

April 10, 2013

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, April 10, 2013 at 7:56 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 2                      Reporters - - - - - 1

The meeting was called to order by Council President Tipping.

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

Also present:

Andrew J. Bednarek Business Administrator  
Stephen D. Barse, Esquire, Borough Solicitor  
Michael J. Donohue, Esquire, Special Counsel, Municipal Prosecutor  
Police Captain David McCallion  
William Macomber, Director of Public Works/Utilities  
Paul E. Short Sr., Code Enforcement Officer  
Scott Wahl, Public Information Officer

Council President Tipping read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 27, 2012. It was given to the news media and posted on the Official Bulletin Board as required by law.

Minutes:

Closed Session – October 24, 2012

Motion made by Council President Tipping, seconded by Council Vice President Ellenberg that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

None.

Resolution No. 51-2013:     A RESOLUTION APPROVING THE APPLICATION FOR AN OFF-PREMISE MERCHANDISE RAFFLE LICENSE SUBMITTED BY THE BRENDAN BOREK HIGH TIDES MEMORIAL FUND, INC. TO BE HELD ON FRIDAY, NOVEMBER 29, 2013 AT THE BRENDAN BOREK HIGH TIDES MEMORIAL FUND OFFICE, 2170 DUNE DRIVE, AVALON, NJ FROM 12:00 P.M. TO 7:00 P.M.

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

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

Resolution No. 52-2013: A RESOLUTION APPROVING THE APPLICATION FOR A TAXICAB LICENSE SUBMITTED BY SPIR R. SALAMA, T/A SPRIRO'S TAXI OF EGG HARBOR TOWNSHIP, NJ FOR A TERM OF ONE (1) YEAR COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

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

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

Resolution No. 53-2013: A RESOLUTION AUTHORIZING SALE OF ABANDONED AND UNCLAIMED PROPERTY ON SATURDAY, MAY 11, 2013

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

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

Resolution No. 54-2013: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO CONDUCT AN EVALUATION OF THE FEASIBILITY OF A GROIN FIELD OR ALTERNATIVE STRUCTURAL SHORE PROTECTION MEASURES TO REDUCE STORM DAMAGE AT THE BOORUGH'S NORTHERLY BEACHES ON A REIMBURSABLE BASIS FOR AN AMOUNT NOT TO EXCEED ONE HUNCRED NINETY THOUSAND (\$190,000.00) DOLLARS

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

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

Resolution No. 55-2013: A RESOLUTION APPOINTING CLASS I AND CLASS II SPECIAL OFFICERS FOR THE BOROUGH OF AVALON

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

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

Resolution No. 56-2013: A RESOLUTION A RESOLUTION AUTHORIZING REJECTION OF BIDS RECEIVED FOR BOROUGH CONTRACT NO. 13-04, COLLECTION & DISPOSAL OF MUNICIPAL SOLID WASTE MATERIALS FOR THE BOROUGH OF AVALON FOR A TERM UP TO FIVE (5) YEARS AND AUTHORIZING JOSEPH S. CLARK, QUALIFIED PURCHASING AGENT FOR THE BOROUGH OF AVALON TO RE-ADVERTISE FOR BIDS

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

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

Resolution No. 57-2013: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BLUE DIAMOND DISPOSAL, INC. OF SUCCASUNNA, NJ FOR OPTIONS A-4, C-1, D-1, C-2 AND D-2, BOROUGH CONTRACT NO. 13-05, COLLECTION & DISPOSAL OF MUNICIPAL RECYCLING MATERIALS FOR A FIVE (5) YEAR TERM COMMENCING JUNE 1, 2013 THROUGH MAY 31, 2018

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

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

Resolution No. 58-2013: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH EARTH TECH CONTRACTING, INC. OF SEAVILLE, NJ FOR OPTION B-1, BOROUGH CONTRACT NO. 13-05, COLLECTION & DISPOSAL OF MUNICIPAL RECYCLING MATERIALS FOR THE BOROUGH OF AVALON FOR A FIVE (5) YEAR TERM COMMENCING JUNE 1, 2013 THROUGH MAY 31, 2018

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

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

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Resolution No. 59-2013: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BLUE DIAMOND DISPOSAL, INC. OF SUCCASUNNA, NJ FOR OPTION A-1, BOROUGH CONTRACT NO. 13-06, COLLECTION & DISPOSAL OF MUNICIPAL BULK WASTE MATERIALS FOR THE BOROUGH OF AVALON FOR A FIVE (5) YEAR TERM COMMENCING JUNE 1, 2013 THROUGH MAY 31, 2018

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

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

Resolution No. 60-2013: A RESOLUTION AFFIRMING THE RECOMMENDATION OF THE HEARING OFFICER WITH RESPECT TO RENTAL LICENSE ISSUED TO ALL SHORE, INC. FOR PREMISES q SITUATE AT 355 40<sup>TH</sup> STREET, EAST UNIT

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

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

Resolution No. 61-2013: A RESOLUTION AUTHORIZING THE AVALON ENVIRONMENTAL COMMISSION TO PREPARE AND FILE AN APPLICATION WITH THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS FOR A 2013 ANJEC OPEN SPACE GRANT FOR ENVIRONMENTAL COMMISSIONS

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

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

Resolution No. 62-2013: A RESOLUTION EXPRESSING SUPPORT OF THE COUNTY OF CAPE MAY APPLYING TO THE UNITED STATES COAST GUARD FOR OFFICIAL DESIGNATION OF CAPE MAY COUNTY AS A "COAST GUARD COMMUNITY"

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

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

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Resolution No. 63-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Ordinance:

Introduction and first reading by title only of Ordinance No. 680-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 680-2013 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 680-2013:

Ordinance No. 680-2013:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 (LICENSING AND PERMITS GENERALLY) OF THE CODE OF REVISED GENERAL ORDINANCES, 2000 AUTHORIZING THE LICENSING AND OPERATION OF JITNEYS IN THE BOROUGH OF AVALON

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 680-2013 be passed on first reading and advertised according to law.

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

Reports of Officials:

None.

Public Comments:

None.

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Resolution No. 64-2013: 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 AND PENDING LITIGATION REGARDING JORDAN REALTY, INC., A PENNSYLVANIA CORPORATION, PLAINTIFF, V. BOROUGH OF AVALON, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY AND JEFFREY R. HESLEY, BOROUGH OF AVALON ZONING OFFICIAL, DEFENDANTS, UPDATE REGARDING OPEN SPACE APPLICATION TO THE COUNTY OF CAPE MAY, REPORT ON RENTAL HEARING HELD FOR 274 48<sup>TH</sup> STREET PROPERTY AND JOHN SHORT, PATRICIA SHORT, JOHN LAVIN, COURTNEY CARVER, JAMES GARRITY, ROSEMARY GARRITY, DONALD SALESKI AND MARY ANN SALESKI, PLAINTIFFS V. BOROUGH COUNCIL OF BOROUGH OF AVALON, DEFENDANT

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

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

Motion made by Councilwoman Hudanich, 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 Dean	Aye
	Council Vice President Ellenberg	Aye
	Councilwoman Hudanich	Aye
	Council President Tipping	Aye

Council Vice President Ellenberg stated that formal action is anticipated this evening following the Closed Session.

Public portion of Regular Meeting recessed at 8:04 p.m.

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

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

Public portion of Regular Meeting reconvened at 8:43 p.m.

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Resolution No. 65-2013: A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE MATTER OF JORDAN REALTY, INC., A PENNSYLVANIA CORPORATION, PLAINTIFF V. BOROUGH OF AVALON, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY AND JEFFREY R. HESLEY, BOROUGH OF AVALON ZONING OFFICIAL, DEFENDANTS

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

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

Motion made by Council Vice President Ellenberg, seconded by Councilman Dean to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 8:44 p.m.

Respectfully submitted,

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Amy W. Kleuskens, Borough Clerk

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Joseph V. Tipping, Council President