**7238**

February 25, 2015

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, February 25, 2015 at 8:35 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - - - - - - 6 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 Present

Also present:

James A. Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

James V. Craft, Chief Financial Officer

Stephen Camp, Assistant Director of Public Works/Utilities

Chief William McCormick

Fire Chief Edward Dean

Sue Ellenberg, Recreation Department

Paul Short, 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.

Minutes:

Work Session, Agenda Session, Regular Meeting – January 28, 2015

Work Session, Agenda Session, Regular Meeting – February 11, 2015

Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin that the minutes be approved as submitted.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye

Councilman McCorristin Aye

Council President Covington Aye

Introduction and first reading by title only of Ordinance No. 718-2015:

Motion made by Council President Covington, seconded by Councilwoman Hudanich that Ordinance No. 718-2015 be brought on for first reading by title only.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye

Councilman McCorristin Aye

Council President Covington Aye

**7239**

February 25, 2015

Borough Clerk to read aloud Ordinance No. 718-2015:

Ordinance No. 718-2015:

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Motion made by Council President Covington, seconded by Councilwoman Hudanich that Ordinance No. 718-2015 be passed on first reading and advertised according to law.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye

Councilman McCorristin Aye

Council President Covington Aye

Public comments regarding Resolutions:

None.

Resolution No. 46-2015: A RESOLUTION REGARDING THE LOCAL MUNICIPAL BUDGET OF THE BOROUGH OF

AVALON, COUNTY OF CAPE MAY FOR THE

FISCAL YEAR 2015

Council President Covington gave a brief overview of the 2015 Municipal Budget. He touched on the $25.3 Million Current Fund Budget, the $5.9 Million Water/Sewer Budget and the $1.45 Million Beach Utility Budget. He said it is recommendation of the Council Finance Committee to introduce the budget this evening and have public comment and adoption set for the March 25, 2015 Regular Meeting.

Motion made by Council President Covington, 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 Aye

Council President Covington Aye

Borough Clerk read:

The 2015 Local Municipal Budget Summary is available at the back of the room this

evening. Copies of the introduced 2015 Local Municipal Budget, in its entirety, and

Budget Summary may also be obtained by members of the general public at the Borough

Clerk’s Office and on the Borough’s website, [www.avalonboro.net](http://www.avalonboro.net), up to and including

the time of the Budget Hearing to be held on March 25, 2015

**7240**

February 25, 2015

Resolution No. 47 -2015: A RESOLUTION AUTHORIZING RELEASE OF

CERTAIN CLOSED SESSION MINUTES OF THE

BOROUGH OF AVALON FOR THE PERIOD DECEMBER 17, 2104 THROUGH JANUARY 14, 2015

CONCERNING MATTERS THAT HAVE BEEN

SETTLED OR CONCLUDED

Motion made by Councilman McCorristin, 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 Aye

Council President Covington Aye

Resolution No. 48 -2015: A RESOLUTION AMENDING THE INCENTIVE BONUS FOR BEACH PATROL LIFEGUARDS

Motion made by Council Vice President Dean, 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 Aye

Council President Covington Aye

Resolution No. 49-2015: A RESOLUTION AUTHORIZING A SHARED

SERVICES AGREEMENT BY AND BETWEEN

THE BOROUGH OF AVALON AND THE

BOROUGH OF STONE HARBOR FOR BACK-

UP CONSTRUCTION OFFICIAL SERVICES

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

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

Resolution No. 50-2015: A RESOLUTION AUTHORIZING REFUND TO

BRIAN BLAIR IN THE AMOUNT OF THREE

HUNDRED ($300.00) DOLLARS FOR ESCROW

PAYMENT FOR PRE AND POST DREDGE

SURVEYS IN CONNECTION WITH THE

2014-2016 DREDGING PROJECT

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

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

**7241**

February 25, 2015

Resolution No. 51-2015: A RESOLUTION APPROVING THE

APPOINTMENT BY THE MAYOR OF GEORGE

B. NEIDIG, JR. AS MUNICIPAL JUDGE FOR

THE BOROUGH OF AVALON FOR A THREE

(3) YEAR TERM COMMENCING MARCH 1,

2015 THROUGH FEBRUARY 28, 2018

Motion made by Councilman McCorristin, 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 Aye

Council President Covington Aye

Resolution No. 52-2015: A RESOLUTION RESCINDING RESOLUTION

NO. 6-2015 ADOPTED JANUARY 14, 2015,

AND AUTHORIZING THE EXECUTION OF A

PROFESSIONAL SERVICES CONTRACT, NON-

FAIR AND OPEN, WITH HOWARD

MARLOWE, WARWICK GROUP CONSULTANTS, LLC OF WASHINGTON, D.C.

AS GOVERNMENT AFFAIRS CONSULTANT

AND LOBBYIST FOR THE BOROUGH OF

AVALON FOR A ONE (1) YEAR TERM

COMMENCING MARCH 1, 2015 THROUGH

DECEMBER 31, 2015

Motion made by Council Vice President Dean, 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 Aye

Council President Covington Aye

Resolution No. 53-2015: A RESOLUTION APPROVING MEMBERSHIP IN THE NEW JERSEY STATE FIREMEN’S RELIEF ASSOCIATION

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

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

**7242**

February 25, 2015

Resolution No. 54-2015: A RESOLUTION AUTHORIZING PAYMENT OF

BILLS

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

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Stephen D. Barse, Esquire, Borough Solicitor, reported on the quiet title action. He said he met with the title clerk a couple weeks ago and they are still waiting for the title insurance company to issue the new title that insures marketability. He will follow up with the title company again and see if the title insurance company can be contacted to find out the status.

2014 Annual Reports:

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, Taxicab, Beach Vehicle Reports submitted by John Tracy.

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

Municipal Court Report submitted by George B. Neidig, Jr.

Emergency Medical Services and Police Department Report submitted by

Chief William McCormick.

Public Works Department Report submitted by William Macomber.

Recreation Revenue Report submitted by Sue Ellenberg.

Tax Collector Control Account and Water Sewer Control Account Report submitted by

Connie L. DiCola.

Zoning Report submitted by Jeffrey R. Hesley.

Monthly Reports:

Month of January 2015:

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, Taxicab, Beach Vehicle Reports submitted by John Tracy.

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 Operations & Revenue Reports submitted by Sue Ellenberg.

Tax Collector Control Account and Water/Sewer Control Account Reports submitted by Connie L. DiCola.

Zoning Report submitted by Jeffrey R. Hesley.

Motion made by Councilman McCorristin, seconded by Councilwoman Hudanich that the reports be approved.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

**7243**

February 25, 2015

Pending business.

None

New business

None

Public Comments:

Frank McLaughlin, 7278 Ocean Drive, 261 47th Street asked for clarification on the interest rates of the bonds & loans balance on the 2015 Municipal Budget. He also asked for the total amount paid by the Borough for legal fees in 2014.

Council President Covington, said he will ask Mr. Craft to respond to the request.

Resolution:

Resolution No. 55-2015: A RESOLUTION TO CONDUCT A CLOSED SESSION

PURSUANT TO N.J.S.A. 10:4-12.b OF THE OPEN PUBLIC

MEETINGS ACT PERTAINING TO ATTORNEY CLIENT PRIVILEGE,CONCERNING CELL TOWER LEASES AND ATTORNEY CLIENT PRIVILEGE AND PENDING LITIGATION CONCERNING STATUS OF SHORT VS. THE BOROUGH OF AVALON AND ATTORNEY CLIENT PRIVILEGE CONCERNING CHAPTER 10 LICENSES AND PERMITS, OF THE CODE OF THE BOROUGH OF AVALON, 2013

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

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

Motion made by Council Vice President Dean, seconded by Council President Covington to recess the public portion of the Regular Meeting and go into Closed Session.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

Public portion of the Regular Meeting recessed at 8:59 p.m.

Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin to adjourn the Closed Session and go back into public portion of the Regular Meeting.

ROLL CALL VOTE: Council Vice President Dean Aye

Councilman Ellenberg Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Covington Aye

**7244**

February 25, 2015

Public Portion of Regular Meeting reconvened at 9:40 p.m.

Present:

Full Council

James A. Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Motion made by Councilman Ellenberg, 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 Aye

Council President Covington Aye

Regular Meeting adjourned at 9:41 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Charles P. Covington, Council President