

February 26, 2014

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, February 26, 2014 at 7:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 10

Reporters ----- 2

The Meeting was called to order by Council President Ellenberg.

Pledge of allegiance.

<u>Roll call:</u>	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
James V. Craft, Director of Revenue/Finance
Captain Jeffrey Christopher
Scott Wahl, Public Information Officer
Paul E. Short, Sr., Code Enforcement Officer
Sue Ellenberg, Recreation Personnel
Mark Sray, P.E., Hatch Mott Macdonald, LLC
Steve Morey, Hatch Mott Macdonald, LLC

Notice of this Work Session 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.

Council President Ellenberg read the Open Public Meetings Act Announcement.

Discussion regarding New Jersey Environmental Infrastructure Trust (NJEIT) application for backbay dredging project.

Andrew J. Bednarek, Business Administrator informed Council that Erin Law, Bond Counsel who is part of the team involved with the New Jersey Environmental Infrastructure Trust (NJEIT) application process was unable to attend this evening's meeting. He reviewed the application and permit process with the input from Steve Morey of Hatch Mott Macdonald, LLC.

Council discussed this application and had no problem proceeding with a Resolution to be voted upon at the Regular Meeting this evening.

Discussion regarding the Shared Services Agreement by and between the County of Cape May and Borough of Avalon regarding Cape May County Open Space and Farmland Preservation Program.

Andrew J. Bednarek, Business Administrator recapped the Borough of Avalon's success in attaining a \$488,000.00 Open Space Grant with the Board of Chosen Freeholders. He indicated the shared services agreement was forwarded to Stephen D. Barse, Esquire, Borough Solicitor for his review.

Stephen D. Barse, Esquire, Borough Solicitor indicated he spoke with Barbara Bakely-Marino, County Counsel regarding the shared services agreement. He explained there is a statutory forty-five (45) day wait period before the County can move forward with the applications and final action was expected at the end of March or beginning of April. He

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Stephen D. Barse, Esquire Continued:

stated from a legal prospective he saw no impediments to moving forward with this agreement.

Brief discussion followed.

Discussion regarding a Resolution authorizing the transfer of 2013 appropriations.

Council had no problem with the transfer and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Discussion regarding a Resolution adopting the Avalon Police Department Rules and Regulations.

Council reviewed the changes to the Avalon Police Department Rules and Regulations and agreed to proceed with a Resolution to be prepared for the March 12, 2014 Regular Meeting.

Discussion regarding 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.

Paul E. Short, Sr., Code Enforcement Official updated Council on the amendments to the Jitney Ordinance. He stated the following changes:

1. Background checks for Jitney drivers previously approved by the Borough would submit to a computer check through the State Police. These approved drivers would be permitted to apply in this manner for three (3) years after the initial fingerprint background check. After the third year the drivers would submit to the full process of fingerprint background checks again. Any new drivers would be required to submit to the full fingerprint background check with the investigating agency.
2. License term is January 2 through January 1.
3. Fitness certificate is no longer required as the New Jersey Motor Vehicle Commission requires the fitness certificate to be done every two (2) years.

Paul E. Short, Sr. indicated the Chief of Police has no problem with these changes.

Councilwoman Hudanich questioned the insurance requirement.

Paul E. Short, Sr. stated there was some confusion regarding the amount of insurance required as the Borough Solicitor was unaware of a State Bill that excluded Atlantic and Cape May County Jitneys from being required to carry 1.5 million dollars of insurance.

Stephen D. Barse, Esquire, Borough Solicitor stated he also changed the ordinance to accept an ACORD sheet and worded the insurance requirement to read \$300,000.00 or such greater amount that may be required by law. He also stated the Fitness Certificate title, which is 10-17.6, should be changed to Commercial Drivers License.

Council had no problem with these amendments and agreed to proceed with Introduction of an Ordinance at the Regular Meeting this evening.

Discussion regarding 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 southwest corner of 57th Street in the Borough of Avalon.

Sue Ellenberg, Recreation Representative updated Council on the various activities that take place at the Kayak Park Launch area. She distributed pamphlets showing the Jersey Shore Blue Way for Council's review and stated the Borough Kayak Park Launch area is

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Sue Ellenberg, Recreation Personnel Continued:

designated on the Jersey Shore Blue Way. She also stated these pamphlets would be made available at the Recreation Center. She indicated the storage of the kayaks is the issue being addressed through the Pilot Program known as the Non-Fee Kayak Registration and Kayak Storage Program for the Borough of Avalon property owners and long-term lease residents. She stated the Borough puts out 31 racks which allows for 186 berths for the storage of kayaks at the Kayak Park. She reported that last year there were over 300 kayaks stored at the park resulting in an unsafe area. She stated the Recreation Advisory Committee had numerous interactions with the neighbors of the Kayak Park and over the last few months a compromise shaped into the Pilot Program being discussed this evening. She reviewed the registration requirements, season start and end dates, and impoundment rules and regulations. Lastly, she reiterated the Kayak Park Launch is open to anyone all year long and the only issue being addressed is the storage of kayaks at the Kayak Park.

Councilwoman Hudanich complimented the Committee on the collaborative time and effort taken with the residents. She stated she reviewed the document and offered changes so the document is clear to avoid misunderstandings. She questioned the use of a drivers license as identification for registration.

Discussion followed.

Councilwoman Hudanich continued to state changes and offered to give Sue Ellenberg her copy with all the changes. She questioned the term of a seasonal rental and asked if this was arbitrary.

Discussion followed.

Councilwoman Hudanich stated this is a pilot program and it can always be revisited. She also stated she wanted this to work as the residents and vacationers need to enjoy the beauty of the Kayak Park.

Sue Ellenberg expressed concern about shortening the requirement of the three month rental.

Councilman McCorristin indicated he does not see there being a problem as long as the Information about the registration is made available to the public. He asked Scott Wahl, Public Information Officer to make sure the information is available through the website.

Scott Wahl, Public Information Officer replied that would not be a problem.

Councilman McCorristin commented that everyone should understand the Kayak Park is open to everyone, but the storage had to be addressed as it got out of control.

Brief discussion followed.

Council Vice President Covington thanked Sue Ellenberg for answering all his questions he had concerning this ordinance. He stated it saddened him to read this document, but it had become necessary as a result of the abuse of the park. He questioned if the intent was to give the property owners priority over the residents. He stated he felt it was implied but not stated in the ordinance.

Brief discussion followed.

Council Vice President Covington suggested if the property owners were to have first choice the Borough should specifically state it.

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Stephen D. Barse, Esquire, Borough Solicitor commented that in the discussions held with Administration it was of the mindset that the property owners and residents would be treated equally. He indicated this was something that could be reviewed and changed if necessary.

Discussion followed.

Council President Ellenberg commented that the Community Advisory Committee and about ten (10) different families have been extremely involved with the assistance in creating this Pilot Program. He acknowledged the seven to eight months of hard work of Sue Ellenberg, Rob Patro, the Community Advisory Committee and others to make sure this Pilot Program came to fruition.

Jim Dever, 128 36th Street, member of the Community Advisory Committee stated Sue Ellenberg was eloquent in her statement regarding the Kayak Park. He further stated she did a great job and appreciated all the input from everyone. He stated this is a great Pilot Program.

Sue Ellenberg commented that the neighborhood was adamant about having no kayak storage at all. She stated it was great to see that through discussions the neighborhood could come to an agreement for this Pilot Program.

Council thanked Sue Ellenberg for all her work.

Andrew J. Bednarek, Business Administrator suggested the Borough correct and revise the draft Ordinance as discussed this evening. He stated the ordinance should be scheduled for further discussion at the March 12, 2014 Work Session and Introduction of an Ordinance at the March 12, 2014 Regular Meeting.

Brief discussion followed.

Council agreed to schedule the ordinance for further discussion at the March 12, 2014 Work Session and Introduction of an Ordinance at the March 12, 2014 Regular Meeting.

Discussion regarding the following 2014 Recreation Resolutions:

Tennis Court rules and regulations.

Activity fees.

Change funds.

Council reviewed the proposed changes for 2014 with the input from Sue Ellenberg and agreed to proceed with Resolutions to be prepared for the March 12, 2014 Regular Meeting.

Discussion regarding a Resolution amending Bay Park Marina rules and regulations concerning the launching ramp.

Council discussed the proposed amendments briefly and agreed to proceed with a Resolution to be prepared for the March 12, 2014 Regular Meeting.

Discussion regarding a Resolution authorizing the execution of professional services contracts for various sports and recreational camps for the 2014 season.

Council reviewed the proposed sports and recreational camps with the input from Sue Ellenberg and Council agreed to proceed with a Resolution to be prepared for the March 12, 2014 Regular Meeting.

Discussion regarding 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.

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Scott Wahl, Public Information Officer reviewed the 2014 proposal with the input from Monica Coskey of 7 Mile Publishing and Creative Group, LLC of Avalon, New Jersey.

Brief discussion followed and Council agreed to proceed with a Resolution to be prepared for the March 12, 2014 Regular Meeting.

Discussion regarding a Resolution authorizing a Shared Services Agreement between the Borough of Avalon, City of Sea Isle, 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.

Scott Wahl, Public Information Officer commented there are no changes to the existing agreement and Sea Isle City and Stone Harbor are on board for 2014.

Brief discussion followed and Council agreed to proceed with a Resolution to be prepared for the March 12, 2014 Regular Meeting.

Discussion regarding Resolution granting a 2014 Amusement Games License to Jared J. Nesi, t/a Two Bits Amusements, Inc. for premises located at 2805-07-09 Boardwalk, Avalon, New Jersey.

Council reviewed the application with attached documentation, along with the memo from Detective Sergeant Gaughan and determined the application is in order and agreed to proceed with a Resolution to be prepared for the March 12, 2014 Regular Meeting.

Discussion regarding the following Resolutions:

Resolution authorizing execution of a contract for the 2014 Beach Renourishment Project, Contract No. M-97.

Mark Sray, P.E., representing Hatch Mott Macdonald, LLC referenced the report prepared by Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC dated February 25, 2014 regarding the 2014 Beach Renourishment Project. He indicated nine (9) bids were received on February 19, 2014. He stated the low bid was submitted by Earthworks, Inc. in the amount \$306,000.00 which included the base bid of \$206,000.00 and the supplemental bid in the amount of \$100,000.00. He indicated their recommendation is to award to Earthworks, Inc.

Council reviewed the report of bids and legal opinion from Alan Gould, Esquire, Special Conflict Counsel and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Resolution authorizing Hatch Mott Macdonald to provide construction engineering services for Tasks 1 and 2 for the 2014 Beach Renourishment Project, Contract No. M-97 on a reimbursable basis for an amount not to exceed sixty-eight thousand nine hundred (\$68,900.00) dollars.

Mark Sray, P.E. reviewed the construction engineering services submitted by Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC. He explained the construction engineering services were broken into two tasks. He further explained Task 1 is for full time construction inspection and Task 2 is for regulatory compliance.

Council had no problem with construction engineering services and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Discussion regarding a Resolution authorizing Scott D. Taylor, Taylor Design Group Inc. to provide professional landscape architectural and related park design services for the 39th Street Playground Project, General Sign Design Assistance for the Beach/Dune Trail Project and a Landscape Plan for the Historical Center.

Andrew J. Bednarek, Business Administrator reviewed the proposal submitted by Scott D. Taylor dated February 20, 2014, which now includes the landscape design for the Avalon History Center.

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Council had no problem with this project and agreed to proceed with a Resolution to be voted upon at the Regular Meeting this evening.

Public comments:

Jim Lutz, 2639 Ocean Drive stated he is a boat owner and leases a slip from the Borough. He expressed his concern over some of the dredging projects and wished that the Borough would involve someone who is a local boat owner to discuss the location and time frame of dredging projects. He also commented on the signage regarding the Kayak Park. He proposed there be sufficient and proper signage so that kayak owners would be aware of the changes. He expressed his concern over the quality of the stickers to be used for the identification of the kayaks. He recommended using stickers similar to the car registration stickers. He also recommended using the type and color of kayaks as identifying factors. He suggested employing an attendant at the Avalon Bay Park Marina for the opening of flounder season as an opportunity to make additional income. He also suggested a flounder and crabbing tournament in the future.

Andrew J. Bednarek, Business Administrator thanked Jim Lutz for his comments. He reported the Borough had a meeting this afternoon at the office of the Borough Engineer and a meeting will be scheduled at the Avalon Community Hall in early May for the residents that will be impacted by the dredging project.

John Cuthbert, 63 W. 22nd Street questioned which beaches would be filled from the Beach Renourishment Project.

Mark Sray, P.E. stated the sand taken from 32nd Street through 38th Street would be used to fill 9th Street to 17th Street.

Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin to adjourn the Work Session.

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

Work Session adjourned at 8:49 p.m.

Respectfully submitted,

Georgann M. Berardis, Borough Clerk

David B. Ellenberg, Council President