

March 13, 2013

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, March 13, 2013 at 8:32 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 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
William Macomber, Director of Public Works/Utilities
Paul E. Short Sr., Code Enforcement Officer
Scott Wahl, Public Information Officer
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald

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. 40-2013: A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL NO. S-2114 AND COMPANION ASSEMBLY BILL NO. A-3317 WHICH WOULD PROHIBIT MUNICIPAL REGISTRATION OF MULTI-FAMILY DWELLINGS

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	Absent

Resolution No. 41-2013: A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL NO. S-2364 AND COMPANION ASSEMBLY BILL NO. A-3553 WHICH WOULD ESTABLISH AN EARLY VOTING PROCEDURE

Motion made by Councilman Covington, 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. 42-2013: A RESOLUTION RECOMMENDING AMENDMENTS TO THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012

Motion made by Councilman Covington, 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

Resolution No. 43-2013: A RESOLUTION AMENDING RESOLUTION NO. 1-2011, ADOPTED JANUARY 12, 2011 ENTITLED "A RESOLUTION DESIGNATING AND REGULATING DOCK SLIPS AND RAMP FEES AND PROVIDING FOR THE ISSUANCE OF PERMITS THEREFOR, AT THE AVALON BAY PARK MARINA"

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

Resolution No. 44-2013: A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR MUNICIPAL RECYCLING TONNAGE GRANT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR 2012

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. 45-2013: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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Ordinances:

Introduction and first reading by title only of Ordinance No. 679-2013:

Motion made by Councilman Dean, seconded by Council Vice President Ellenberg that Ordinance No. 679-2013 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. 679-2013:

Ordinance No. 679-2013:

AN ORDINANCE ESTABLISHING A SOURCE SEPARATION AND RECYCLING POLICY FOR THE BOROUGH OF AVALON AND AMENDING AND SUPPLEMENTING CHAPTER 17 OF THE CODE OF THE BOROUGH OF AVALON ENTITLED "SOLID WASTE COLLECTION AND DISPOSAL; RECYCLING AND CHAPTER 18 OF THE CODE OF THE BOROUGH OF AVALON ENTITLED "HEALTH AND SAFETY"

Motion made by Councilman Dean, seconded by Council Vice President Ellenberg that Ordinance No. 679-2013 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

Second reading, public hearing and final action on Ordinance No. 675-2013:

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

Ordinance No.675-2013

AN ORDINANCE AMENDING CHAPTER 27 (ZONING) AND CHAPTER 26 (SUBDIVISION AND SITE PLAN REVIEW) OF THE CODE OF REVISED GENERAL ORDINANCES, 2000 REGARDING DEFINITIONS AND REGULATIONS PERTAINING ADVISORY BASE FLOOD ELEVATIONS AND FLOOD HAZARD PROTECTIONS

Council Vice President Ellenberg opened the meeting for public hearing on Ordinance No. 675-2013 and asked if there were any questions or comments.

Council discussed the recommendation to change the Freeboard Elevation - Commercial and Residential from one (1) ft. to two (2) ft. and agreed to amend the Ordinance accordingly. There were no questions or comments from the public.

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

Second reading, public hearing and final action on Ordinance No. 676-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 676-2013 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. 676-2013:

Ordinance No.676-2013

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Council Vice President Ellenberg opened the meeting for public hearing on Ordinance No. 676-2013 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilwoman Hudanich, seconded by Councilman Covington 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 Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 676-2013 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

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Second reading, public hearing and final action on Ordinance No. 677-2013:

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 677-2013 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. 677-2013:

Ordinance No.677-2013

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$6,254,700 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,629,230 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council Vice President Ellenberg opened the meeting for public hearing on Ordinance No. 677-2013 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. 677-2013 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

Second reading, public hearing and final action on Ordinance No. 678-2013:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 678-2013 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

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Borough Clerk to read aloud Ordinance No. 678-2013:

Ordinance No.678-2013

BOND ORDINANCE PROVIDING FOR VARIOUS WATER SEWER UTILITY IMPROVEMENTS OF THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,061,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,008,425 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council Vice President Ellenberg opened the meeting for public hearing on Ordinance No. 678-2013 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilwoman Hudanich, seconded by Councilman Covington 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 Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 678-2013 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

Resolution:

Resolution No. 46-2013: A RESOLUTION DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181 CONCERNING THE EFFECTIVE DATE OF ORDINANCE NO. 675-2013

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

Reports of Officials:

Borough Clerk read a letter into the record from the Atlantic County Municipal Joint Insurance Fund regarding 2012 Safety Incentive Program Awards, a copy of which is attached to these minutes.

Public Comments:

None.

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Motion made by Councilman Dean, seconded by Council Vice President Ellenberg 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 8:53 p.m.

Respectfully submitted,

Amy W. Kleuskens, Borough Clerk

David B. Ellenberg, Council Vice President