

February 13, 2013

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, February 13, 2013 at 8:20 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 5 Reporters - - - - - 0

The meeting was called to order by Council Vice President Ellenberg.

<u>Roll call:</u>	Council President Tipping	Absent
	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
Police Chief William McCormick
Paul E. Short Sr., Code Enforcement Officer
Scott Wahl, Public Information Officer
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald
Lawrence A. Pepper, Jr., Esquire, Labor Attorney

Council Vice President Ellenberg 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.

Public comments regarding Resolutions:

None.

Resolutions:

Resolution No. 17-2013: A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR MUNICIPALLY OWNED AND/OR CONTROLLED TENNIS COURTS

Resolution No. 18-2013: A RESOLUTION ESTABLISHING CHANGE FUNDS FOR OPERATION OF VARIOUS SUMMER FUNCTIONS FOR THE 2013 SEASON

Resolution No. 19-2013: A RESOLUTION ESTABLISHING FEES FOR VARIOUS ACTIVITIES WITHIN THE DIVISION OF RECREATION FOR THE YEAR 2013

Motion made by Councilwoman Hudanich, 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	Absent

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Resolution No. 20-2013: A RESOLUTION DETERMINING THAT CERTAIN YARD SALES SCHEDULED TO BE CONDUCTED UNDER THE SPONSORSHIP OF THE AVALON GARDEN CLUB ON SATURDAY, MAY 11, 2013, ARE EXEMPT FROM THE PROVISIONS OF CHAPTER X OF THE CODE OF REVISED GENERAL ORDINANCES, 2000

Motion made by Councilman Covington, 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	Absent

Resolution No. 21-2013: A RESOLUTION AUTHORIZING THE CREATION OF A CERTAIN PARKING SPACE RESERVED FOR HANDICAPPED ONLY FOR PROPERTY LOCATED AT 126 9TH STREET

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	Absent

Resolution No. 22-2013: A RESOLUTION EXPRESSING SUPPORT OF ASSEMBLY BILL NO. A-3630/SENATE BILL NO. S-2435 PROVIDING FOR \$20 MILLION IN EMERGENCY SUPPLEMENTAL MARKETING FUNDING FOR THE NEW JERSEY DIVISION OF TRAVEL AND TOURISM TO ADDRESS THE NEGATIVE IMAGE OF THE CONDITION OF THE JERSEY SHORE IN THE AFTERMATH OF HURRICANE SANDY

Motion made by Council Vice President Ellenberg, seconded by Councilwoman Hudanich 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	Absent

Resolution No. 23-2013: A RESOLUTION EXPRESSING OPPOSITION TO ASSEMBLY BILL NO. A-1196 WHICH CREATES REBUTTABLE PRESUMPTION OF WORKER'S COMPENSATION COVERAGE FOR ANY DEATH OR DISABILITY, BECAUSE OF ITS POTENTIAL TO RAISE COSTS FOR MUNICIPALITIES

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	Absent

Resolution No. 24-2013: A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL NOS. S-2511 AND S-2512 REGARDING AMENDMENTS TO THE OPEN PUBLIC MEETING ACT AND OPEN PUBLIC RECORDS ACT

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	Absent

Resolution No. 25-2013: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH F.W. SHAWL & SONS, INC. OF MARMORA, NJ FOR FOURTH AVENUE & 48TH STREET SANITARY SEWER REPLACEMENT, CONTRACT NO. 51 IN THE AMOUNT OF THREE HUNDRED TWENTY-NINE THOUSAND TEN (\$329,010.00) DOLLARS

Motion made by Councilman Dean, 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	Absent

Resolution No. 26-2013: A RESOLUTION AUTHORIZING HATCH MOTT MACDONALD, LLC TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR FOURTH AVENUE & 48TH STREET SANITARY SEWER REPLACEMENT, CONTRACT NO. 51 ON A REIMBURSABLE BASIS FOR AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND TWO HUNDRED (\$36,200.00) DOLLARS

Motion made by Councilman Dean, 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	Absent

Resolution No. 27-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Councilman Covington, seconded by Councilwoman Hudanich 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	Absent

Ordinances:

Introduction and first reading by title only of Ordinance No. 674-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 674-2013 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	Absent

Borough Clerk to read aloud Ordinance No. 674-2013:

Ordinance No. 674-2013:

AN ORDINANCE APPROVING THE PURCHASE BY THE BOROUGH OF AVALON REAL PROPERTY KNOWN AS BLOCK 83, LOT 8 ON THE TAX MAP OF THE BOROUGH OF AVALON FROM THE ESTATE OF ADELE M. RICH

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 674-2013 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	Absent

Introduction and first reading by title only of Ordinance No. 675-2013:

Motion made by Councilman Covington, seconded by Council Vice President Ellenberg that Ordinance No. 675-2013 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	Absent

Borough Clerk to read aloud Ordinance No. 675-2013:

Ordinance No. 675-2013:

AN ORDINANCE AMENDING CHAPTER 26 (SUBDIVISION AND SITE PLAN REVIEW) AND CHAPTER 27 (ZONING) OF THE CODE OF REVISED GENERAL ORDINANCES, 2000 REGARDING IN RESPONSE TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REGULATORY CHANGES

Motion made by Councilman Covington, seconded by Council Vice President Ellenberg that Ordinance No. 675-2013 be passed on first reading and advertised according to law.

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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	Absent

Second reading, public hearing and final action on Ordinance No. 673-2013:

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 673-2013 be brought on for second reading, public hearing and final action.

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

Borough Clerk to read aloud Ordinance No. 673-2013:

Ordinance No.673-2013:

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

Council Vice President Ellenberg opened the meeting for public hearing on Ordinance No. 673-2013 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that the public hearing be closed.

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

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 673-2013 be finally adopted, submitted to the Mayor for approval 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	Absent

Reports of Officials:

None.

Public Comments:

None.

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Resolution:

Resolution No. 28-2013: 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, PERSONNEL AND CONTRACT NEGOTIATIONS REGARDING RATIFYING THE AGREEMENT BETWEEN THE BOROUGH OF AVALON AND TEAMSTERS LOCAL 676 FOR A THREE (3) YEAR TERM COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2015

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	Absent

Motion made by Councilwoman Hudanich, seconded by Councilman Covington to recess 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	Absent

Public portion of Regular Meeting recessed at 8:28 p.m.

Motion made by Councilman Dean, seconded by Councilman Covington 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	Absent

Public portion of Regular Meeting reconvened at 8:39 p.m.

Resolution:

Resolution No. 29-2013: A RESOLUTION RATIFYING THE AGREEMENT BETWEEN THE BOROUGH OF AVALON AND TEAMSTERS LOCAL 676 FOR A THREE (3) YEAR TERM COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2015

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	Absent

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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	Absent

Regular Meeting adjourned at 8:39 p.m.

Respectfully submitted,

Amy W. Kleuskens, Borough Clerk

David B. Ellenberg, Council Vice President