**7407**

October 14, 2015

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, October 14, 2015 at 5:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - - - - - - 6 Reporters - - - - - - - - - - 3

The meeting was called to order by Council President Dean.

Roll call: Council President Dean Present

Councilman Burns Present

Councilman Covington 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 Official

Captain Jeffrey Christopher

Steven C. Morey, Hatch Mott Macdonald, LLC

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. 168-2015: A RESOLUTION MODIFYING THE UNIFORM

POLICY CONCERNING REQUESTS TO PURCHASE

BOROUGH OWNED REAL PROPERTY AND

SUPERSEDING PRIOR RESOLUTIONS 234-12-1998,

46-94, 200-1987 AND 169-1987

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

**7408**

October 14, 2015

Resolution No. 169-2015: ARESOLUTION APPROVING AN AMENDMENT TO

THE MUNICIPAL SHARED SERVICES DEFENSE

AGREEMENT (MSSDA) IN CONNECTION WITH

CERTAIN PENDING LITIGATION INVOLVING COAH

AND THE BOROUGH’S POTENTIAL OBLIGATIONS

THEREUNDER

Resolution No. 170-2015: ARESOLUTION AUTHORIZING THE EXPENDITURE

OF THE SUM OF TWO THOUSAND ($2,000.00)

DOLLARS IN CONNECTION WITH A CERTAIN

PENDING DECLARATORY JUDGEMENT ACTION

FILED BY THE BOROUGH OF AVALON RELATED

TO THE BOROUGH’S POTENTIAL OBLIGATIONS

UNDER THE COUNCIL ON AFFORDABLE HOUSING

(COAH) REQUIREMENTS

Motion made by Councilman Covington, seconded by Councilman Burns that the resolutions be adopted.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Resolution No. 171-2015: ARESOLUTION AUTHORIZING THE BOROUGH OF

AVALON TO FILE A PETITION FOR CERTIFICATION

WITH THE SUPREME COURT OF NEW JERSEY

FROM THE DECISION OF THE SUPERIOR COURT OF

NEW JERSEY, APPELLATE DIVISION, RENDERED

ON SEPTEMBER 9, 2015 IN THE MATTER OF

LISOWSKI V BOROUGH OF AVALON

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Resolution No. 172-2015: ARESOLUTION AUTHORIZING REJECTION OF

BIDS RECEIVED FOR BOROUGH CONTRACT NO.

16-01, CUSTODIAL & CLEANING SERVICES FOR

THE BOROUGH FACILITIES AND AUTHORIZING

JOSEPH S. CLARK, QUALIFIED PURCHASING AGENT FOR THE BOROUGH OF AVALON TO RE-

ADVERTISE FOR BIDS

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

**7409**

October 14, 2015

Resolution No. 173-2015: ARESOLUTION AUTHORIZING THE

CREATION OF A COMMUNITY-WIDE

COMMITTEE TO PLAN AND DEVELOP A

FLOODPLAIN MANAGEMENT PLAN FOR THE

BOROUGH OF AVALON IN THE COUNTY OF

CAPE MAY AND SATE OF NEW JERSEY TO

MEET THE REQUIREMENTS OF THE

FEDERAL EMERGENCY MANAGEMENT

AGENCY (FEMA) AND TO MAINTAIN THE

BOROUGH’S RATING UNDER THE

COMMUNITY RATING SYSTEM (CRS) OF THE

NATIONAL FLOOD INSURANCE PROGRAM

AND RATIFYING AND CONFIRMING

APPOINTMENTS BY THE MAYOR TO SUCH

COMMITTEE

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Resolution No. 174-2015: ARESOLUTION AUTHORIZING HATCH MOTT

MACDONALD TO PREPARE AND SUBMIT AN

APPLICATION FOR NJDOT MUNICIPAL AID FY2016,

RECONSTRUCTION OF DUNE DRIVE 77TH STREET

TO 80TH STREET FOR A LUMP SUM FEE OF SEVEN

HUNDRED ($700.00) DOLLARS

Resolution No. 175-2015: ARESOLUTION APPROVING SUBMISSION OF A

GRANT APPLICATION AND EXECUTION OF A

GRANT AGREEMENT WITH THE NEW JERSEY

DEPARTMENT OF TRANSPORTATION FOR

RECONSTRUCTION OF DUNE DRIVE 77TH STREET

TO 80TH STREET

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Resolution No. 176-2015: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

**7410**

October 14, 2015

Introduction and first reading by title only of Ordinance No. 728-2015:

Motion made by Councilman McCorristin, seconded by Council Vice President Hudanich that Ordinance No. 728-2015 be brought on for first reading by title only.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Borough Clerk to read aloud Ordinance No. 728-2015:

Ordinance No. 728-2015:

AN ORDINANCE AMENDING CHAPTER 27 (ZONING) OF THE CODE OF THE

BOROUGH OF AVALON, 2013

Motion made by Councilman McCorristin, seconded by Council Vice President Hudanich that Ordinance No. 728-2015 be passed on first reading and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Introduction and first reading by title only of Ordinance No. 729-2015:

Motion made by Council Vice President Hudanich, seconded by Councilman Covington that Ordinance No. 729-2015 be brought on for first reading by title only.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Borough Clerk to read aloud Ordinance No. 729-2015:

Ordinance No. 729-2015:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 OF THE

CODE OF THE BOROUGH OF AVALON, 2013 TO ADD A NEW SECTION

PERTAINING TO THE CONSTRUCTION AND/OR INSTALLATION OF

SWIMMING POOLS

Motion made by Council Vice President Hudanich, seconded by Councilman Covington that Ordinance No. 729-2015 be passed on first reading and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

**7411**

October 14, 2015

Second reading, public hearing and final action on Ordinance No. 727-2015:

Motion made by Councilman Covington, seconded by Councilman Burns that Ordinance No. 727-2015 be brought on for second reading, public hearing and final action.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Borough Clerk to read aloud Ordinance No. 727-2015:

Ordinance No.727-2015:

AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE BOROUGH OF AVALON, 2013, TO REPEAL SECTION 7-24.5 ENTITLED “IMPOUNDING OF MOTOR VEHICLES” PERTAINING TO TOWING AND STORAGE CHARGES FOR CERTAIN MOTOR VEHICLES

Council President Dean opened the meeting for public hearing on Ordinance No. 727-2015 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Covington, seconded by Councilman Burns that the public hearing be closed

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Motion made by Councilman Covington, seconded by Councilman Burns that Ordinance No. 727-2015 be finally adopted, submitted to the Mayor for approval and advertised according to law.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Reports of Officials:

Scott Wahl, Business Administrator, provided a summary to the following reports to Council:

I held a meeting with Avalon Tax Assessor Jeffrey Hesley this morning to discuss the added assessments in Avalon for 2015. Mr. Hesley reported that the Borough has added $49,868,900 in new assessments this year courtesy of new construction in our community. This new construction includes new homes, swimming pools, additions, garages, docks, etc. As a result of these new added assessments, the Borough will realize an additional taxable revenue of $79,282.85. These new added assessments have resulted in the Borough having a total ratable base of $7,417,096,900. Mr. Hesley also reports that this number will likely go up as new construction is completed before the end of the year. In 2014, Avalon experienced an additional $2,232,300 in added value during the months of October and December.

**7412**

October 14, 2015

Scott Wahl – (Continued), This added assessment number is consistent with Avalon’s track record over the past five to ten year period. Mr. Hesley reports that the added assessments traditionally fall between $30 million and $60 million each year. He also anticipates that the added assessments for 2016 may very well be even higher due to many construction projects currently underway that are not yet completed. Attached is a chart that details Avalon’s added assessments from 2012-2015. Avalon’s added assessments trail only the much larger community of Ocean City in terms of value added in 2015. I congratulated Mr. Hesley and his staff for the hard work his office does every fall to document the added assessments. It is a job well done.

**ADMINISTRATORS REPORT FOR WEDNESDAY, OCTOBER 14, 2015**

Coastal Storm: Avalon fared reasonably well during the coastal storm event of October 1st-4th. Avalon was subject to a Coastal Flood Warning from Friday morning through Sunday evening with moderate to moderate/high coastal flooding at times of high tide. The daytime high tide events were slightly higher than the high tide events during the overnight hours. Avalon initiated its comprehensive emergency management communications program during this event with outstanding results. Code Red Emergency alert was delivered to the community within 30 seconds of the call being completed. Avalon’s Emergency management website received 158,280 hits during the storm event with the number of unique visitors at 2,445 and the number of pages viewed at 23,146. 22 separate posts were made. Our municipal website 195,830 hits. Our Facebook page experienced a 2,450% increase in new page likes, a 563% increase in post reach, and an 892% increase in engagement. Two posts that were video representations of the storm in our community set all-time records for our Facebook page with individual reaches of 13,821 and 6,998. I had a meeting with a company that will further expand our reach for not only emergency management messages, but also with special events and community news. This will allow us to get on social media platforms including Twitter and Instagram, and allow the Public Information Office to make one emergency management posting and instantly cross all other websites and platforms; that currently does not exist. This plan has been approved by the Mayor.

Dr. Stu Farrell’s team was on our beachfront the following day beginning its survey of the damage to the beach. It is very clear to our Emergency Management Team that Mayor and Council must be recognized for leading the effort to provide our north end with a beach fill project in June/July 2015 that provided necessary protection for our entire community. The beach did exactly what it was designed to do.

I would like to offer the Borough’s support and gratitude to our Emergency Management Team, Department of Public Works, and Department of Public Safety for their 24-hour efforts during this storm event. And, I would like to thank the citizens and property owners in Avalon for heeding the advisories/warnings and paying attention to the information that was disseminated during this storm event.

28th Street Parking Lot: The reconstruction of the 28th Street Parking Lot began on Columbus Day, October 12th. The current timeline for completion is sometime in early December, weather permitting. Signs were posted in advance of the holiday weekend regarding the No Parking restrictions in the lot while the work is being done; in addition, the contractor provided notice house to house two weeks prior to the beginning of construction. The ramp to the boardwalk at 29th Street will remain open during the construction.

Peermont Substation: Avalon continues to attend weekly construction meetings on the Peermont Substation project held every Tuesday morning in our community. On Tuesday, October 6th, the utility was able to hold its scheduled power outage in order to safely de-energize the current Substation and re-route sufficient electric power until the new Substation is constructed and operational. The outage occurred 63 minutes later than the approximate start time provided by Atlantic City Electric, and lasted 19 minutes shorter than the estimated outage time. The old transformer has been removed off site and taken to an offshore location. The building begins to take shape this week with steel and concrete in place, and the schedule still requires the project to be completed in advance of Memorial Day weekend, 2016. We continue to provide at least once a week updates on our municipal website following the weekly construction meetings, and more updates if needed. It is likely that a second outage that will impact areas of Avalon south of 61st Street through Stone Harbor will be required, possibly as soon as early next week.

**7413**

October 14, 2015

Demolition work on the current Substation concludes this week, and a crane has been removed from the construction site. Dumpsters are being removed frequently with debris to an offshore location. Later this month, the final activity involving an auger drill will be used for pilings needed to support the building.

It’s important to note that to date, 183 individuals who are working at the Peermont site have undergone extensive safety training; Avalon’s Safety Officer, Ed Dean, visited the site at my request this morning to monitor the site for any safety-related concerns during the building demolition. None were found.

Dune Grass Planting: The Dune Grass Planting event to be held on Saturday, October 3rd was postponed due to the coastal storm. The Avalon Environmental Commission will be holding the event this Saturday, October 17th. In addition, the fertilization of the Avalon Dune Grass via airplane is expected to occur sometime between October 19th-23rd, weather permitting. The process takes two to two and a half hours.

Halloween: It is customary for the Borough of Avalon to hold its annual Trick or Treating event on Halloween. The Mayor has approved that again it will be held on the holiday, Saturday, October 31st, from 5:00pm-8:00pm, which is consistent with Trick or Treating hours in Stone Harbor.

Meeting in Trenton/Dredging: On Tuesday, October 13th, I joined Mayor Pagliughi and Freeholder Marie Hayes for a meeting in Trenton with NJDEP Commissioner Bob Martin. Mr. Martin wanted to discuss a dredging task force group that involved local experts to come up with common sense solutions regarding dredging issues including costs, disposal options, permitting, environmental regulations and other issues. The Commissioner tasked his Deputy Commissioner and her staff with addressing the 21 recommendations in the report. Mayor Pagliughi talked about a science based approach to various environmental regulations, and a simplified, open permit process that would make it easier for communities to conduct major first-time dredging projects, and subsequent maintenance projects. Our next visit will be in Washington, DC to meet with federal agencies who have a say in dredging permitting. The Mayor will participate in a dredging forum sponsored by the Cape May County Chamber of Commerce on Monday, October 19th, at the Stone Harbor Country Club.

Public Comments:

Steven C. Morey, Hatch Mott Macdonald, informed Council there will be a dredging forum on October 19, 2015 at the Stone Harbor Country Club and the Mayor will be participating.

Councilman Burns left the meeting at 5:22 pm

Resolution No. 177-2015: 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 CONTRACT NEGOTIATIONS AND ATTORNEY

CLIENT PRIVILEGE CONCERNING CELL TOWER

LEASE AGREEMENTS

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

ROLL CALL VOTE: Councilman Burns Absent

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

**7414**

October 14, 2015

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

ROLL CALL VOTE: Councilman Burns Absent

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Public portion of the Regular Meeting recessed at 5:23 p.m.

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

ROLL CALL VOTE: Councilman Burns Absent

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Public Portion of Regular Meeting reconvened at 5:46 p.m.

Present:

Council President Dean

Councilman Covington

Council Vice President Hudanich

Councilman McCorristin

Scott Wahl, Business Administrator

James A. Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

Dominic Villecco, V-Comm

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

ROLL CALL VOTE: Councilman Burns Absent

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Regular Meeting adjourned at 5:47 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President