

May 9, 2018

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, May 9, 2018 at 5:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 6 Reporters - - - - - 1

The meeting was called to order by Council President McCorrstin.

<u>Roll call:</u>	Council President McCorrstin	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  
 Stephen D. Barse, Esquire, Borough Solicitor  
 William Macomber, Director of Public Works/Utilities  
 Paul E. Short, Sr., Code Enforcement Officer  
 Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald  
 Jeffrey Christopher, Police Chief

Council President McCorrstin 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.

Public comments regarding Resolutions:

None.

Resolution No. 85-2018: A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY FOR HEAVY EQUIPMENT FLEET MAINTENANCE FOR A TERM OF FIVE (5) YEARS COMMENCING JANUARY 1, 2018

Motion made by Council President McCorrstin, 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 McCorrstin	Aye

Resolution No. 86-2018: A RESOLUTION AUTHORIZING A REFUND TO DAKAN HOMES, LLC FOR A NEW WATER SERVICE IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED FORTY-NINE DOLLARS AND FIFTY CENTS (\$2,549.50) FOR 23 WEST 19<sup>TH</sup> STREET, AVALON, NJ

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Motion made by Councilman Covington, 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. 87-2018: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT NO. 16-01, R-1 CUSTODIAL AND CLEANING SERVICES

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

Resolution No. 88-2018: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE BAY ATLANTIC SYMPHONY OF BRIDGETON, NJ FOR AN AMERICAN EXTRAVAGANZA ON JULY 4, 2018 IN THE AMOUNT OF EIGHTEEN THOUSAND (\$18,000.00) DOLLARS

Motion made by Council Vice President Deever, 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. 89-2018: A RESOLUTION AUTHORIZING THE RELEASE OF CERTAIN DEED RESTRICTION PERTAINING TO A TWO-STORY HEIGHT RESTRICTION FOR THE FOLLOWING DESCRIBED PROPERTY: BLOCK 48.05 LOT 2 (4868 OCEAN DRIVE)

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

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Resolution No. 90-2018: A RESOLUTION AUTHORIZING THE AWARD OF AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6 WITHOUT PUBLIC ADVERTISING FOR BIDS AND BIDDING THEREFORE, NOTWITHSTANDING THAT THE CONTRACT PRICE WILL EXCEED THE BID THRESHOLD DUE TO AN EMERGENCY AFFECTING THE PUBLIC HEALTH, SAFETY OR WELFARE WHICH REQUIRES THE IMMEDIATE DELIVERY OF GOODS OR THE PERFORMANCE OF SERVICES AND PERTAINING TO THE BEACH BACK PASSING PROJECT

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. 91-2018: A RESOLUTION APPOINTING CLASS I SPECIAL OFFICER FOR THE BOROUGH OF AVALON

Motion made by Council Vice President Deever, 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. 92-2018: 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

Second reading, public hearing and final action on Ordinance No. 774-2018:

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that Ordinance No. 774-2018 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

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Borough Clerk 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

Council President McCorristin opened the meeting for public hearing on Ordinance No. 774-2018 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin 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. 774-2018 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

Report by Council President

Council President McCorristin read the following letter into the record:

Members of Council:

I intend to read this letter into the record before “Reports of Officials” at the Wednesday, May 9<sup>th</sup> meeting of Borough Council.

Councilman Richard Dean has reported to me that he continues to be treated by medical professionals for a medical condition. Councilman Dean is hereby medically excused from Borough Council meetings until he is cleared by his physician to return. Councilman Dean has expressed to me that he intends to return to his seat on Borough Council as soon as he is cleared by his physicians to do so.

Sincerely,  
John McCorristin  
President  
Avalon Borough Council

Motion made by Council Vice President Deever, seconded by Councilman Covington to receive and file the correspondence.

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

Reports of Officials:

Scott Wahl read the following report:

Sustainable Jersey: It is with great pleasure that we can report to Borough Council a successful application to the Sustainable Jersey grant program. As you may recall, Council authorized a grant application with the assistance of Scott Taylor and Dr. Edward Mahaney to the program for the continuation of the Avalon Terrapin Project with the development of a pilot turtle nesting habitat to be located between Bay Park Marina and the Kayak Park. We applied for a grant at the top funding level, at \$20,000. Only four applications throughout the State were accepted at the top funding level, and Avalon was selected.

It's important to note that the funding for the program comes through the PSE&G Foundation. Nina Ranalli, Chairperson of the Avalon Green Team, and me went to Edison yesterday to accept the check in behalf of the Borough. This grant application was only made possible via the endorsement and encouragement by Borough Council; the engagement of the citizens who we like to call "turtle ambassadors" who have cared for and about the turtles for many years and through the efforts of our talented professional experts who continue to guide the Borough towards sustainability and environmental projects. I'd also like to thank the many Borough and volunteer organizations who wrote letters of support of this project.

We have held a subsequent stakeholder meeting to discuss both short and long term plans for this project and will continue to hold meetings with our stakeholders for a science and fact based approach to this project which we believe will be replicated by similar communities who's citizens and volunteers are engaged as those in Avalon.

North End Flood Study: Mayor Pagliughi, Mr. Thornton and me met on Monday, May 7<sup>th</sup> to go over the draft and initial findings for the north end flood study that was authorized by Borough Council last summer. There was exhaustive research into the potential improvements that may be provided by the Borough for the north end beach blocks that will provide relief during heavy rainfall and other flooding events. It is our intention with the consent of the Council President to include a presentation and discussion on the findings of this report at the May 23<sup>rd</sup> meeting of Avalon Borough Council.

Ocean Drive Project: The County's contractor is targeting next week for milling and base paving from 29<sup>th</sup> Street to 34<sup>th</sup> Street next week. We do not have a schedule as to when the surface course will be placed from 46<sup>th</sup> Street to 29<sup>th</sup> Street. The surface course between 29<sup>th</sup> Street and 34<sup>th</sup> Street will probably be placed just after Memorial Day weekend. Unfortunately the paving schedule for next week does not get finalized until tomorrow afternoon. All traffic signal work is to be completed prior to Memorial Day weekend. The concrete crew is wrapping up their work and will be departing from the jobsite any day now.

Councilman Covington noted residents have been questioning markings being placed on the new paved surface of Ocean Drive and have expressed concerns that these markings are signaling a street opening of some sort.

Scott Wahl reported he has spoken to the County Engineer, who has assured the Borough there will be no street opening of the newly paved road.

Councilwoman Hudanich asked for an update on the project at the intersection of 7<sup>th</sup> Street and 3<sup>rd</sup> Avenue.

Tom Thornton explained work is being done to replace approximately 60 feet of sanitary sewer pipe that was sagging near the man hole at the intersection.

Councilwoman Hudanich inquired if port-a-potties are permitted on Borough streets.

Paul Short responded the Ordinance only addresses private property, and states all port-a-potties are to be eight feet from the curb.

Councilwoman Hudanich expressed concerns about safety hazards within the project area, such as a piece of equipment parked along the street with no cones placed around it to alert travelers of its location, and stones being on the street for three days.

Tom Thornton asked Councilwoman Hudanich to forward the information about the project via email, and the concerns will be discussed with the contractor.

Paul Short reported the 22<sup>nd</sup> Annual Police Unity Tour will be passing through the Borough of Avalon. On May 10, 2018, approximately 200 bike riders will be starting at Absecon Police Department and will be riding the shore route. The Tour should be passing down Dune Drive between 11:45 a.m. and 12:00 p.m. He encouraged all to stand along Dune Drive to show their support.

Councilwoman Hudanich announced the Chief of Police provided Council with an extensive report regarding the clean air regulations and diesel vehicles idling. She thanked the Chief for his report and expressed the opinion that Council needs to discuss these regulations and review the current Ordinance.

Chief Christopher indicated the trucks may be exempt from idling due to their refrigeration units.

Councilwoman Hudanich advocated the importance of Council also addressing the stacking issues brought forth by concerned residents.

Public Comments:

None.

<u>Resolution No.</u> <u>93-2018:</u>	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 CONCERNING WILLIAM PFIRMAN VS. BOROUGH OF AVALON DOCKET NO. CPM-L-433-16
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Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that the resolutions 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

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin to recess the public portion of the Regular Meeting and go into Closed Session.

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

Council President McCorristin announced official action may be taken after the Closed Session.

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Public portion of Regular Meeting recessed at 5:21 p.m.

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin to adjourn the Closed Session and go back into public portion of the Regular Meeting.

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

Public Portion of Regular Meeting reconvened at 5:32 p.m.

Present:

Councilman Covington  
 Council Vice President Deever  
 Councilwoman Hudanich  
 Council President McCorristin  
 Scott Wahl, Business Administrator  
 James A. Waldron, Assistant Business Administrator  
 Stephen D. Barse, Esquire, Borough Solicitor

Resolution No. 94-2018: A RESOLUTION APPROVING SETTLEMENT OF LITIGATION IN THE MATTER OF WILLIAM F. PFIRMAN V. BOROUGH OF AVALON, DOCKET NO. CPM-L-433-16 REGARDING DISPUTED TITLE TO BLOCK 73.01, LOTS 62 AND 64 IN THE BOROUGH OF AVALON AND LOCATED AT 73<sup>RD</sup> STREET AND THE BEACH

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

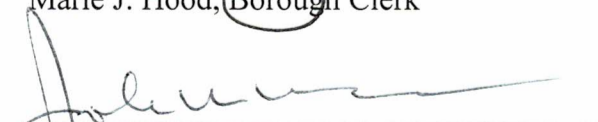
Motion made by Council Vice President Deever, seconded by Councilman Covington to adjourn the Regular Meeting.

<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 5:33 p.m.

Respectfully submitted,

  
 Marie J. Hood, Borough Clerk

  
 John M. McCorristin, Council President