**7273**

April 8, 2015

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, April 8, 2015 at 7:30 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 Covington.

Roll call: Council President Covington Present

Council Vice President Dean Present

Councilman Ellenberg Present

Councilwoman Hudanich Present

Councilman McCorristin Absent

Also present:

Scott Wahl, Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

Police Captain Jeffrey Christopher

Paul E. Short, Sr., Code Enforcement Officer

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Council President Covington read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of

Meetings dated June 25, 2014. 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. 71-2015: A RESOLUTION AUTHORIZING THE

MAYOR TO SUBMIT AN APPLICATION FOR

MUNICIPAL RECYCLING TONNAGE GRANT

TO THE NEW JERSEY DEPARTMENT OF

ENVIRONMENTAL PROTECTION 201

Motion made by Councilman Ellenberg, seconded by Council President Covington that the resolution be adopted.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Absent

Council President Covington Aye

Resolution No. 72-2015: ARESOLUTION AUTHORIZING THE SALE OF

ABANDONED AND UNCLAIMED PROPERTY ON

SATURDAY, MAY 9, 2015

Motion made by Council Vice President Dean, seconded by Councilwoman Hudanich that the resolution be adopted.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Absent

Council President Covington Aye

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April 8, 2015

Resolution No. 73-2015: A RESOLUTION ACCEPTING PERFORMANCE

GUARANTEE OF DEVELOPER 7700 CENTRAL

WEST, LLC REGARDING BLOCK 72.05, LOTS

2.01 & 2.05, 340 72nd STREET

Motion made by Council President Covington, seconded by Councilman Ellenberg that the resolution be adopted.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Absent Council President Covington Aye

Resolution No. 74-2015: ARESOLUTION AUTHORIZING THE

EXECUTION OF A CONTRACT WITH GREAT

LAKES DREDGE & DOCK COMPANY, LLC OF

OAK BROOK, IL FOR 2015 BEACH

RENOURISHMENT PROJECT CONTRACT NO.

M-102, TO INCLUDE THE BASE BID IN THE

AMOUNT OF FOUR MILLION SEVEN

HUNDRED TWENTY-EIGHT THOUSAND TWO

HUNDRED ($4,728,200.00) WITH THE OPTION

OF AUTHORIZING SUPPLEMENTAL ITEMS S1

THROUGH S3 IN THE AMOUNT OF ONE

MILLION FIVE HUNDRED THIRTY

THOUSAND ($1,530,000.00) DOLLARS FOR A

TOTAL CONTRACT AMOUNT OF SIX

MILLION TWO HUNDRED FIFTY-EIGHT

THOUSAND TWO HUNDRED ($6,258,200.00)

DOLLARS

Resolution No. 75-2015: A RESOLUTION AUTHORIZING HATCH

MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES ON A REIMBURSABLE

BASIS FOR AN AMOUNT NOT TO EXCEED FIFTY–SIX THOUSAND ($56,000.00) DOLLARS AND

ADDITIONAL PERMITTING SERVICES ON A

REIMBURSABLE BASES FOR AN AMOUNT

TO EXCEED EIGHTEEN THOUSAND SIX

HUNDRED ($18,600.00) DOLLARS FOR 2015

BEACH RENOURISHMENT PROJECT, CONTRACT NO. M-102

Motion made by Council Vice President Dean, seconded by Councilwoman Hudanich that the resolutions be adopted.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Absent

Council President Covington Aye

**7275**

April 8, 2015

Resolution No. 76-2015: A RESOLUTION AUTHORIZING PAYMENT OF

BILLS

Motion made by Councilman Ellenberg, seconded by Council President Covington that the resolution be adopted.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Absent Council President Covington Aye

Reports of Officials:

Scott Wahl, Business Administrator, updated Council on the progress of the Peer­mont Sub­sta­tion project being con­ducted by Atlantic City Electric. He indicated all information will continue to be available on the Borough’s website.

Council President Covington stated at the last Council Meeting there was a gentlemen that felt the Borough was violating his public trust and he had asked the Solicitor to investigate.

Stephen D. Barse, Esquire, Borough Solicitor, said he researched all Federal and NJ cases and there are no cases that state the Public Trust Doctrine requires the Borough provide access for dogs on the beach. He stated several years ago the Borough was involved in litigation concerning the Public Trust Doctrine and public access rules the DEP had proposed. He said the right to control beaches came up in that case. He read the following from that case: “A municipality may close parks and other facilities during late night hours and at other times when use of such facilities may pose a threat to the public safety and order”. He said it goes on to talk about how the Borough will regulate municipally owned beaches in the same manner as all other municipally owned property. He said the Borough does have a right to have reasonable regulations on the beaches. He does not see any public trust violation

Public Comments:

None.

Motion made by Councilwoman Hudanich, seconded by Council Vice President Dean to adjourn the Regular Meeting.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Absent

Council President Covington Aye

Regular Meeting adjourned at 8:02 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Charles P. Covington, Council President