

July 8, 2015

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, July 8, 2015 at 4:40 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 12 Reporters - - - - - 2

The meeting was called to order by Council President Dean.

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

Also present:

- Scott Wahl, Business Administrator
- James Waldron, Assistant Business Administrator
- Stephen D. Barse, Esquire, Borough Solicitor
- James V. Craft, Chief Financial Officer
- William Macomber, Director of Public Works/Utilities
- Paul E. Short, Sr., Code Enforcement Officer
- Police Chief William McCormick
- Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC
- Michael Donohue, Esquire, Prosecutor
- Deb Scott, Municipal Court Administrator

Council President Dean read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 24, 2015. 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. 129-2015: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO PERFORM A BOROUGH WIDE ROADWAY EVALUATION FOR A LUMP SUM FEE OF SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS

Resolution No. 130-2015: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO PROVIDE TRAFFIC ENGINEERING SERVICES FOR 80TH STREET TRAFFIC CALMING AND PEDESTRIAN SAFETY STUDY FOR A LUMP SUM FEE OF SEVEN THOUSAND THREE HUNDRED (\$7,300.00) DOLLARS

Resolution No. 131-2015: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO PROVIDE DESIGN SERVICES, PREPARATION OF PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR PUBLIC WORKS FACILITY EMERGENCY GENERATOR FOR A LUMP SUM FEE OF TWENTY-SIX THOUSAND TWO HUNDRED (\$26,200.00) DOLLARS

July 8, 2015

Motion made by Councilman McCorristin, seconded by Councilman Ellenberg that the resolutions be adopted.

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

Resolution No. 132-2015: A RESOLUTION AUTHORIZING REFUND TO RICHARD FERRONI IN THE AMOUNT OF ONE HUNDRED FIFTY (\$150.00) DOLLARS FOR ESCROW PAYMENT FOR POST DREDGE SURVEY IN CONNECTION WITH THE 2014-2016 DREDGE PROJECT

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

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

Resolution No. 133-2015: A RESOLUTION APPROVING APPOINTMENT BY THE MAYOR WITH ADVICE AND CONSENT OF BOROUGH COUNCIL OF A TRUSTEE OF THE FREE PUBLIC LIBRARY OF THE BOROUGH OF AVALON

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

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

Resolution No. 134-2015: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

July 8, 2015

Reports of Officials:

Scott Wahl, Business Administrator, provided a detailed report to Council which attached to the minutes.

Councilman Covington, said it has been sometime since a Councilperson resigned in the middle of their term. He asked Steve Barse, Scott Wahl or Jim Waldron if they were familiar with the provisions of the Faulkner Act concerning filling a vacant position.

Stephen D. Barse, Esquire, Borough Solicitor explained there could be an interim appointment and the person would stand for election at the next general election.

Scott Wahl, Business Administrator said the Borough Council has two choices. He said within 30 days Council must select someone to fill the seat and that person can run in the General Election on November 3rd to fill the remainder of the term. He said the second choice is for Council not to fill the seat and then candidates can run in the general election on November 3rd.

Councilwoman Hudanich questioned why the candidate had to run in the General Election when the Borough's Municipal election is in May and asked if it was a new requirement.

James A. Waldron, Assistant Business Administrator explained it was a provision of the Statute when a vacancy exists. He said if the vacancy occurs more than 60 days before the next ensuing election, the appointed person runs for the unexpired term at the next Municipal or General election, whichever occurs first.

Mr. Barse clarified that because this is an election to fill a vacancy, it gives the voters the opportunity to vote as early as possible. He said if it is within the 60 days the candidate doesn't stand for election, but if outside of that 60 days, which this is, it is subject to the next general election to give the voters an opportunity to vote.

Councilman Covington clarified according to the Statute, Council has to make a decision to appoint or not to appoint. He also asked Mr. Barse to provide Council with the printed Faulkner Statutes regarding filling the vacancy.

Mr. Barse said he would provide it to council.

Councilman Covington asked if Council needed to discuss their decision in an open meeting.

Mr. Wahl confirmed that Council could discuss among themselves without violating a statute to come to a decision about filling the vacancy.

Mr. Barse and Mr. Waldron agreed.

Council President Dean asked if Council had to pass a Resolution accepting the resignation.

Mr. Waldron clarified that the 30 days starts tomorrow at midnight which is when Councilman Ellenberg's resignation begins. He said a letter of resignation gets filed with the clerk specifying the resignation date and the clerk will advise you that she is in possession of a letter of resignation which starts the clock. He said Council will only need a Resolution if an interim appointment is made to fill the vacancy.

ADMINISTRATORS REPORT FOR JULY 8 2015

Emergency Management Director: Mayor Pagliughi has the authority to name the emergency management coordinator in the Borough of Avalon. The Mayor informed me that as of Monday, July 6th, Edward Dean is being promoted to being the coordinator in the Borough, replacing himself. As you know, the emergency management coordinator must live in the community that he or she serves. With the Mayor's position as Director of Emergency Management for Cape May County, often emergent events, particularly storms, will take him to the County office and command center. The Mayor believes Edward Dean can assume these duties and responsibilities in Avalon and physically be in the Borough during an emergent condition. Mr. Dean has been a very valuable member of the emergency management team for many years, and also serves as our Safety Director and volunteers as the Chief of the Avalon Volunteer Fire Company. Ed, and his fellow deputies of Harry DeButts, Paul Short, and Kevin Scarpa all bring extraordinary skill sets to the commitment to emergency management in the Borough.

Avalon Beach Fill: I am pleased to report that the Avalon beach fill project is now completed. Great Lakes finishing pumping sand on the beachfront in Avalon on Tuesday evening, July 7 around midnight and has successfully accomplished its goal of placing 700,000 cubic yards of new beach here in Avalon from 8th Street south to the border of 25th and 26th streets. There have been no safety issues associated with this project, and it took an incredible effort to have one of the largest beach fills in Borough history begin on June 20th and conclude on July 7th. Since the commencement date of June 20th, the Borough has made 21 postings on the municipal website that detailed the progress of the beach fill and included information regarding open and closed beaches, and beach paths. It will take Great Lakes between five to six days to remove all of the equipment and pipe from the beach. More beach paths will be open this evening and the load out area for the pipe and equipment will remain on 20th Street, which is consistent with prior beach fills. Avalon was very fortunate to have no significant weather or mechanical delays associated with our project.

There are two related notes to Avalon's efforts to maintain a protective beach. We learned on Tuesday, July 7th from our consultant Howard Marlowe at Warwick Group Consultants that The Townsends Inlet to Cape May Inlet project has received \$4.98 million in construction funds for the Corps. This was funding the District had requested for FY16 that didn't get into the President's budget. Instead, it was put into the Corps' FY15 Work Plan. The Corps will bid the project out in late FY15 (that's this fall) and do some work this year. We will find out more over the next couple of weeks. This funding is split between Avalon and Stone Harbor and cannot be used as a reimbursement for this month's beach fill project.

And on June 30th, the Cape May County Chamber of Commerce held a press conference in Avalon to champion the efforts of the Jersey Shore Partnership to increase the Shore Protection Fund allocation from \$25 million annually to \$50 million. This event was attended by elected and appointed officials from several local municipalities, including Councilman Ellenberg. We did receive the commitment from our three First District legislators at the press conference that they fully support this effort to secure more funding for New Jersey's beaches.

July 4th: We are pleased to report that the July 4th celebration in Avalon went off without a hitch. In my eight years with the Borough, we had the largest crowd ever on our beachfront for the fireworks, and the Bay Atlantic Symphony performance was standing room only. The boat parade went off well, and there were no safety issues to report. We had a 100 percent positive feedback from the public on all of the events, and our relatively new Recreation Director Chuck McDonnell did an outstanding job on his busiest day of the year.

Avalon School Track Project: There continues to be significant progress regarding the Avalon School Track project which is funded by the school district. The asphalt surface under the running surface had to cure for a few weeks. The surface for the track will be installed late this week or no later than early next week. The exercise/fitness station equipment was shipped today; as soon as it arrives, the contractor intends to install it, and once the equipment is installed, the new basketball court will be installed. The project is on schedule and remains on its completion schedule of sometime in mid-July.

Also for the benefit of the public, the 39th Street Playground has been warmly received by the public and highly used every day. We commend Bill Macomber and his staff, along with Safety Officer Ed Dean, for addressing minor, final issues during the completion of the project. In addition, just today, a new website built by Avalon's webmaster George Joyce, www.avalonduneandbeachtrail.com has launched. It provides comprehensive information regarding the trail which was dedicated before Memorial Day weekend and includes information about Avalon's various environmental projects. We commend the Avalon Environmental Commission, including members Donna Rothman and Stu Friedman who worked daily on this site to make it as perfect as it can be. The Park and the Trail were both financed by the Cape May County Open Space Program.

Atlantic City Electric: On June 26, 2015 myself, Ed Dean, and Bill Macomber met with electrical engineers associated with the Peermont Substation; the construction of the substation is on hiatus through the summer. We specifically addressed safety and fire suppression issues at the substation before the building is constructed. Both Mr. Macomber and Mr. Dean offered input to the engineers and safety features will be in place to the Borough's expectations and comfort levels. And, we investigated at the request of a citizen who contacted the Mayor's office regarding the need for an additional light standard at the intersection of 20th Street and First Avenue. An engineer with the utility was in the Borough early this morning before sunup and agreed with the neighborhood request. The request will be fulfilled for safety reasons.

Cape May County MUA: I had a meeting in my office this morning with Bill Burns, Commissioner with the Cape May County MUA. Mr. Burns reported to me that over the holiday weekend, there was a small leak in one of the 24 inch, sanitary sewer pipes leaving Avalon. The leak was immediately mitigated. Today, on Avalon Boulevard, some large equipment is stationed on the Boulevard just west of the small bridge in Avalon. Well points were being taken today through a standard dewatering process. On Thursday, they will dig off the side of the road to the pipe to determine where the leak is located. It is suspected that the leak is at or near the junction of where the new pipe was installed and connected to older pipe. Mr. Burns reports that all flows from the Borough of Avalon are good, the public will notice no difference in service.

July 8, 2015

Public Comments:

None.

Resolution:

Resolution No. 135-2015: 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 PERTAINING TO PERSONNEL AND CONTRACT NEGOTIATIONS CONCERNING SHARED SERVICES FOR MUNICIPAL COURT

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

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

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

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

Public portion of the Regular Meeting recessed at 5:03 p.m.

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

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

Public Portion of Regular Meeting reconvened at 5:35 p.m.

Present:

Scott Wahl, Business Administrator
 James A. Waldron, Assistant Business Administrator
 Stephen D. Barse, Esquire, Borough Solicitor
 Police Chief William McCormick
 Michael Donohue, Esquire, Prosecutor
 Deb Scott, Municipal Court Administrator

July 8, 2015

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

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

Regular Meeting adjourned at 5:36 p.m.

Respectfully submitted,

Marie J. Hood, Borough Clerk

Richard E. Dean, Council President