

May 8, 2019

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, May 8, 2019 at 4:20 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
	Councilwoman Hudanich	Absent
	Councilwoman Juzaitis	Present
	Councilman McCorristin	Present

Also present:

Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
Nicole Curio, 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 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.

Minutes:

Special Meeting, Work Session, Agenda Session, Regular Meeting – April 24, 2019

Motion made by Councilwoman Juzaitis, seconded by Council Vice President Covington that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

There were no questions or comments.

<u>Resolution No.</u>	<u>88-2019:</u>	A RESOLUTION DENYING THE APPLICATION OF THOMAS AND JENNIFER CURRY FOR A PARTIAL VACATION OF SIXTH AVENUE IN THE BOROUGH OF AVALON
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Motion made by Councilman McCorristin, seconded by Councilwoman Juzaitis that the resolution be adopted.

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

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Resolution No.        89-2019:        A RESOLUTION REQUESTING APPROVAL OF  
ITEMS OF REVENUE AND APPROPRIATIONS,  
(N.J.S.A. 40A:4-87), NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FISCAL YEAR 2019 MUNIICIPAL  
AID PROGRAM FOR THE RECONSTRUCTION OF  
68<sup>TH</sup> STREET

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

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

Resolution No.        90-2019:        A RESOLUTION AUTHORIZING CHANGE ORDER  
NO. 1 FOR RECONSTRUCTION OF VARIOUS  
BULKHEADS, CONTRACT NO. M-108

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

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

Resolution No.        91-2019:        A RESOLUTION AUTHORIZING CHANGE ORDER  
NOS. 4 & 5 FOR SURFSIDE PARK SITE  
IMPROVEMENTS, CONTRACT NO. M-109

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

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

Resolution No.        92-2019:        A RESOLUTION AUTHORIZING THE EXECUTION  
OF A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE BOROUGH OF AVALON AND THE  
AMERICAN RED CROSS FOR COOPERATION AND  
SUPPORT WITH THE OFFICE OF EMERGENCY  
MANAGEMENT IN ASSISTING INDIVIDUALS,  
FAMILIES, AND COMMUNITITES IMPACTED BY  
DISASTER OR EMERGENCY FOR A TERM OF FIVE  
(5) YEARS

Motion made by Councilwoman Juzaitis, seconded by Council President Deever that the  
resolution be adopted.

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

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Resolution No. 93-2019: A RESOLUTION AUTHORIZING THE APPOINTMENT OF A CLASS I SPECIAL OFFICER

Motion made by Councilwoman Juzaitis, seconded by Council President Deever that the resolution be adopted.

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

Resolution No. -2019: A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF AVALON AND THE BOROUGH OF WOODBINE FOR CHIEF FINANCIAL OFFICER SERVICES

James Waldron: reiterated the statement made at the Work Session Meeting and suggested Council defer action on this item until the May 29, 2019 Regular Meeting after discussion can take place at today's closed session meeting.

Resolution No. 94-2019: A RESOLUTION AMENDING CONTRACT 18-04 WITH BAYSHORE LANDSCAPING FOR MAINTENANCE OF BOROUGH OWNED GROUNDS

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

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

Resolution No. 95-2019: A RESOLUTION APPROVING A MEMBERSHIP IN THE NEW JERSEY STATE FIREMEN'S RELIEF ASSOCIATION

Motion made by Council Vice President Covington, seconded by Councilwoman Juzaitis that the resolution be adopted.

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

Resolution No. 96-2019: A RESOLUTION APPROVING 2019 JITNEY LICENSES FOR A TERM OF ONE (1) YEAR COMMENCING MAY 1, 2019 THROUGH APRIL 30, 2020

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

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



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Resolution No. 97-2019: A RESOLUTION AUTHORIZING PAYMENT OF  
BILLS

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

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

Second reading, public hearing and final action on Ordinance No. 789-2019:

Motion made by Council Vice President Covington, seconded by Councilwoman Juzaitis that Ordinance No. 789-2019 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 789-2019:

Ordinance No. 789-2019:

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 779-2018 PREVENTING THE SALE, USE OR DISTRIBUTION OF CERTAIN PLASTIC ITEMS DEEMED TO CONSTITUTE A THREAT TO THE ENVIRONMENT AND AMENDING AND SUPPLEMENTING CHAPTER 17 (SOLID WASTE MANAGEMENT AND MANDATORY RECYCLING) THE CODE OF THE BOROUGH OF AVALON, 2013

Council President Deever opened the meeting for public hearing on Ordinance No. 789-2019 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Council Vice President Covington, seconded by Councilwoman Juzaitis that Ordinance No. 789-2019 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports of Officials:

Scott Wahl: reported immediately following the last Council meeting two weeks ago, Scott, Steve Camp, and Shawn Carr, took a look at the back-passing and beach fill operations on 12<sup>th</sup> Street. Administration is pleased to report that the Borough has completed the project ahead of schedule and has moved approximately 60,000 cubic yards of sand from the borrow area into the North End. In spite of the challenges this project has faced, Scott commended Public Works and gave a special thanks to Steve Camp and staff for an admirable job. Additionally, Surfside Park continues to make significant progress and the project is moving along as scheduled.

Councilwoman Juzaitis: commended Public Works for their hard work and dedication.

William Macomber: mentioned Councilwoman Hudanich showed an interest in the electrical updates at the Recreation Center. The electrical updates will be taking place from May 15<sup>th</sup> – May 16<sup>th</sup> and the Recreation Center will be closed during that time.

Public Comments:

Martha Wright, 632 7<sup>th</sup> St: asked if any formal action will be taken during the Closed Session.

James Waldron: replied yes and explained Administration is recommending that Council take action with respect to certain items. The only item for which Administration does not anticipate any action to be taken would be the Shared Services Agreement.

Martha Wright, 632 7<sup>th</sup> St: expressed her concern with the retention of Cullen & Dykman regarding the application and litigation over the home warranty issue. The public was told this issue was resolved.

James Waldron: stated this matter cannot be discussed at this time.

Martha Wright, 632 7<sup>th</sup> St: expressed her continued frustration with Borough litigations and the taxpayer dollars.

<u>Resolution No.</u> <u>98-2019:</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 CONTRACT NEGOTIATIONS CONCERNING PBA LOCAL 59, POTENTIAL LITIGATION CONCERNING A SHARED SERVICES AGREEMENT TO RETAIN CULLEN AND DYKMAN REGARDING THE APPLICATION OF CBRA IN NJ-09, PENDING LITIGATION CONCERNING STATUS OF NEGOTIATIONS WITH THE DCA REGARDING THE PRICING OF PREMIUMS FOR HOME OWNER WARRANTIES FOR CUSTOMERS OF AVALON DEVELOPMENT GROUP, LLC, AND CONTRACT NEGOTIATIONS CONCERNING A POTENTIAL SHARED SERVICES AGREEMENT WITH THE BOROUGH OF WOODBINE FOR CHIEF FINANCIAL OFFICER SERVICES
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Motion made by Councilwoman Juzaitis, seconded by Council President Deever that the resolution be adopted.

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



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

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

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

Public portion of Regular Meeting recessed at 4:32 p.m.

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

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

Public portion of the Regular Meeting reconvened at 5:49p.m.

Present:

Council President Deever  
Council Vice President Covington  
Councilman McCorristin  
Councilwoman Juzaitis  
Scott Wahl, Business Administrator  
James A. Waldron, Assistant Business Administrator  
Nicole Curio, Borough Solicitor

<u>Resolution No.</u>	<u>99-2019:</u>	A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF AVALON, THE CITY OF NORTH WILDWOOD, AND THE BOROUGH OF STONE HARBOR FOR THE PURPOSE OF REVIEWING AND CHALLENGING CERTAIN DECISIONS OF AND INTERPRETATIONS BY THE UNITED STATES FISH AND WILDLIFE SERVICES PERTAINING TO THE COASTAL BARRIER RESOURCES ACT WHICH ADVERSELY IMPACT THESE MUNICIPALITIES
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Motion made by Councilman McCorristin, seconded by Council President Deever that the resolution be adopted.

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

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Resolution No. 100-2019: A RESOLUTION APPOINTING NEIL YOSKIN, ESQUIRE AND THE LAW FIRM OF CULLEN AND DYKMAN LLP AS SPECIAL ENVIRONMENTAL AND LITIGATION COUNSEL FOR ALL MATTERS RELATING TO THE COASTAL BARRIER RESOURCES ACT AND THE INTERPRETATION AND ENFORCEMENT THEREOF BY THE UNITED STATES FISH AND WILDLIFE SERVICES AND SUCH OTHER MATTERS ARISING THEREFROM OR RELATED THERETO AND AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT

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


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

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

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

Regular Meeting adjourned at 5:51 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
James Deever, Council President