

September 11, 2019

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, September 11, 2019 at 4:40 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 3 Reporters - - - - - 1

The meeting was called to order by Council President Hudanich.

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

Also present:
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
Steve Camp, Assistant Director of Public Works/Utilities
Police Chief Jeffrey R. Christopher
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 26, 2019. It was given to the news media and posted on the Official Bulletin Board as required by law.

Minutes:

Work Session, Regular Meeting, Closed Session – August 28, 2019

Motion made by Council Vice President McCorristin, seconded by Councilman Deever that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

None.

<u>Resolution No.</u>	<u>150-2019:</u>	A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE WITH AN ONLINE AUCTION SERVICE
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Motion made by Councilman Deever, seconded by Councilwoman Juzaitis that the resolution be adopted.

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

Resolution No. 151-2019: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE DESIGN AND PREPARATION OF PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR 8th STREET JETTY IMPROVEMENTS FOR A LUMP SUM FEE OF ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$195,000.00)

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

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

Resolution No. 152-2019: A RESOLUTION REJECTING THE BID SUBMITTED BY CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, CONTRACT 19-02 AND RESCINDING RESOLUTION 107-2019 ADOPTED ON JUNE 12, 2019

Motion made by Councilman Wierman, seconded by Council President Hudanich that the resolution be adopted.

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

Resolution No. 153-2019: A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING IN ACCORDANCE WITH N.J.S.A. 40:60-51.2 UPON APPLICATION FOR RELEASE OF CERTAIN DEED RESTRICTIONS IMPOSED UPON CERTAIN PROPERTIES WITHIN THE BOROUGH OF AVALON, TO WIT: BLOCK 22.09, LOT 66 (756 21ST STREET)

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

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

Resolution No. 154-2019: A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF TEN THOUSAND (\$10,000.00) DOLLARS TO PARTICIPATE IN THE SOUTHERN SHORE REGIONAL DMO PROGRAM

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

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

Resolution No. 155-2019: A RESOLUTION AUTHORIZING THE BOROUGH TO ACCEPT AND RECORD A CERTAIN QUITCLAIM DEED FOR A PARCEL KNOWN AS BLOCK No. 83 LOT No. 2 ON THE BOROUGH TAX MAP IN LIEU OF PURSUING AN IN REM FORECLOSURE ACTION AGAINST SAID PARCEL AND AUTHORIZING THE BOROUGH CLERK TO RECORD THE DEED AND AUTHORIZING THE BOROUGH TAX COLLECTION TO CANCEL ALL CLAIMS FOR TAXES AND INTEREST ON SUCH PARCEL AND TO DISCHARGE AND CANCEL TAX SALE CERTIFICATE No. 15-00004

Motion made by Councilman Wierman, seconded by Councilman Deeever that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Deeever	Aye
	Councilwoman Juzaitis	Aye
	Council Vice President McCorristin	Aye
	Councilman Wierman	Aye
	Council President Hudanich	Aye

Resolution No. 156-2019: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

<u>ROLL CALL VOTE:</u>	Councilman Deeever	Aye
	Councilwoman Juzaitis	Aye
	Council Vice President McCorristin	Aye
	Councilman Wierman	Aye
	Council President Hudanich	Aye

Second reading, public hearing and final action on Ordinance No. 791-2019:

Motion made by Councilman Deeever, seconded by Councilman Wierman that Ordinance No. 791-2019 be brought on for second reading, public hearing and final action.

<u>ROLL CALL VOTE:</u>	Councilman Deeever	Aye
	Councilwoman Juzaitis	Aye
	Council Vice President McCorristin	Aye
	Councilman Wierman	Aye
	Council President Hudanich	Aye

Borough Clerk read aloud Ordinance No. 791-2019:

Ordinance No. 791-2019:

AN ORDINANCE AUTHORIZING THE LEASING OF BOROUGH OWNED LAND KNOWN AS BLOCK 29.04, LOTS 64.01, 64.02, 64.03 AND 65.02 TO THE AVALON CHAMBER OF COMMERCE FOR A TERM OF FIVE (5) YEARS COMMENCING OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2024

Council President Hudanich opened the meeting for public hearing on Ordinance No. 791-2019 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Deever, seconded by Councilman Wierman that the public hearing be closed.

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

Motion made by Councilman Deever, seconded by Councilman Wierman that Ordinance No. 791-2019 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports and Recommendations by Mayor and Officials:
Reports of Officials:

None.

Pending Business:

James Waldron stated the State of New Jersey notified the Borough of Avalon on Friday, August 30, 2019 that the bids for the hydraulic beach fill had been received. In the specifications, Avalon is projected to get approximately 431,000 cubic yards of sand. Meanwhile, Stone Harbor has not been approved for any hydraulic beach fill and North Wildwood was not contemplated to be included. By way of background, Avalon has a Shared Services Agreement with both Stone Harbor and North Wildwood to jointly challenge certain interpretations by the U.S. Fish and Wildlife Service of the Coastal Barrier Resource Act, which the Borough believes is completely erroneous. This is due to the belief that Fish and Wildlife is overlooking an exception that allows beach fills to be implemented as part of the recognized exceptions under state statute. As a consequence of that, the Borough's Special Counsel, Mr. Neil Yoskin, filed a formal petition in July 2019 requesting that the U.S. Fish and Wildlife defer any further action until there was a determination that Hereford Inlet sand could be used for beach fills. If that sand were available to be used, it would provide a substantially greater beach fill for Avalon and Stone Harbor at a greatly reduced cost. Mobilization from Hereford Inlet would be more efficient and would significantly reduce the multi-million dollar cost for said mobilization. Unfortunately, Fish and Wildlife disagrees and has not taken Mr. Yoskin's petition into consideration. For the record, identical circumstances have been addressed by Fish and Wildlife in other areas of the East Coast, specifically with the Charleston District of the Army Corps of Engineers and they have granted the very same exception that Avalon has requested.

Council President Hudanich asked if Avalon is now in jeopardy of not having a beach fill project because of the negative impact with Stone Harbor.

James Waldron replied no, and reported Mr. Yoskin has indicated Fish and Wildlife's answer to the Stone Harbor problem is to demolish the dunes and rearrange them. It is the opinion of that Federal division that this will offer Stone Harbor a measure of protection. Mr. Yoskin believes the legal position of Avalon, Stone Harbor and North Wildwood are enhanced by the arrogance of the Federal Agency.

Council President Hudanich referenced what was done in the Charleston District, and advocated consistency. She asked what the criteria was that dictated the Charleston criteria?

James Waldron explained the criteria used to make the decision has not been shared with the Borough or its representatives. When Avalon last received a beach fill by ruling of Judge Samell, Avalon was alone in that case. In this case, there are three municipalities sharing the cost of experts and counsel. Each municipality has a cap in terms of what they will spend.

Council President Hudanich and Councilman Wierman spoke in support of pursuing these actions to save money and mobilization.

Councilwoman Juzaitis asked if there is anyway the Borough can go above Fish and Wildlife.

James Waldron replied yes, the stage has been set for interim actions, which cannot be discussed publicly, the matter could be discussed during a Closed Session.

New Business:

None.

Public Comments:

None.

Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 4:52 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

Nancy M. Hudanich
Nancy M. Hudanich, Council President