**7052**

June 25, 2014

A Work Session of the Borough Council of the Borough of Avalon was held on

Wednesday, June 25, 2014 at 7:01 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 30 Reporters ----------------------- 2

The Meeting was called to order by Council President Ellenberg.

Pledge of allegiance.

Roll call: Council President Ellenberg Present

Council Vice President Covington Present

Councilman Dean Present

Councilwoman Hudanich Present

Councilman McCorristin Present

Also present:

Martin L. Pagliughi, Mayor

Andrew J. Bednarek, Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Lawrence A. Pepper, Jr. Esquire, Labor Attorney

James V. Craft, Chief Financial Officer

William Macomber, Director of Public Works/Utilities

Sue Ellenberg, Interim Recreation Director

Scott Wahl, Public Information Officer

Jeffrey Hesley, Tax Assessor

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

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 12, 2013. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Ellenberg read the Open Public Meetings Act Announcement.

Presentation by Mayor Martin L. Pagliughi recognizing Andrew J. Bednarek upon his retirement.

Mayor Martin L. Pagliughi presented a proclamation on behalf of himself and Borough   
Council.

Andrew J. Bednarek, Business Administrator read the following:

I dedicate this to all those Avalonians, who have made me feel welcomed as a part of their lives over the past 3 decades.   
  
My home Avalon is not  just of bricks and mortar, wood and asphalt.   
Not just of Plaza's, or wide sandy beaches, green ball fields or the shimmering back bay's and the scent of the wetlands on an early summer evening.....  
Nor even the sight of our beautiful garden islands along Dune Drive, when its trees turn gold and crimson from the sear of autumn.....   
Rather it is a Home filled with the warmth and grace of an understanding heart, of true friendship and relationships....    Arising from a common purpose.....   
and the lessons taught of stewardship,  teamwork and the Golden rule....  
and a culture of years of dedicated public service to others... many of who we never meet.....  
And our Home offers comfort in the cherished memories of our friends and neighbors of in times gone by..........

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Andrew J. Bednarek, continued:

It is a Home with a  moral compass.....extolling; loyalty, honesty, integrity, fairness, courage, wisdom, leadership, creativity, optimism,  hard work, and the reward of doing ordinary things for others with extraordinary love .....  
As the better side of our nature, these virtues bind us together as one, by a divine law...   
and when over space and time, are woven together, and become a tapestry of our life's meaning and purpose.  
I quote from Plato's Republic.  
" You know that the beginning is always the most important part of any work"   
So tonight is as much an end as a beginning....  
......just as the fullness of each evening sunset, gives way to the hope and promise of tomorrows new dawn.....     
And so, it is with deep affection, admiration and gratitude, I say farewell ....to my Home Avalon....... Thank you and may God Bless you all.

Council President Ellenberg thanked Mr. Bednarek for everything he has done for the residents and vacationers of Avalon.

Swearing in by Martin L. Pagliughi of Anthony Decesero, Gregory Armstrong and Colby Meloy as Patrolmen for the Avalon Police Department.

Mayor Martin L. Pagliughi swore in the Patrolmen.

Discussion regarding sale of Borough Property a 5 x 110’ parcel adjacent to 279 26th Street.

Andrew J. Bednarek stated Council had previously authorized an appraisal of this property. He said the appraisal value is 96,300 and that information has been communicated to Bill Serber, Equire.

Stephen D. Barse, Esquire, Borough Solicitor, indicated the sale of property requires an Ordinance. He said the first reading will be tonight. He stated because the size of the parcel of land is not a conforming lot, it can be sold by private sale. He said the only eligible bidders would be contiguous property owners of which there are two. He said once the ordinance is adopted the notice will be placed in the paper and interested parties will have 20 days to submit a sealed bid to the Borough Clerk. He said at that point, Council can either accept or reject the bid.

Bill Serber, Esquire indicated the Borough has to obtain a subdivision and suggested the ordinance contain this information.

Stephen D. Barse, Esquire apologized, he neglected to mention that and it is in the draft ordinance.

Council President Covington asked if sufficient time has been allotted to go before the Planning Board.

Stephen D. Barse, Esquire indicated he will add language for the additional time to be granted in order to obtain subdivision approval.

Council agreed to proceed with introduction at the Regular Meeting this evening.

Discussion regarding resolution authorizing the release a performance guarantee in the amount of $10,356.00 submitted by Eustace Wolfington variance plan for 82/92 east 13th Street.

Council had no problem with the release of funds. A Resolution has been placed on the Regular Meeting Agenda for the evening.

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Discussion regarding Ordinance amending Chapter 8 Traffic of the Code of Revised General Ordinances, 2000 regarding street closures.

Scott Wahl, Public Information Officer, indicated a follow up meeting was held with the Borough Solicitor, Chief McCormick, Chief Dean, Paul Short, Code Enforcement Officer and Council President Ellenberg. He said as a result the parties recognized unnecessary safety hazards for non-emergency conditions as well as emergencies that require immediate attention such as the June 13th accident which knocked out power. He stated all parties were in agreement that the policy for non-emergency work by private contractors and utilities must follow a process if a portion or a complete street needs to be closed for non-emergency work. He said he had a conversation with Dale Foster, the County Engineer since this ordinance will affect Ocean Drive, which is a County Road. He said he endorsed the plan and suggested the Borough move forward. He stated the proposed changes would provide no road closures or detours permitted from July 1, through Labor Day for non-emergency work due to public safety and inconvenience to the public during these months.

Stephen D. Barse, Esquire suggested communicating with the contractors when permits are issued for new construction.

Councilwoman Hudanich stated she likes the insertion of the dates, which aligns the dates of moving of houses.

Brief discussion followed. Further discussion will be held at the July 9, 2014 Work Session with a possible introduction of an Ordinance at the July 9, 2014 Regular Meeting.

Discussion regarding Quiet Title Action, Block 83.

Stephen D. Barse, Esquire said the title company could not locate any prior owners of the property. He stated the Borough filed a quiet title action and ask the court to allow the Borough to give notice by publication in the newspaper. He said he fully anticipates the court to sign an order tomorrow. He stated after 35 days of the publication if no one files and answer than another application is made to the court for a default judgment and a declaration that the Borough has clear title.

Andrew J. Bednarek stated the Borough will have an asset worth at least $750,000.00 when the Borough receives clear title.

Discussion regarding resolution requesting approval of items of revenue and appropriations for 2014 Clean Communities Grant in the amount of $21,681.08.

James V. Craft, Chief Financial Officer, reported the money is used for cleaning of beach paths and other litter abatement projects.

A Resolution has been placed on the Regular Meeting for this evening.

Discussion regarding municipal docking facilities; Bay Park Marina and Sport Fishing Center.

Andrew J. Bednarek, stated the Borough Administrator’s office should be supervising the operation and management of these facilities where it was for many years in the past. He said the Mayor and administrative team recommends the change.

Council agreed. Resolutions to be prepared for the July 9, 2014 Regular Meeting.

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Discussion regarding authorizing Hatch Mott Macdonald to provide additional services to

respond to USACE requirements related to the construction of a temporary road to the Gravens

Island CDF.

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC reported based on a letter received from the US Army Corp of Engineers several revisions of the plans were made including several extremely detailed calculations of minor slivers of areas. He said there were a lot of meetings and additional surveys provided. He said Hatch Mott has requested an increase of the $30,000 for that portion of the project.

A Resolution to be prepared for the July 9, 2014 Regular Meeting.

Update concerning Public Access Plan.

Thomas R. Thornton, P.E., stated a draft of the plan was presented and at that time there was no deadline from the DEP. He said now the DEP is pushing for these types of plans. He said the draft was forwarded to Neil Yoskin, who provided some helpful information on core elements of a Municipal Public Access Plan. He said the plan was revised to include Neil’s comments and also improved the readability and format of the document. He said the next step is to submit to the Planning Board for approval to be consistent with the Master Plan; then submit to the DEP. He said if the DEP approves, the Borough will have to adopt a Resolution approving the plan.

Brief discussion followed.

Discussion regarding the Borough’s application to FEMA for emergency generators at pump stations.

Harry deButts, Deputy Emergency Management Coordinator said the purpose of the

grant is to alleviate flooding concerns around our pump stations. He said the pump

stations are not connected to a backup power system. He commented it’s more than just

a concern of flood tide, it’s also flooding from heavy rains. He said these generators

would correct this problem. He said he applied for two separate applications; one for

each station and should be hearing very soon for award of the grants. He stated the

Borough has to identify a funding source at the local level to match of 25%.

James V. Craft, indicated funding would be in the way of a bond ordinance.

Council Vice President Covington indicated an Ordinance could be introduced at the July

9, 2014 Council meeting for the Borough’s share.

Council agreed. An Ordinance to be prepared for the July 9, 2014 Regular Meeting.

Public Comments:

Pat Coyle, 413 21st Street expressed concerns with the dumpsters in town. She asked for

clarification regarding the ordinance as it pertains to covering dumpsters and

Enforcement.

Andrew J. Bednarek, commented dumpsters are supposed to be covered at the end of the

work day.

Pat Coyle, said she surveyed some areas Monday evening. She said she saw 23

construction sites, 10 had covers, 8 of them were tied down. She said the other 13 had

nothing. She provided a list of properties to the Business Administrator.

John Cuthbert 63 w 22nd Street questioned Mr. deButts concerning the emergency

generators and asked if it would be more cost effective to have a special line running to

the existing pumps.

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Mayor Martin Pagliughi commented Atlantic City Electric would have to answer that

question.

Gary Daniels, 110 36th Street commented on the incredible number of bicycles on First

Avenue at high rates of speed. He does not feel any of the traffic rules are obeyed at

crosswalks and asked for help policing the area before someone gets hurt.

Motion made by Council President Ellenberg, seconded by Councilman Dean to adjourn the Work Session.

ROLL CALL VOTE: Council Vice President Covington Aye

Councilman Dean Aye

Councilwoman Hudanich Aye Councilman McCorristin Aye

Council President Ellenberg Aye

Work Session adjourned at 7:55 p.m.

Respectfully submitted,

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Marie J. Hood, Assistant to Borough Clerk

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David B. Ellenberg, Council President