

April 25, 2018

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, April 25, 2018 at 4:18 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 4 Reporters - - - - - 2

The meeting was called to order by Council President McCorristin.

<u>Roll call:</u>	Council President McCorristin	Present
	Councilman Covington	Present
	Councilman Dean	Absent
	Council Vice President Deever	Present
	Councilwoman Hudanich	Present

Also present:

Scott Wahl, Business Administrator  
 James Waldron, Assistant Business Administrator  
 Steven A. Fabietti, Esquire, Gruccio, Pepper, DeSanto & Ruth, PA  
 William Macomber, Director of Public Works/Utilities  
 Jeffrey R. Christopher, Chief of Police  
 Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 28, 2017. It was given to the news media and posted on the Official Bulletin Board as required by law.

Minutes:

Work Session, Agenda Session, Regular Meeting – March 23, 2018  
 Work Session, Agenda Session, Regular Meeting, Closed Session – April 11, 2018

Motion made by Councilman Covington, seconded by Council Vice President Deever that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

None.

Resolution No. 78-2018: A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS, (N.J.S.A. 40A:4-87), NJ DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2018 MUNICIPAL AID PROGRAM

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

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

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Resolution No. 79-2018: A RESOLUTION AMENDING RESOLUTION NO. 22-2016, ADOPTED AUGUST 24, 2016 WHICH AUTHORIZED MOTT MACDONALD TO PROVIDE LAND SURVEYING, ENVIRONMENTAL PERMITTING, PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR 78<sup>TH</sup> STREET STORM WATER PUMP STATION PROJECT

Motion made by Council Vice President Deever, seconded by Council President McCorristin that the resolution be adopted.

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

Resolution No. 80-2018: A RESOLUTION APPOINTING CLASS I AND CLASS II SPECIAL OFFICERS FOR THE BOROUGH OF AVALON

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

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

Resolution No. 81-2018: A RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND UNCLAIMED PROPERTY ON SATURDAY, MAY 12, 2018

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

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

Resolution No. 82-2018: A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING IN ACCORDANCE WITH N.J.S.A. 40:60-51.2 UPON APPLICATION FOR RELEASE OF CERTAIN DEED RESTRICTION IMPOSED UPON CERTAIN PROPERTY WITHIN THE BOROUGH OF AVALON, TO WIT: BLOCK 48.05, LOT 2 (4868 OCEAN DRIVE)

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

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

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Resolution No. 83-2018: A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR MUNICIPAL RECYCLING TONNAGE GRANT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR 2017

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

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

Resolution No. 84-2018: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Introduction and first reading by title only of Ordinance No. 774-2018:

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that Ordinance No. 774-2018 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 774-2018:

Ordinance No. 774-2018:

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE BOROUGH OF AVALON, 2013 (PERSONNEL) TO REQUIRE SUBSEQUENT CRIMINAL HISTORY BACKGROUND CHECKS AT STATED INTERVALS FOR CERTAIN EMPLOYEES AND VOLUNTEERS

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that Ordinance No. 774-2018 be passed on first reading and advertised according to law.

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

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Second reading, public hearing and final action on Ordinance No. 773-2018:

Motion made by Councilman Covington, seconded by Council Vice President Deever that Ordinance No. 773-2018 be brought on for second reading, public hearing and final action.

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

Borough Clerk to read aloud Ordinance No. 773-2018:

Ordinance No. 773-2018:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 OF THE CODE OF THE BOROUGH OF AVALON, 2013 (LICENSES AND PERMITS), SECTION 4 (PEDDLERS AND HAWKERS) AND REPEALING PORTIONS OF ORDINANCE 738-2016

Council President McCorristin opened the meeting for public hearing on Ordinance No. 773-2018 and asked if there were any questions or comments.

Tony Reagoso, 40 East 10<sup>th</sup> Street, referenced current regulations contained within Chapter 10, and noted the one hour time period between when a certain truck can revisit a specific location and sell their product, however mentioned when an ice cream truck leaves the street end at 10<sup>th</sup> Street, a different ice cream truck quickly takes its place. Therefore, the residents at that street end do not get any reprieve from the nuisance bell ringing or the crowds these trucks generate. He proposed Council consider redrafting the Ordinance to allow for a certain time period between when one truck can leave and another can reenter the same location. He further proposed restrictions being put in place to limit the bell ringing to promote a peaceful beach experience. He further noted the ice cream trucks continuously idle while vending their product, which creates oppressive fumes that further detract from positive experiences.

Council President McCorristin thanked Mr. Reagoso for his comments and explained the Ordinance is being only slightly modified to change some language and tighten up regulations regarding background checks. He indicated all concerns brought to light by taxpayers will be shared with the Police Department, and Council will possibly be revisiting the regulations within the Ordinance in the future.

Councilwoman Hudanich further noted all emails received regarding this topic have been forwarded to the Borough Clerk for the files. She questioned Chief Christopher about idling regulations and alluded to a possible state regulation that would prohibit idling because of air pollution.

Chief Christopher stated he will research those regulations.

Councilwoman Hudanich asked Mr. Reagoso if the trucks cross over the pathways on 10<sup>th</sup> Street.

Tony Reagoso stated that vendors will angle the truck in such a way so as to interfere with the ingress and egress of normal traffic. He expressed concerns that children could be hurt while the trucks are backing up to leave.

Councilwoman Hudanich suggested asking the ice cream truck vendors to execute a k-turn before selling their product to allow for smoother egress and to avoid the trepidation of the trucks backing up with children nearby.

Council President McCorristin noted that the trucks typically angle in a way to protect the children from other traffic, and expressed concerns that asking them to park in a different way could inadvertently pose additional safety concerns.

Councilwoman Hudanich stated current regulations prohibit the stacking of trucks, therefore a truck should not be permitted to enter the intersection until another truck successfully leaves the intersection. She spoke in support of putting stringent procedures into place to prevent that.

Motion made by Councilman Covington, seconded by Council Vice President Deever that the public hearing be closed.

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

Motion made by Councilman Covington, seconded by Council Vice President Deever that Ordinance No. 773-2018 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Scott Wahl read the following report:

Townsend's Inlet Bridge: The Townsend's Inlet Bridge is again open to single lane traffic controlled by a traffic signal as the bridge replacement project continues on the Avalon side. It is still anticipated that the project will conclude in early June, with full two way traffic function on the bridge for Memorial Day weekend.

The Cape May County Bridge Commission announced today that the new E-ZPass tolling system will 'go live' over the course of the next eight weeks on the Commission's five toll bridges along scenic Ocean Drive in Cape May County.

The implementation of E-ZPass will occur sequentially with the Ocean City-Longport Bridge being the first one to go live on or about April 30th. The Middle Thorofare Bridge will go live on or about May 7th, followed by Grassy Sound on or about May 14th, Corsons Inlet on or about May 21st and Townsends Inlet is scheduled to go live by June 25th. Signs at each bridge will alert drivers if E-ZPass is active and all bridges will continue to be manned by bridge tenders who also serve as toll collectors.

Although E-ZPass will be available on all of the Commission Bridges, cash and tickets will still be accepted as well. Even those vehicles with E-ZPass transponders installed will have the option to make payment with pre-paid bridge tickets versus E-ZPass debit.

For additional information, contact the Cape May County Bridge Commission at (609) 465-7806.

Ocean Drive Project: The course paving of Ocean Drive is continuing to move in a northerly direction with progress reported to the mid 40s blocks. Final concrete work continues in the northerly limits of the project, near the intersection of 30<sup>th</sup> Street and Ocean Drive. The project maintains a completion date before Memorial Day weekend.

Arbor Day Celebration: The Arbor Day Celebration held by the Avalon Garden Club will be held this Friday at 10:30am. It will occur at the 37<sup>th</sup> Street traffic island on Dune Drive, and the event is open to the public.

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Tax Assessor's Office: We are always happy to report on successful continuing education and certification for our employees. Avalon now has two fully certified tax assessors in the Borough. Brenda Camp successfully completed two years of education and passed the test. She now holds all certifications as does our Assessor, Jeffrey Hesley.

Monthly Reports:

Month of March 2018:

Borough Clerk and Registrar's Report submitted by Marie J. Hood.

Bureau of Fire Prevention, Licensing, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code, Taxicab, Beach Vehicle Reports submitted by John Tracy.

Code Enforcement Report submitted by Paul E. Short, Sr.

Municipal Court Report submitted by Deborah Scott.

Police Department Report submitted by Chief Jeffrey Christopher.

Public Works Department Report submitted by William Macomber.

Recreation Operations Report submitted by Chuck McDonnell.

Tax Collector & Water/Sewer Control Account submitted by Alexis Coan.

Zoning Report submitted by Jeffrey R. Hesley.

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that the reports be approved.

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

Pending business.

None.

New business

None.

Public Comments:

None.

Motion made by Council Vice President Deever, seconded by Councilman Covington to adjourn the Regular Meeting.

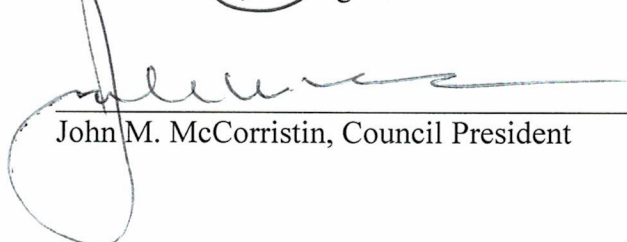
<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Regular Meeting adjourned at 4:39 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President