

October 16, 2017

A Special Meeting of the Borough Council of the Borough of Avalon was held on Monday, October 16, 2017 at 10:05 a.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

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

The meeting was called to order by Council President McCorristin.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Mayor Martin L. Pagliughi

Scott Wahl read the following statement:

A special meeting, without adequate notice is being held today, Monday, October 16th, 2017 at 10:00am at Avalon Borough Hall, Avalon, New Jersey. This meeting is being held pursuant to N.J.S.A. 10:4-9 in order to deal matters with urgency that if delayed, would likely result in substantial harm to the public interest.

Matters developed late Friday evening and Saturday morning relating to the court mandated mediation regarding the dispute between the principals of Avalon Anchorage Marina, the Avalon Planning and Zoning Board, and the Borough of Avalon. The meeting was noticed on the Borough Clerk's page on the Avalon municipal website and notice will be provided by the Borough Clerk's office as soon as possible to newspapers.

The occurrence of this meeting will be duly noted and placed on the agenda for the next regularly scheduled meeting to be held on Wednesday, October 25th, 2017 at 4:00pm in this room.

The format of this meeting will be to approve a resolution that authorizes the holding of this meeting without adequate notice; to approve a resolution that will enable Council to go into closed session to consider the settlement agreement; and to come out of closed session with potential action taken by Council.

It is important to note that the Avalon Planning and Zoning Board will also hold an emergency meeting at 3:00pm today. Shall a settlement agreement be reached, all parties—Avalon Anchorage Marina, the Avalon Planning and Zoning Board, and the Borough of Avalon—must hold this agreement in strict confidence as it must be considered and approved by Superior Court Judge Julio Mendez.

Resolution No. 161-2017:

A RESOLUTION AUTHORIZING THE HOLDING OF A PUBLIC MEETING WITHOUT ADEQUATE NOTICE PURSUANT TO N.J.S.A. 10:4-9(b) IN ORDER TO DEAL WITH MATTERS OF SUCH URGENCY AND IMPORTANCE THAT A DELAY FOR THE PURPOSE OF PROVIDING ADEQUATE NOTICE WOULD LIKELY RESULT IN SUBSTANTIAL HARM TO THE PUBLIC INTEREST

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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	Aye
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 162-2017: 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 THE BOROUGH OF AVALON VS THE MARINA AT AVALON ANCHORAGE, LLC

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 Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Motion made by Council President McCorristin, seconded by Council Vice President Deever to recess the public portion of the Special Meeting and go into Closed Session.

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

Public portion of the Special Meeting recessed at 10:08 a.m.

Motion made by Councilman Dean, seconded by Councilman Covington to adjourn the Closed Session and go back into public portion of the Special Meeting.

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

Public Portion of Special Meeting reconvened at 10:31 p.m.

Present:

Full Council
Scott Wahl, Business Administrator
James A. Waldron, Assistant Business Administrator
Mayor Martin L. Pagliughi
Neil Yoskin, Esq. – by telephone

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Resolution No. 163-2017:

A RESOLUTION APPROVING A SETTLEMENT IN
THE MATTER OF BOROUGH OF AVALON VS. THE
MARINA AT AVALON ANCHORAGE LLC, ET ALS

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

ROLL CALL VOTE:

Councilman Covington	Aye
Councilman Dean	Aye
Council Vice President Deever	Aye
Councilwoman Hudanich	Aye
Council President McCorristin	Aye

Public Comments

None.

Motion made by Council Vice President Deever, seconded by Council President
McCorristin to adjourn the Special Meeting.

ROLL CALL VOTE:

Councilman Covington	Aye
Councilman Dean	Aye
Council Vice President Deever	Aye
Councilwoman Hudanich	Aye
Council President McCorristin	Aye

Special Meeting adjourned at 10:33 a.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President