

July 12, 2017

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, July 12, 2017 at 4:54 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 2

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	Present
	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
 Paul Short, Code Enforcement Official
 William Macomber, Director of Public Works/Utilities
 Police Captain Jeffrey R. Christopher
 Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC
 James Craft, Chief Financial Officer

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.

Public comments regarding Resolutions:

Martha Wright, 632 7th Street, referenced the Resolution regarding The Marina at Avalon Anchorage, LLC v. Avalon Planning/Zoning Board; Jeffrey Hesley and Kimberly Mastriana, and asked for an explanation as to why the Resolution was being considered by Council.

Jim Waldron explained Mr. Yoskin, acting as Special Counsel for the Borough, recommended to the Mayor and Administration that there be a Resolution adopted in the event that further proceedings are required with respect to the matter now pending before the Law Division of Superior Court. July 7, 2017, the Court ordered a requirement of mediation of the issues now in litigation. That order applies to both the plaintiff as The Marina at Avalon Anchorage, LLC as well as the defendant, the Borough of Avalon Planning Board. The Borough is not a party to that action. The Borough seeks to participate in that mediation for the purpose of reaching a total settlement as to all issues and all parties. If the mediation is successful and the issues can be resolved without litigation, that will result in the potential withdrawing of the Borough's pending application before the Supreme Court and it will terminate the litigation. If the mediation is not successful, all suits resume the statuses they held prior to that mediation. If the Borough of Avalon does not participate in this mediation, it is the position of Mr. Yoskin, the Mayor, and Administration that any settlement agreed to in that mediation involves merely the property owner and the Planning Board does not resolve the other issues that are outstanding. By the Borough participating in the mediation, it has the effect of promoting judicial economy and satisfies the concerns of all parties in regards to the expenditure of money for continuing litigation. If the mediation is successful, it will provide a speedier resolution in the interest of all parties. This Resolution grants the Mayor the authority to approve procedural aspects only with respect to that litigation. Substantive matters involving the ultimate final decision as to how the litigation gets settled will be handled by Borough Council. This Resolution is an effort to bring all parties to the table and resolve the litigation.

July 12, 2017

Resolution No. 123-2017: A RESOLUTION AUTHORIZING AGREEMENT FOR MEMBER PARTICIPATION IN COOPERATIVE PRICING SYSTEM 25CMaCP BETWEEN COUNTY OF CAPE MAY AS LEAD AGENCY AND THE BOROUGH OF AVALON AS PARTICIPATING AGENCY

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

ROLL CALL VOTE:

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

Resolution No. 124-2017: A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE WITH AN ONLINE AUCTION SERVICE

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

ROLL CALL VOTE:

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

Resolution No. 125-2017: A RESOLUTION AUTHORIZING CHANGE ORDER NOS. 6-11 FOR FIFTH AVENUE & 60TH STREET WATER AND SEWER SYSTEM IMPROVEMENTS, CONTRACT M-54

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

ROLL CALL VOTE:

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

Resolution No. 126-2017: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE SURVEYING AND BASE MAP PREPARATION, PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR RECONSTRUCTION OF 39TH STREET – DUNE DRIVE TO FIRST AVENUE FOR A LUMP SUM FEE OF THIRTY-ONE THOUSAND FOUR HUNDRED (\$31,400.00) DOLLARS

Resolution No. 127-2017: A RESOLUTION AUTHORIZING MOTT MACDONALD TO DESIGN AND PREPARATION OF PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR BICYCLE ROUTE EXPANSION FOR A LUMP SUM FEE OF SEVEN THOUSAND AND EIGHT HUNDRED SIXTY (\$7,860.00) DOLLARS

July 12, 2017

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

Resolution No. 128-2017: A RESOLUTION RE: COMPLIANCE OF THE GOVERNING BODY WITH THE PROMULGATION OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY

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

Resolution No. 129-2017: A RESOLUTION AUTHORIZING SPECIAL COUNSEL FOR THE BOROUGH OF AVALON TO TAKE CERTAIN ACTION WITH RESPECT TO A MATTER NOW PENDING IN THE SUPERIOR COURT OF NEW JERSEY – LAW DIVISION – CAPE MAY COUNTY ENTITLED: “THE MARINA AT AVALON ANCHORAGE, LLC V. AVALON PLANNING/ZONING BOARD; JEFFREY HESLEY AND KIMBERLY MASTRIANA, DOCKET NO. CPM-L-81-17”

Motion made by Councilwoman Hudanich, seconded by Councilman Covington 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. 130-2017: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Councilwoman Hudanich, seconded by Councilman Covington 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

Reports of Officials:

Council President McCorristin announced the Avalon Library Board of Trustees will be voting to approve the return of \$171,000.00 back to the Borough of Avalon at its meeting July 13, 2017.

July 12, 2017

Public Comments:

Elaine Scattergood, 75 30th Street, expressed concerns that the Avalon Free Public Library no longer pays for County library cards for citizens of Avalon.

Council President McCorrstin thanked Ms. Scattergood for her comments and advised her to raise her concerns to the Avalon Library Board of Trustees.

Motion made by Councilman Dean, seconded by Council President McCorrstin to adjourn the Regular Meeting.

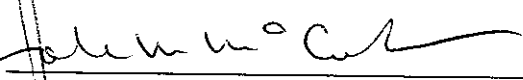
<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Aye
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorrstin	Aye

Regular Meeting adjourned at 5:03 p.m.

Respectfully submitted,



C. Danielle Nollett, Deputy Borough Clerk



John M. McCorrstin, Council President