Mr. Kearns stated yes that was the only property.

Mr. DeMarco commented there was a property on 13<sup>th</sup> Street he reported to the Police many times. He indicated he gave pictures to Georgann, which showed signs advertising affairs at the property.

Mr. Kearns stated to his knowledge there were no other settlements other than the settlement for the 48<sup>th</sup> Street property. He explained the ordinance was specifically tailored so the conditions imposed through the settlement agreement on the 48<sup>th</sup> Street property would not be lost.

Mr. DeMarco thanked the Public Works Department for doing a great job during all the snowstorms.

Motion made by Councilman Dean, seconded by Councilman McCorristin 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 Dean, seconded by Councilman McCorristin that Ordinance No. 695-2014 as amended 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

Council President Ellenberg stated two correspondences regarding the Resort House Ordinance were sent to Council and were requested to be part of the minutes. Copy of correspondences are attached.

Second reading, public hearing and final action as Ordinance No. 697-2014:

Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich that Ordinance No. 697-2014 be brought on for second reading, public hearing and final action.

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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

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)

Council President Ellenberg opened the meeting for public hearing on Ordinance No. 697-2014 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich 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 Council Vice President Covington, seconded by Councilwoman Hudanich that Ordinance No. 697-2014 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

Second reading, public hearing and final action as amended on Ordinance No. 698-2014:

Motion made by Council President Ellenberg, seconded by Councilman McCorristin that Ordinance No. 698-2014 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. 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



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Council President Ellenberg opened the meeting for public hearing on Ordinance No. 698-2014 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council President Ellenberg, seconded by Councilman McCorristin 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 Council President Ellenberg, seconded by Councilman McCorristin that Ordinance No. 698-2014 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

Second reading, public hearing and final action as amended on Ordinance No. 700-2014:

Motion made by Councilman Dean, seconded by Council Vice President Covington that Ordinance No. 700-2014 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. 700-2014:

Ordinance No. 700-2014:

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

Council President Ellenberg opened the meeting for public hearing on Ordinance No. 700-2014 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Dean, seconded by Council Vice President Covington 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 Dean, seconded by Council Vice President Covington that Ordinance No. 700-2014 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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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

Reports of Officials:

Georgann M. Berardis, Borough Clerk read the 2013 Safety Incentive Program Awards statement, a copy of which is attached to these minutes.

Update on Verizon Wireless.

Dominic Villecco, President, V-COMM, LLC reported to Council that Verizon Wireless has expressed interest in the 13<sup>th</sup> Street Water tank area. He explained the next step in the process would be to receive a formal request from Verizon Wireless. He indicated the next step in the process would be to go out to bid. He stated as long as there was a favorable response there could be a contract by the end of the year.

Public Comments:

None.

Resolution:

<u>Resolution No.52-2013:</u>	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 NEXTEL LEASE TERMINATION AND MODIFICATIONS/AMENDMENTS TO AT&T LEASE FOR PLACEMENT FOR EMERGENCY GENERATOR AT 38 <sup>TH</sup> STREET
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Motion made by Councilman McCorristin, seconded by Councilman Dean 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 Councilman McCorristin, seconded by Councilman Dean 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 there may be formal action after the Closed Session.

Public portion of the Regular Meeting recessed at 8:04 p.m.

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Motion made by Councilman McCorristin, seconded by Council President Ellenberg to adjourn the Closed Session and go back into public portion of 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

Public Portion of Regular Meeting reconvened at 8:34 p.m.

Present:

Andrew J. Bednarek, Business Administrator  
Stephen D. Barse, Esquire, Borough Solicitor  
Dominic Villecco, President, Telecommunications Representative, V-COMM, LLC

Motion made by Councilman McCorristin, seconded by Councilman Dean 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 8:35 p.m.

Respectfully submitted,

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Georgann M. Berardis, Borough Clerk

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David B. Ellenberg, Council President