

September 25, 2013

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, September 25, 2013 at 7:03 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 8

Reporters ----- 0

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
Police Captain David McCallion
William Macomber, Director of Public Works/Utilities
Paul E. Short, Sr., Code Enforcement Officer
Scott Wahl, Public Information Officer
Ed Dean, Fire Official
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC
James DeMarco, Insurance Broker, Insurance Solutions, Inc.
Lawrence Pepper, Esquire, Labor Attorney
Joseph Lomax, Lomax Consulting
Donna Rothman, Member of Avalon Environmental Commission

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 modification to the application to the Cape May County Open Space Review Board for Park Recreation Development for the 44th Street and 48th Street Dune and Beach Trail Project.

Verbatim transcript attached.

Discussion regarding Resolution awarding a contract for Borough Contract No. 13-07 R-1, Acquisition & Delivery of One (1) Model Year 2014 or Newer Heavy Duty Tractor for the Borough of Avalon.

Councilman Dean questioned as to why only one (1) bid was received.

William Macomber, Director of Public Works/Utilities responded that other vendors could not meet the specs and the bids would have been higher.

Brief discussion followed and Council agreed to proceed with a Resolution to be voted upon the Regular Meeting this evening.

September 25, 2013

Discussion regarding the following Health Insurance Resolutions:

A Resolution authorizing the Mayor to enter into the Direct Access Group Health Insurance Plan and ratifying the agreement as proposed by Horizon Blue Cross/Blue Shield of New Jersey to provide health care benefits (including prescription drug coverage) to the active and retired employees of the Borough of Avalon for a two (2) month term commencing November 1, 2013 through December 31, 2013.

A Resolution to authorize participation in the State Health Benefits Program and/or School Employees' Health Benefits Program of the State of New Jersey.

A Resolution to adopt the provisions of Chapter 48 (N.J.S.A. 52:14.17.38) under which a public employer may agree to pay for the State Health Benefits Program (SHBP) and/or School Employees' Health Benefits Program (SEHBP) coverage of certain retirees.

Verbatim transcript attached. Council agreed to proceed with Resolutions to be voted upon at the Regular Meeting this evening. Council also agreed to proceed with introduction of an ordinance amending Chapter 5 (Personnel) at the October 9, 2013 Regular Meeting.

Discussion regarding Resolution authorizing the Release of the Performance Guarantee in the amount of Nine Thousand Four Hundred Two (\$9,402.00) Dollars submitted by Exit 13 Properties, LLC for Block 22.04, Lots 69 and 69.01, 2269 Ocean Drive.

Council discussed this item briefly and agreed to proceed with a Resolution to be voted upon the October 9, 2013 Regular Meeting.

Discussion regarding Resolutions awarding a contract for Borough of Avalon, Cape May County, New Jersey, Reconstruction of Various Streets, Contract M-95 and construction engineering services.

Thomas R. Thornton, P.E., Borough Engineer, indicated that after reviewing the two (2) bids received that the bids should be rejected because

Discussion regarding Ordinances amending Chapter 19 (Flood Control) and Chapter 27 (Zoning).

Stephen D. Barse, Esquire, Borough Solicitor commented on the proposed ordinance amendments to Chapter 19 (Flood Control) and Chapter 27 (Zoning). He stated that the proposed changes would include the elevation being changed to eleven feet and freeboard residential would be identical to commercial maximums at three feet.

Discussion followed and Council agreed to proceed with the introduction of these ordinances at the Regular meeting this evening.

Discussion regarding procedure for private development of property fronting an undeveloped public right of way, Block 24.06, Lots 113.01, 113.02, 113.03, 114.07 and 114.08 (Owner: Groller).

Andrew J. Bednarek, Business Administrator indicated that he told Mr. Lamanna that this item was being placed on the Work Session agenda this evening when Mr. Lamanna sent in his letter. He added that Mr. Lamanna isn't here and suggested deferring the matter. He said Council can discuss the proposal but he doesn't think anything has changed since the last discussion.

Ed Dean, Fire Official said he doesn't believe so.

September 25, 2013

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC indicated that Mr. Lamanna has made it clear that the owner or someone representing the owner would be applying for a jurisdictional determination to make sure that the permits are in place and that they would be preparing, he inferred, a design to submit to the Borough to review and that they would be posting an escrow for whatever costs the Borough has to review and approve that plan.

Andrew J. Bednarek said that was his understanding.

Thomas R. Thornton, P.E. it would be analogous to an application to the Planning Board.

Council Vice President Covington commented that one of the issues from last time was, even though the lot wasn't in the wetlands, there was a concern of whether Fourth Avenue was an issue.

Thomas R. Thornton, P.E. added that at the time, back in November or December, 2012, the Borough asked for determination informally from the New Jersey Department of Environmental Protection, because in previous phone conversations they had indicated they might be able to do that. But then when they actually had to put something in writing, they said no they can't do it, it has to be a formal jurisdictional determination submitted. So that's what Mr. Lamanna indicated in his letter that they would be prepared to do.

Andrew J. Bednarek indicated that he will follow up with Mr. Lamanna if there's something else.

Motion made by Council President Ellenberg, seconded by Council Vice President Covington 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 8:10 p.m.

Respectfully submitted,

Georgann Berardis, Deputy Borough Clerk

Charles P. Covington, Council Vice President