

October 23, 2013

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, October 23, 2013 at 7:16 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 8 Reporters - - - - - 1

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

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

Also present:

Andrew J. Bednarek, Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
Police Captain David McCallion
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, LLC
Dr. Brian Reynolds, Chairman, Avalon Environmental Commission
Kenneth Koches, Superintendent of Utilities, Utility Service Affiliates, Inc. a subsidiary of Middlesex Water Company
Paul Shroeck, Windward Consulting, Inc.
Joseph L. Lomax, Executive Vice President, Lomax Consulting Group

Council Vice President Covington 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:

Work Session, Agenda Session, Regular Meeting – September 25, 2013
Work Session, Agenda Session, Regular Meeting – October 9, 2013

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

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

There are no Closed Session minutes to be released for the period September 25, 2013 through October 9, 2013.

Public comments regarding Resolutions:

None.

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Resolution No. 173-2013: A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING/ZONING BOARD OF THE BOROUGH OF AVALON WITH ADVICE AND CONSENT OF BOROUGH COUNCIL

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	Absent
	Councilman McCorristin	Aye
	Council President Ellenberg	Absent

Resolution No. 174-2013: A RESOLUTION AUTHORIZING UTILITY SERVICE AFFILIATES, INC., A SUBSIDIARY OF MIDDLESEX WATER COMPANY AND JOSEPH S. CLARK JR., QUALIFIED PURCHASING AGENT FOR THE BOROUGH OF AVALON TO ADVERTISE FOR BIDS FOR REMOTE SITE SCADA SYSTEM UPGRADE

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

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

Resolution No. 175-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Councilman McCorristin, 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	Absent
	Councilman McCorristin	Aye
	Council President Ellenberg	Absent

Second reading, public hearing and final action on Ordinance No. 686-2013:

Motion made by Councilman Dean, seconded by Councilman McCorristin that Ordinance No. 686-2013 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	Absent
	Councilman McCorristin	Aye
	Council President Ellenberg	Absent

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Borough Clerk to read aloud Ordinance No. 686-2013:

Ordinance No.686-2013:

AN ORDINANCE AMENDING CHAPTER 27 (ZONING)
OF THE CODE OF REVISED GENERAL ORDINANCES, 2000
REGARDING DEFINITIONS AND REGULATIONS
PERTAINING TO ADVISORY BASE FLOOD ELEVATIONS
AND FLOOD HAZARD PROTECTIONS

Council Vice President Covington stated the following:

Before I open this up to public comment on this ordinance let me explain what is going to have to be done here. If you remember last week, rather two weeks ago, we got into a lot of discussion about the flood plain ordinance and some discussion about this ordinance. We have some conflicting definitions for base flood elevation and some other definitions. There is a serious enough difference between what we introduced and what the Planning Board provided us. We are taking a second look at what is the best way to approach base flood elevations and because of that we will not be passing this ordinance tonight. We will actually be defeating it, so that we can get this new information into a revised ordinance. That ordinance will be put on the agenda for the November 13th meeting for introduction. Hopefully by that time we will have the definitions the way that we all believe that they should be. There is also a companion ordinance which is the flood plain management ordinance. There is verbiage in both ordinances that has got to be in sync. We have to make sure that they are compatible. We should also be introducing a flood plain management ordinance at the November 13th meeting as well. With that said, while I am not discouraging public comment, you would be commenting on an ordinance that we are not going to pass. If you would rather wait until the November 13th meeting to make your comments it will then be against a new ordinance. So I give you that as advice and with that I open the public hearing on Ordinance No. 686-2013.

Council Vice President Covington opened the meeting for public hearing on Ordinance No. 686-2013 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Councilman Dean, seconded by Councilman McCorristin that Ordinance No. 686-2013 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

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Second reading, public hearing and final action on Ordinance No. 687-2013:

Motion made by Council Vice President Covington, seconded by Councilman Dean that Ordinance No. 687-2013 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	Absent
	Councilman McCorristin	Aye
	Council President Ellenberg	Absent

Borough Clerk to read aloud Ordinance No. 687-2013:

Ordinance No.687-2013:

AN ORDINANCE AMENDING CHAPTER 5 (PERSONNEL)
OF THE CODE OF REVISED GENERAL ORDINANCES, 2000
REGARDING EMPLOYEE COST CONTRIBUTION FOR
HEALTHCARE BENEFITS AND ELIGIBILITY FOR PART
TIME EMPLOYEES

Council Vice President Covington opened the meeting for public hearing on Ordinance No. 687-2013 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council Vice President Covington, seconded by Councilman Dean that the public hearing be closed.

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

Motion made by Council Vice President Covington, seconded by Councilman Dean that Ordinance No. 687-2013 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	Absent
	Councilman McCorristin	Aye
	Council President Ellenberg	Absent

Reports of Officials:

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC reported that he had a conversation with Genevieve Boehm-Clifton from the New Jersey Department of Transportation, Office of Maritime Resources. We wanted an update with how things are going with their office's participation in the dredging of some of the channels up and down the coast, obviously in our case Avalon. We got what I would not say was a commitment but it was very positive reaction from Ms. Boehm-Clifton as to the likelihood of the New Jersey Department of Environmental Protection's participation in the dredging of some of the Borough's waterways. These are actually State channels, but they are navigable waterways that had been part of the Borough's Back bay Dredging Program Report back in 2007. So the Borough had intended to pay for the cost of dredging these channels, but it appears that the State will possibly be participating in that in terms of the construction cost and possibly inspection and project management once we get into it, although Ms. Boehm-Clifton did not really go into those details.

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Thomas R. Thornton, P.E. (Continued) Ms. Boehm-Clifton did give us indications that Graven's Thorofare, Oler Thorofare, the waterway leading to the 54th Street Marina, Longreach and Whale Harbor, all those channels, are State channels that they would be able to assist us with. The caveat being they need to know that they have space available in the Confined Disposal Facility (CDF) and that we let Ms. Boehm-Clifton know the schedule of the project that has commenced in the last several weeks. By the time that dredging project would be ready to proceed, which would be September of 2014, there should be sufficient capacity in the CDF for that work to go ahead. It was a very encouraging conversation.

Andrew Bednarek, Business Administrator indicated that the Borough would be in touch with Ms. Boehm-Clifton on a regular basis to give her status reports. Apparently they are getting status reports on the photographs regarding the level of construction on the road that is currently being built out to the CDF. He stated that Mr. Thornton can update Council regarding the progress of the construction of the road out to the CDF. He added that there appears to be twenty-two thousand cubic yards of material, there could be more after soundings are completed that the State would be absorbing in that portion of the dredging of those State channels. He commented that this is very encouraging. He went on to report that Connie Mahon, Middle Township Administrator was part of the conference call Mr. Thornton referred to, and we discussed the relationship we are developing with Middle Township as far as the CDF and the dredging of Sterback Harbor as well. He indicated that the Borough is anticipating some type of agreement with the State of New Jersey as we make more progress on our CDF. The caveat is that the State needs a place and a commitment from the borough as to where to put their spoils. So, if the Borough gives them a place to put the spoils, he thinks they will pay for the expense in putting it there. Again that still has to get worked out.

Councilman Dean asked Mr. Thornton if Longreach Harbor was one of the last to be dredged.

Thomas R. Thornton, P.E. replied that based on the State's findings they have found that it has shoaled and they would be willing to dredge the harbor, so it would make no sense to turn it down. He commented that their estimated volumes were significantly lower than the Borough's calculated in 2007. He explained that they need to figure out what was going on there, but the first task would be the hydro-graphic survey and the calculation of the volume required to dredge to the required depth and what is the discrepancy. This is part of what the Borough planned to do and based on volumes calculated of those channels it would account for half.

Andrew J. Bednarek stated we are in better shape than we thought. He also reported that Erin Law, Esquire of Bond Counsel contacted him to indicate that representing both Avalon and Middle Township would present an ethics issue for her. Ms. Law cannot represent both communities in putting a shared services agreement together, so she will come up with the framework of the shared services agreement. He indicated that he contacted Neil Yoskin, Esquire, the Borough's environmental attorney, to handle Avalon's portion. His understanding is that Middle Township will be doing a special assessment for their portion of the Sterback Harbor, so this is moving along as well.

Councilman McCorristin commented that he likes the progress on the road.

Council Vice President Covington asked for a progress report on the project.

Thomas R. Thornton, P.E. responded that they are seventy-five percent of the way to the site. He explained that this is just with the rip-rap base course. They might get an early start on this and start constructing the two and one half foot portion of sand that goes on that rip-rap base and one foot of gravel that goes on top of that. He went on to explain that there are soft areas that they come to where they have to supplement additional rip-rap but he knew that would be the case and it requires close monitoring. He added that the project is going very well. Hatch Mott

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Thomas R. Thornton, P.E. (Continued) Macdonald had their Geo-Tech and structural people come down and they were pleased with the progress being made because this is really the critical step, the application of this heavy stone.

Monthly Reports:

Month of September, 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, Jitneys and Taxicab Reports submitted by John Tracy.
Capital Project Report submitted by Hatch Mott Macdonald, LLC.
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 submitted by Connie L. DiCola.
Zoning Report submitted by Jeffrey R. Hesley.

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

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

Pending business:

None.

New business:

None.

Public Comments:

None.

Motion made by Councilman Dean, seconded by Councilman McCorristin to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 7:32 p.m.

Respectfully submitted,

Georgann Berardis, Deputy Borough Clerk

Charles P. Covington, Council Vice President