

August 8, 2018

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, August 8, 2018 at 6:32 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 5

Reporters - - - - - 1

The meeting was called to order by Council President Deever.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
Paul Short, Code Enforcement Official
William Macomber, Director of Public Works/Utilities
Jeffrey Christopher, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 27, 2018. It was given to the news media and posted on the Official Bulletin Board as required by law.

Public comments regarding Resolutions:

Martha Wright, 632 7th Street, spoke in opposition of the Resolution authorizing special counsel for the Borough of Avalon to file an appeal with the Office of Administrative Law and to take any and all other action which special counsel deems necessary or appropriate concerning proposed sanctions by the New Jersey Department of Community Affairs, and suggested the Borough explore the opportunity to mediate the case prior to attempting to resolve the matter in court.

<u>Resolution No. 129-2018:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT NO. II TO AN INTERLOCAL SERVICES AGREEMENT BY AND AMONG THE TRUSTEES OF THE FREE PUBLIC LIBRARY OF THE BOROUGH OF AVALON, THE GOVERNING BODY OF THE BOROUGH OF AVALON AND THE BOARD OF EDUCATION OF THE BOROUGH OF AVALON REGARDING CONTRIBUTIONS TOWARD THE HVAC PROGRAM
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Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich that the resolution be adopted.

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

Resolution No. 130-2018: A RESOLUTION AUTHORIZING SPECIAL COUNSEL FOR THE BOROUGH OF AVALON TO FILE AN APPEAL WITH THE OFFICE OF ADMINISTRATIVE LAW AND TO TAKE ANY AND ALL OTHER ACTION WHICH SPECIAL COUNSEL DEEMS NECESSARY OR APPROPRIATE CONCERNING PROPOSED SANCTIONS BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

Council Vice President Covington announced he would like to recuse himself from this vote.

Councilwoman Hudanich spoke in support of attempting to resolve this matter without the necessity of involving lawyers.

Jim Waldron explained that is entirely possible. This Resolution is being recommended to Council as a document to preserve the Borough's time period for an appeal on this matter. As far as mediation is concerned, the Commissioner of the Department of Community Affairs would have to consent to mediation and by doing so, that would divest the Commissioner of his or her jurisdiction, which is unlikely. Council should be aware that independent of this Resolution, the Mayor has demanded a meeting with the Commissioner to attempt to resolve these issues, which is pending.

Steve Barse explained if this were to get referred to the Office of Administrative Law, which would be the case if it went to a full hearing, typically a mediation session is held first. Oftentimes a retired or current Administrative Law Judge oversees those sessions to attempt to find a resolution without moving to trial.

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

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

Resolution No. 131-2018: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Introduction and first reading by title only of Ordinance No. 779-2018:

Motion made by Councilwoman Hudanich, seconded by Council President Deever that Ordinance No. 779-2018 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 779-2018:

Ordinance No. 779-2018:

AN ORDINANCE PREVENTING THE SALE, USE OR DISTRIBUTION OF CERTAIN PLASTIC ITEMS DEEMED TO CONSTITUTE A THREAT TO THE ENVIRONMENT AND AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVALON

Motion made by Councilwoman Hudanich, seconded by Council President Deever that Ordinance No. 779-2018 be passed on first reading and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 780-2018:

Motion made by Council Vice President Covington, seconded by Councilman McCorristin that Ordinance No. 780-2018 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 780-2018:

Ordinance No. 780-2018:

AN ORDINANCE AMENDING CHAPTER 14 (WATER AND SEWER) OF THE CODE OF THE BOROUGH OF AVALON, 2013 IN ORDER TO CHANGE THE QUARTERLY RATES FOR WATER AND SEWER SERVICES

Council President Deever opened the meeting for public hearing on Ordinance No. 780-2018 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Council Vice President Covington, seconded by Councilman McCorristin that Ordinance No. 780-2018 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports of Officials:

None.

Public Comments:

Danielle Pla, 965 Laurel Lane, Bridgeton, NJ, spoke on behalf of Surfrider Foundation and spoke regarding the Ordinance on first reading regarding single use plastics. She thanked Avalon for considering such legislation and noted the possibility of backlash from retailers if this Ordinance is adopted. She suggested Avalon consider a hybrid legislation which imposes a fee on paper bags to encourage a behavior change on the part of the consumer to bring reusable bags when shopping. She noted compostable bags are part of the Ordinance and asked if Avalon has a recycling facility for such bags, as compostable plastic does not biodegrade on its own in a landfill, but rather must be disposed of in a proper facility. She expressed willingness on behalf of Surfrider to work with Avalon for any future discussions.

Council President Deever thanked Ms. Pla for her comments and stated all Council members are in favor of this Ordinance and are excited about this legislation.

Councilwoman Hudanich informed Ms. Pla that the Borough worked closely with Dr. Tedesco of The Wetlands Institute when formulating this Ordinance.

Councilman McCorristin noted a facility is being researched for compostable bags.

Steve Jasiecki, Margate, also spoke on behalf of Surfrider and Sustainable Downbeach, who have been working with municipalities and State agencies regarding plastic legislation. He asked for clarification that this Ordinance is a ban on paper bags, and inquired if the proposed Ordinance will impose a fee on paper bags.

Councilwoman Hudanich explained the Ordinance will be banning single-use plastic bags.

Council President Deever responded the Ordinance does not impose a fee for paper bags at this time, however the Borough has been working diligently with merchants to educate them on what the requirements will be under this Ordinance.

Steve Jasiecki noted purchasing brown bags is more expensive and could impose a hardship on merchants, and noted a fee on paper bags could help offset that hardship for business owners. He thanked Avalon for considering this Ordinance and mentioned Azek residue is very harmful to the waterways, the wildlife, and the environment.

Martha Wright, 632 7th Street, spoke in support of the plastic bag ban, and suggested Council re-consider including compostable bags in the Ordinance.

Councilwoman Hudanich suggested contacting the MUA about expanding their footprint or possibly creating an arrangement with a neighboring town or county to recycle these materials.

Martha Wright noted Dr. Tedesco had previously stated there is no such facility nearby, and suggested the Borough explore possibly using Terracycle Zero Waste Boxes for these materials and further suggested placing the boxes at the Library or Community Hall.

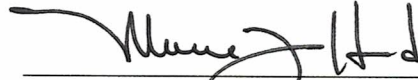
Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich to adjourn the Regular Meeting.

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

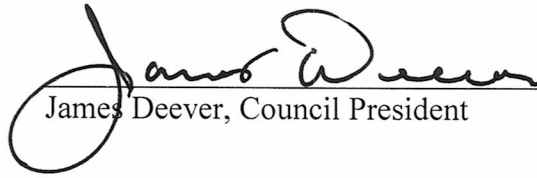
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Regular Meeting adjourned at 6:48 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



James Deever, Council President