

October 25, 2017

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, October 25, 2017 at 5:04 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 9                      Reporters - - - - - 2

The meeting was called to order by Council President McCorristin.

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

Also present:

Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
Stephen D. Barse, Esquire, Borough Solicitor  
William Macomber, Director of Public Works/Utilities  
William McCormick, Chief of Police  
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald, LLC  
Paul E. Short, Sr., Code Enforcement Officer  
John Cuthbert, Representative, ALHOA

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 28, 2017. 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 27, 2017

Motion made by Councilman Dean, seconded by Councilman Covington that the minutes be approved as submitted.

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

Work Session, Agenda Session, Regular Meeting, Closed Session – October 11, 2017  
Special Meeting – Monday, October 16, 2017

Motion made by Councilwoman Hudanich, seconded by Council Vice President Deever that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

None.

Resolution No. 164-2017: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 15 FOR FIFTH AVENUE & 60<sup>TH</sup> STREET WATER AND SEWER SYSTEM IMPROVEMENTS, CONTRACT M-54

Motion made by Council President McCorristin, seconded by Council Vice President Deever that the resolution be adopted.

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

Resolution No. 165-2017: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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 Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Second reading, public hearing and final action on Ordinance No. 764-2017:

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that Ordinance No. 764-2017 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 Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Borough Clerk read aloud Ordinance No. 764-2017:

Ordinance No.764-2017:

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF THE BOROUGH OF AVALON, 2013 (LICENSES AND PERMITS) SECTION 10-4 (HAWKING AND PEDDLING) AND CHAPTER 9 OF SAID CODE (PARKS, BEACHES AND RECREATION FACILITIES) TO PROHIBIT HAWKING, PEDDLING AND VENDING TRUCKS WITHIN THE BOROUGH OF AVALON WITH CERTAIN EXCEPTIONS FOR VETERANS AND EXEMPT FIREMEN AND AMENDING THE FOLLOWING ORDINANCES: 655-2012; 695-2014; AND 738-2016

Council President McCorristin opened the meeting for public hearing on Ordinance No. 764-2017 and asked if there were any questions or comments.

Arman Avetisyan, 123 West Hollywood Avenue, Wildwood Crest, spoke as a current ice cream vendor for the Borough of Avalon and gave a history of ice cream vending issues. He urged Council to not approve this Ordinance and advocated finding a solution that would benefit all parties involved, including the drivers of ice cream trucks.

Martha Wright, 632 7<sup>th</sup> Street, asked Council to reconsider adopting this Ordinance and continue with the summertime traditions that children enjoy. She expressed the opinion that issues involving ice cream trucks may be able to be solved by better enforcement. She noted the news coverage this topic has been getting and that the reactions from the public seem to disagree with this Ordinance.



Elaine Scattergood, 75 30<sup>th</sup> Street, expressed the opinion that ice cream trucks in the Borough are not a nuisance and asked Council not to approve this Ordinance.

Councilman Covington stated there may be a misunderstanding of what Council's intentions are by considering this Ordinance. He asked Scott Wahl to provide the public with a brief overview of the proposed Ordinance.

Scott Wahl explained on July 8, 2017, a meeting was held with the Executive Committee of the Avalon Home and Land Owners Association. An open discussion about ice cream sales from vending trucks took place, including whether or not the Borough should look at a different approach or a different opportunity. Ice cream trucks bring the ice cream products to the various street ends of the beach blocks to provide ice cream service to beachgoers. In clarification, Avalon does not allow any vending on the beach, so to consider moving the service from vending trucks onto the beach would be a big step and change in culture for the Borough. The Executive Committee unanimously endorsed the Borough's exploration of this option. This topic has been discussed at three previous public Council meetings, including a presentation made along with Joseph Clark on August 23, 2017. Jim Waldron was tasked to review Chapter 10 to evaluate any possibility of tightening up the regulations in that Chapter. Currently, the Ordinance does not specifically prohibit any kind of vending from a motor vehicle, although it is Council's intent to only offer ice cream sales from a motor vehicle. In the past, there have been many problems with ice cream trucks, which include staying at a location longer than permitted, being in inappropriate locations, and stacking up trucks at lucrative locations. When the trucks stack up at these locations, it poses a public safety issue. Additionally, there have been a number of nuisance complaints received this year regarding trucks staying in specific locations for long periods of time, and hearing the engines running and any music or bells coming from the truck incessantly, which can be a nuisance and can be disruptive to the experience while visiting. Additional violations of ice cream trucks include vending outside of the areas and boundaries set by current Ordinance. During the presentation on August 23, Council was asked to consider ceasing ice cream truck vending and having limited ice cream vending on the beach in its place. A lot of opposition to vending on the beach in Avalon has previously been that beachgoers do not wish to be bothered by ice cream sales by outcry or other disruptive means. This proposal includes limited vending of ice cream on the beach while the beaches are guarded, and would be bid to one contractor who would have the Avalon beach and be delineated to what products would be offered and where vending on the beach can take place. The vending would be from a push cart with the offered products clearly delineated on the side of the cart. The cart would be identified by a flag or other non-obtrusive means, and the sale of ice cream by outcry or other disruptive means would be prohibited. A primary focus of this proposal is to prevent children from running into the street ends where there are safety issues, and avoiding trucks staying longer than permitted. Furthermore, this Ordinance amendment recognizes and supports our exempt volunteer firefighters and veterans, who are permitted through state law to apply for a vending license at the County Clerk's Office and vend at locations established in Avalon where they would have vending opportunities. Our current Ordinance does not address those individuals.

Councilman Covington noted many emails received from concerned citizens indicate there is a misunderstanding that these individuals believe the Borough wishes to eliminate all ice cream vending, which is not the case. He suggested better informing the public prior to moving forward with these discussions.

Councilwoman Hudanich agreed with Councilman Covington's suggestion and noted it may be in Council's best interest to table this item. She also referenced the history of issues as mentioned by Mr. Avetisyan, and noted the Council has worked diligently to work with ice cream truck vendors in the past when these problems arose by changing the zones and number of trucks permitted. She stressed that the intent of this amendment is also to clarify the Ordinance as well as change the ice cream vending regulations. Council's primary interest is the best interest for safety and for the Borough.

Council President McCorristin noted there are many individuals that would like to see ice cream trucks around town, rather than just near the beach.

Councilman Covington inquired if current ice cream truck vendors would be eligible to bid on the vending contract.



Scott Wahl responded yes and encouraged those vendors to bid if Council decides to continue to consider the vending changes.

Arman Avetisyan expressed hope that Council will find a fair way to provide ice cream to the residents and visitors of Avalon.

Motion made by Council President McCorristin, seconded Councilwoman Hudanich that the public hearing be closed

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

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that Ordinance No. 764-2017 be tabled.

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

Ordinance No. 764-2017 was successfully tabled pending further discussion. Council did not determine at which point this matter would be further discussed.

Reports and Recommendations by Mayor and Officials:  
Reports of Officials:

Scott Wahl read the following report:

Floodplain Management Report: The Avalon volunteer Floodplain Management Committee held a meeting since our last Council meeting to go over the final draft of the 2017 report. Avalon is obligated to make the draft of the report available to the public; it is now posted on the front page of the municipal website. We intend to solicit public comment on the report at the November 8<sup>th</sup> meeting of Borough Council with final adoption possible during the second meeting in November, or the one Council meeting in December.

Townsend's Inlet Bridge Project: I attended a meeting on October 17 at the County Administration Building to discuss the upcoming railing replacement project on the Townsend's Inlet Bridge. We have a full description of the project posted on the front page of the Borough's website. The project will result in virtually all of the railings be replaced on the bridge. There is not anticipated to be any bridge closures during this project absent of the placement of Jersey barriers one evening on the bridge in the middle of November to restrict the flow of traffic to one lane; a traffic control device will allow for the flow of traffic over the bridge in one lane. Work is to be conducted Monday through Friday from 8:00am until 6:00pm. There is a seasonal bird restriction on the Sea Isle City side of the bridge. If work progresses in the winter, the project may conclude in June, 2018; if work is delayed by weather, it would be suspended during the summer and completed in the Fall, 2018. Thomas Barry Marine Construction has been awarded the \$2.6 million contract for the work.

Ocean Drive Construction Project: We expect to get a completion schedule this week from Mathis Construction which is conducting the Borough's portion of the Ocean Drive project from 28<sup>th</sup> Street south to 62<sup>nd</sup> Street. We are down to approximately 1,000 linear feet of sewer main and associated laterals and manholes that need attention. Some of the work areas include but are not limited to:

- 42<sup>nd</sup> Street to the east and west of Ocean Drive
- Between 39<sup>th</sup> and 40<sup>th</sup> Street in from of the MUA pump station on Ocean Drive
- From the driveway of the Avalon Elementary School on Ocean Drive north to 29<sup>th</sup> Street

-About 30 linear feet of force main will need to be replaced out of the 42<sup>nd</sup> Street manhole based on field conditions that have been encountered. The remaining sewer work is in some of the deeper sections of the system.

Prescription Drug Take Back Day: The Avalon Police Department will participate in the National Prescription Drug Take Back day this Saturday, October 28<sup>th</sup>, from 10am until 2pm. Unwanted and unused prescription drugs can be safely disposed of at the Avalon Public Safety Building.

Avalon Trunk or Treat: Another reminder for the benefit of the public, the Avalon Recreation Department's annual Trunk or Treat event will be held this Saturday, October 28<sup>th</sup>, from 5:00-7:00pm in the 29<sup>th</sup> Street Parking lot adjacent to Community Hall.

JIF Retreat: I attended the mandatory Joint Insurance Fund Retreat this morning, where it was indicated that the refund to the municipalities will be increasing by 18% due to the mindful practices of Avalon and other communities. Additionally, Avalon is one of the top performers in the Municipal Excess Liability Fund, as those funds have not been accessed by Avalon in over five years. An interesting piece of information received from the meeting was the statistic that 56% of data breaches in government are caused unintentionally from within. I suggested that the JIF help to provide municipalities guidance with training for employees. The JIF agreed with my suggestion, and that program will be implemented in the first quarter of 2018.

Councilman Covington asked if the Townsend's Inlet Bridge will retain the one-lane traffic pattern in the event the construction is not completed by the summer season.

Scott Wahl responded the bridge will resume its regular traffic pattern in the summer season, regardless if the construction is complete at that time.

Monthly Reports:

Month of September, 2017:

Borough Clerk and Registrar's Report submitted by Marie J. Hood.

Bureau of Fire Prevention, Licensing, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code and Beach Vehicle Reports submitted by John Tracy.

Code Enforcement Report submitted by Paul E. Short, Sr.

Municipal Court Report submitted by Deborah Scott

Police Department Report submitted by Chief William McCormick.

Public Works Department Report submitted by William Macomber.

Recreation Operations Report submitted by Chuck McDonnell.

Tax Collector Control & Water/Sewer Control Account reports submitted by Alexis Coan.

Zoning Report submitted by Jeffrey R. Hesley.

Motion made by Councilman Covington, seconded by Council Vice President Deever that the reports be approved.

ROLL CALL VOTE:

Councilman Covington	Aye
Councilman Dean	Aye
Council Vice President Deever	Aye
Councilwoman Hudanich	Aye
Council President McCorristin	Aye

Pending business.

None

New business

None.

Public Comments:

None.

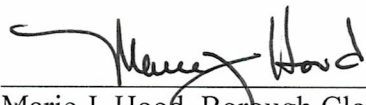
October 25, 2017

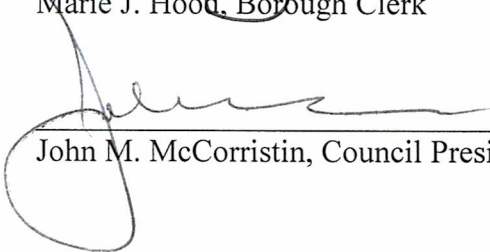
Motion made by Council President McCorristin, seconded by Councilman Dean to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 8:53 p.m.

Respectfully submitted,

  
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Marie J. Hood, Borough Clerk

  
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John M. McCorristin, Council President