**7206**

January 14, 2015

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, January 14, 2015 at 8:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - - - - - - 4 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:

 Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Paul Short, Sr., Code Enforcement Officer

William Macomber, Director of Public Works/Utilities

Police Chief William McCormick

Sue Ellenberg, Interim Recreation Director

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. 1-2015: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BAYSHORE LANDSCAPING, INC. OF NORTH

 CAPE MAY, NJ FOR BOROUGH CONTRACT NO. 15-02,MAINTENANCE OF BOROUGH OWNED GROUNDS & GARDEN PLOTS IN THE AMOUNT OF TWO HUNDRED SIXTY-EIGHT

 THOUSAND FORTY-SEVEN DOLLARS ($268,047.00)

Resolution No. 2-2015: ARESOLUTION AUTHORIZING RENEWAL OF BOROUGH CONTRACT NO. 13-02, CUSTODIAL AND CLEANING SERVICES

 FOR BOROUGH FACILITIES FOR AN ADDITIONAL ONE (1) YEAR TERM COMMENCING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 IN THE AMOUNT OF SIXTY-ONE THOUSAND TWO HUNDRED NINETY-TWO DOLLARS AND SIXTEEN CENTS ($61,292.16)

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Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin that the resolutions 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. 3-2015: ARESOLUTION ACCEPTING PERFORMANCE

 GUARANTEE OF DEVELOPER ATLANTIC CITY ELECTRIC REGARDING BLOCK 60.04, LOTS 25-37, 78-86 & 88, 282 60TH STREET

Motion made by Council President Covington, 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

RESOLUTIONS AUTHORIZING PROFESSIONAL SERVICES CONTRACTS FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015:

NON-FAIR AND OPEN (CONTRACT ANTICIPATED TO EXCEED $17,500.00):

Resolution No. 4-2015: MICHAEL S. GARCIA, AUDITOR, FORD, SCOTT &

 ASSOCIATES, LLC

Resolution No. 5-2015: THOMAS R. THORNTON, PE, BOROUGH ENGINEER, HATCH MOTT MACDONALD

Resolution No. 6-2015: HOWARD MARLOWE, MARLOWE & COMPANY,

 GOVERNMENT AFFAIRS CONSULTANT AND LOBBYIST

Resolution No. 7-2015: MARSH & MCLENNAN AGENCY, LLC RISK MANAGEMENT CONSULTANT TO PERFORM VARIOUS PROFESSIONAL SERVICES RELATIVE TO THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND AND MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

Resolution No. 8-2015: SCOTT D. TAYLOR, TAYLOR DESIGN GROUP, INC., PROFESSIONAL PLANNER AND LANDSCAPE ARCHITECT

Resolution No. 9-2015: MICHAEL F. SULLIVAN, CLARKE CATON HINTZ, PROFESSIONAL PLANNER FOR THE PLANNING/ZONING BOARD

Resolution No. 10-2015: JOSEPH H. MAFFEI, ENGINEERING DESIGN ASSOCIATES, ENGINEER OF THE PLANNING/ZONING BOARD

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Resolution No. 11-2015: DEAN R. MARCOLONGO, ESQUIRE, OFFICE OF NATHAN VAN EMBDEN, SOLICITOR FOR THE PLANNING/ZONING BOARD

Resolution No. 12-2015: V-COMM, LLC, TELECOMMUNICATIONS TECHNICAL

Resolution No. 13-2015: LOMAX CONSULTING GROUP, ENVIRONMENTAL CONSULTING SERVICES ON AN AS NEEDED BASIS IN SUPPORT OF SPECIFIC NATURAL RESOURCE ISSUES WITHIN THE BOROUGH OF AVALON

Resolution No. 14-2015: MICHAEL J. DONOHUE, ESQUIRE, BLANEY & DONOHUE, SPECIAL COUNSEL

Resolution No. 15-2015: NEIL YOSKIN, ESQUIRE, SOKOL, BEHOT & FIORENZO, SPECIAL LITIGATION COUNSEL AND SPECIAL ENVIRONMENTAL COUNSEL

UNDER THE NON-FAIR AND OPEN THRESHOLD (CONTRACT ANTICIPATED TO FALL BELOW $17,500.00):

Resolution No. 16-2015: ALAN I. GOULD, ESQUIRE, SPECIAL CONFLICT COUNSEL

 Resolution No. 17-2015: THOMAS G. SMITH, ESQUIRE, TAX APPEAL COUNSEL

Resolution No. 18-2015: BAY ATLANTIC SYMPHONY, 4TH OF JULY PERFORMANCE

OVER $17,500.00 BUT EXEMPT FROM THE PAY-TO-PLAY NON-FAIR AND OPEN

REQUIREMENT BECAUSE VENDOR IS THE COLLEGE:

Resolution No. 19-2015: DR. STEWART C. FARRELL, EXECUTIVE DIRECTOR, COASTAL RESEARCH CENTER, THE RICHARD STOCKTON COLLEGE OF NJ, BEACH MONITORING SERVICES, TASK 1 AND CONTINGENCY

Motion made by Councilman McCorristin, 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 Aye Council President Covington Aye

Resolution No. 20-2015: A RESOLUTION AWARDING A CONTRACT TO STEPHEN SERWATKA, T/A ANIMAL CONTROL OF SOUTH JERSEY FOR ANIMAL CONTROL SERVICES IN THE BOROUGH OF AVALON FOR A TERM OF ONE (1) YEAR COMMENCING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

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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 Aye Council President Covington Aye

Resolution No. 21-2015: A RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12 (a) AND N.J.A.C. 5:34-7.29 (c) FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

Resolution No. 22-2015: ARESOLUTION AUTHORIZING

 PARTICIPATION IN THE NATIONAL

 COOPERATIVE CONTRACT WITH US

 COMMUNITIES GOVERNMENT PURCHASING

 ALLIANCE VENDORS FOR THE CALENDAR

 YEAR 2015

 Motion made by Councilwoman Hudanich, seconded by Councilman McCorristin that the resolutions 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. 23-2015: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR TASKS 1 THROUGH 4 FOR THE 39TH STREET TENNIS COURT REPAIRS FOR A LUMP SUM FEE OF SEVEN THOUSAND TWO

 HUNDRED ($7,200.00) DOLLARS

Resolution No. 24-2015: ARESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR 15TH STREET PUMP STATION WET WELL

 REHABILITATION CONTRACT NO. 52 ON A REIMBURSABLE BASIS FOR AN

 AMOUNT NOT TO EXCEED FORTY-TWO

 THOUSAND NINE HUNDRED EIGHTY ($42,980.00) DOLLARS

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

ROLL CALL VOTE: Council Vice President Dean Aye

 Councilman Ellenberg Aye

 Councilwoman Hudanich Aye Councilman McCorristin Aye Council President Covington Aye

**7210**

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Resolution No. 25-2015: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Council President Covington, 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

Introduction and first reading by title only of Ordinance No. 716-2015:

 Motion made by Councilman Ellenberg, seconded by Councilwoman Hudanich that Ordinance No. 716-2014 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

Borough Clerk to read aloud Ordinance No. 716-2015:

Ordinance No. 716-2015:

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 NORTHWEST CORNER OF 57TH STREET IN THE BOROUGH OF AVALON AND AMENDING ORDINANCE 699-2014 AND ADOPTING A NEW AND REVISED SECTION 9-12

 Motion made by Councilman Ellenberg, seconded by Councilwoman Hudanich that Ordinance No. 716-2015 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

Second reading, public hearing and final action on Ordinance No. 715-2014:

 Motion made by Councilman McCorristin, seconded by Council President Covington that Ordinance No. 715-2014 be brought on for second reading, public hearing and final action.

 ROLL CALL VOTE: Council Vice President Dean Aye

 Councilman Ellenberg Aye

 Councilwoman Hudanich Aye Councilman McCorristin Aye

 Council President Covington Aye

**7211**

January 14, 2015

Borough Clerk to read aloud Ordinance No. 715-2014:

Ordinance No.715-2014:

 AN ORDINANCE AUTHORIZING THE BOROUGH TO SELL AND CONVEY

 CERTAIN REAL PROPERTY KNOWN AS BLOCK 65.03, LOTS 44.03 AND 87.02

 LOCATED ADJACENT TO 162 65TH STREET AND ESTABLISHING TERMS AND

 CONDITIONS FOR SUCH CONVEYANCE

Council President Covington opened the meeting for public hearing on Ordinance No. 715-2014 and asked if there were any questions or comments.

There were no questions or comments.

 Motion made by Councilman McCorristin, seconded by Council President Covington that the public hearing be closed.

 ROLL CALL VOTE: Council Vice President Dean Aye

 Councilman Ellenberg Aye

 Councilwoman Hudanich Aye Councilman McCorristin Aye

 Council President Covington Aye

 Motion made by Councilman McCorristin, seconded by Council President Covington that Ordinance No. 715-2014 be finally adopted, submitted to the Mayor for approval 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

Reports of Officials:

Scott Wahl, Business Administrator, reported on the dredging project in Princeton Harbor. He said thanks to a four day extension granted by the Federal and State entities all but perhaps one day of the Princeton Harbor dredging. He said the material was placed in the CDF and Channel Marine worked ahead of the main contractor and successfully completed the private boat slips.

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC, reported the project went well. He said the next step is for the contractor to prepare for next fall, some work can be completed in advance but the permit prohibits the dredging until September 15th.

Councilman Ellenberg, asked how the dredging of the private slips went with local residents?

Thomas R. Thornton, P.E. responded, overall it went very well. He said there were some concerns from a few property owners with regard to the limit of the dredging on the permit plans. He indicated the agencies were contacted and 7 or 8 properties with minor modifications were changed to accommodate their specific needs.

Public Comments:

John McNulty, Bayshore Landscaping, thanked Council for the award of the contract. He said it has been a pleasure working with the Borough over the last three years and complimented the Council and Administration on their level of professionalism.

Council President Covington, thanked Mr. McNulty and his employees for their hard work in keeping Avalon beautiful.

**7212**

January 14, 2015

Motion made by Councilwoman Hudanich, seconded by Councilman Ellenberg 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 8:22 p.m.

 Respectfully submitted,

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 Marie J. Hood, Borough Clerk

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 Charles P. Covington, Council President