

September 13, 2017

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, September 13, 2017 at 5:07 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 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:

James Waldron, Assistant Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
Jeffrey Christopher, Police Captain
Jim Craft, CFO
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC
Paul Short, Code Enforcement 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:

None.

Resolution No. 145-2017: A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS, (N.J.S.A. 40A:4-87), STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMUNITY STEWARDSHIP INCENTIVE PROGRAM GRANT

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. 146-2017: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Introduction and first reading by title only of Ordinance No. 757-2017:

Motion made by Council President McCorristin, seconded by Council Vice President Deever that Ordinance No. 757-2017 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 757-2017:

Ordinance No. 757-2017:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19, FLOOD DAMAGE PREVENTION OF THE CODE OF THE BOROUGH OF AVALON, 2013 AND AMENDING VARIOUS OTHER ORDINANCES OF THE BOROUGH PERTAINING TO FLOOD DAMAGE PREVENTION TO WIT, ORDINANCE NOS. 682-2013, 688-2013, 710-2014, 749-2016, AND 752-2016

Motion made by Council President McCorristin, seconded by Council Vice President Deever that Ordinance No. 757-2017 be passed on first reading and advertised according to law.

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

Introduction and first reading by title only of Ordinance No. 763-2017:

Motion made by Councilman Covington, seconded by Councilman Dean that Ordinance No. 763-2017 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 763-2017:

Ordinance No. 763-2017:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 ENTITLED "BUILDING AND CONSTRUCTION" OF THE CODE OF THE BOROUGH OF AVALON, 2013, SECTION 20-2 "CONSTRUCTION PERMIT FEE" AND AMENDING ORDINANCE NOS. 563-2006, 608-2009, AND 655-2012

Motion made by Councilman Covington, seconded by Councilman Dean that Ordinance No. 763-2017 be passed on first reading and advertised according to law.

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

September 13, 2017

Second reading, public hearing and final action on Ordinance No. 761-2017:

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that Ordinance No. 761-2017 be brought on for second reading, public hearing and final action..

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

Borough Clerk read aloud Ordinance No. 761-2017:

Ordinance No. 761-2017:

AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE BOROUGH OF AVALON, 2013 TO PROHIBIT THE PRIVATE DISPLAY AND USE OF FIREWORKS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

Council President McCorristin opened the meeting for public hearing on Ordinance No. 761-2017 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that the public hearing be closed.

<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 Councilwoman Hudanich that Ordinance No. 761-2017 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 762-2017:

Motion made by Councilman Covington, seconded by Councilman Dean that Ordinance No. 762-2017 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 762-2017:

Ordinance No. 762-2017:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE CODE OF THE BOROUGH OF AVALON, 2013 TO ESTABLISH A REVISED SCHEDULE OF FEES AND ESCROW DEPOSITS FOR APPLICATIONS TO THE AVALON PLANNING AND ZONING BOARD

Council President McCorristin opened the meeting for public hearing on Ordinance No. 762-2017 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Covington, seconded by Councilman Dean that the public hearing be closed.

<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 Councilman Covington, seconded by Councilman Dean that Ordinance No. 762-2017 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<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:

None.

Public Comments:

Martha Wright, 632 7th Street, mentioned she attended the Planning/Zoning Board Meeting on September 12, 2017, where a Resolution authorizing a settlement agreement in connection with the litigation regarding the Marina at Avalon Anchorage, LLC was passed and asked for an update regarding the litigation.

Council President McCorristin announced that item will be discussed at the closed session this evening.

Jim Waldron added there is no public update at this time as the matter is currently rendered confidential by the court.

Martha Wright noted there was mention of a possible public hearing on the matter via a special meeting of the Planning/Zoning Board on September 28, 2017 and asked if that hearing would be taking place.

Jim Waldron explained he cannot confirm the actions of the Planning/Zoning Board.

Councilwoman Hudanich announced she will not be attending the September 27, 2017 Council Meeting due to other obligations.

September 13, 2017

Resolution No. 147-2017: 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 BOROUGH OF AVALON VS THE MARINA AT AVALON ANCHORAGE, LLC., ATTORNEY CLIENT PRIVILEGE AND PENDING LITIGATION CONCERNING JOAN T. NARRIGAN, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF ROBERT D. NARRIGAN AND BARLEY DUNES 67TH LLC. DOCKET NO. CPM-L-000266017 VS BOROUGH OF AVALON, ATTORNEY CLIENT PRIVILEGE AND PENDING LITIGATION CONCERNING THE BOROUGH OF AVALON VS. UNITED STATES FISH & WILDLIFE SERVICE & UNITED STATES ARMY CORPS OF ENGINEERS, FEDERAL DISTRICT COURT NO. 16-8057 AND ATTORNEY CLIENT PRIVILEGE CONCERNING EASEMENT REALIGNMENT FOR BLOCK 7.07 LOT 138 (576 7TH STREET) AND BLOCK 7.08 LOT 140.01 (606 7TH STREET)

Jim Waldron asked that Council consider addressing the second matter listed in the Resolution first so that Tom Thornton and Paul Short can attend that portion of the meeting prior to moving on to other matters.

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

Motion made by Councilman Dean, seconded by Councilman Covington to recess the public portion of the Regular 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 Regular Meeting recessed at 5:16 p.m.

Council President McCorristin announced official action may be taken after the closed session.

Motion made by Council President McCorristin, seconded by Council Vice President Deever 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	Aye
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

September 13, 2017

Public Portion of Regular Meeting reconvened at 6:33 p.m.

Present:

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

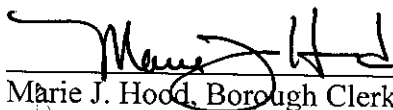
Council President McCorristin announced no official action will be taken on any item discussed during the Closed Session.

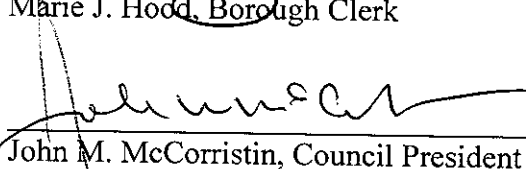
Motion made by Councilman Covington, seconded by Councilman Dean to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 6:33 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk

John M. McCorristin, Council President