

November 13, 2019

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Tuesday, November 13, 2019 at 5:19 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 2

Reporters - - - - - 1

The meeting was called to order by Council President Hudanich.

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

Also present:

Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Borough Solicitor  
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald  
Police Chief, Jeffrey R. Christopher  
William Macomber, Director of Public Works/Utilities  
Paul Short, Code Enforcement Official

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting change was included in an updated Schedule of Meetings dated August 28, 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 – October 16, 2019

Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman that the minutes be approved as submitted.

<u>ROLL CALL VOTE:</u>	Councilman Deever	Abstain
	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>173-2019:</u>	A RESOLUTION AUTHORIZING PARTICIPATION IN THE STATE HEALTH BENEFITS PROGRAM OF THE STATE OF NEW JERSEY
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<u>Resolution No.</u>	<u>174-2019:</u>	A RESOLUTION AUTHORIZING PARTICIPATION IN THE STATE HEALTH BENEFITS PROGRAM ACT OF THE STATE OF NEW JERSEY FOR LOCAL PRESCRIPTION DRUG COVERAGE
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Motion made by Councilman McCorristin, 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. 175-2019:

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES

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

ROLL CALL VOTE:

Councilman Deever	Aye
Councilwoman Juzaitis	Aye
Council Vice President McCorristin	Aye
Councilman Wierman	Aye
Council President Hudanich	Aye

Resolution No. 176-2019:

A RESOLUTION DECLINING TO VACATE A PUBLIC RIGHT OF WAY AND OTHER REQUESTED ACTION BY ICONA GOLDEN INN

Motion made Councilwoman Juzaitis, seconded by Council Vice President McCorristin that the resolutions be adopted.

ROLL CALL VOTE:

Councilman Deever	Aye
Councilwoman Juzaitis	Aye
Council Vice President McCorristin	Aye
Councilman Wierman	Aye
Council President Hudanich	Aye

Resolution No. 177-2019:

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH SOUTH STATE, INC. OF BRIDGETON, NJ FOR CONTRACT M-116, 8<sup>TH</sup> STREET JETTY REPAIR IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THIRTY-FIVE THOUSAND SIX HUNDRED THIRTY DOLLARS (\$2,535,630.00)

Resolution No. 178-2019:

A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR CONTRACT M-116, 8<sup>TH</sup> STREET JETTY REPAIR ON A REIMBURSABLE BASIS FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FOUR THOUSAND DOLLARS (\$204,000.00)

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

ROLL CALL VOTE:

Councilman Deever	Aye
Councilwoman Juzaitis	Aye
Council Vice President McCorristin	Aye
Councilman Wierman	Aye
Council President Hudanich	Aye

Resolution No. 179-2019: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE FIELD INVESTIGATION & PRELIMINARY DESIGN PHASE SERVICES, CONSTRUCTION DOCUMENTS PHASE SERVICES, BID PHASE SERVICES, CONSTRUCTION ADMINISTRATION PHASE SERVICES, AND ACRM HANDLING SPECIFICATION PREPARATION FOR BOROUGH HALL ROOF REPLACEMENT DESIGN FOR A LUMP SUM FEE OF FIFTY-SEVEN THOUSAND TWO HUNDRED DOLLARS (\$57,200.00)

Motion made by Councilman Wierman, 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. 180-2019: A RESOLUTION APPOINTING CLASS II SPECIAL OFFICERS FOR THE BOROUGH OF AVALON

Motion made by Council Vice President McCorristin, 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. 181-2019: 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 7.04, LOT 60 (274 7<sup>TH</sup> 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. 182-2019: A RESOLUTION CALLING FOR A STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

Motion made by Councilman Deever, 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. 183-2019: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Council President Hudanich, seconded by Council Vice President McCorristin 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

Introduction and first reading by title only of Ordinance No. 794-2019:

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 794-2019 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 794-2019:

Ordinance No. 794-2019:

AN ORDINANCE AUTHORIZING AND GRANTING A DEED OF EASEMENT ON A LIMITED PORTION OF BOROUGH OWNED REAL PROPERTY, TO WIT, BLOCK 81 LOT 1 TO THE OWNERS OF ADJOINING PROPERTY, TO WIT BLOCK 54.03 LOTS 1, 3, 5, 7, 9, 21, 23, 25, 27, 29, 31, 33, 66, 68, 70, 72, 74, 76, AND 78 FOR THE LIMITED PURPOSE OF INGRESS AND EGRESS ONLY. (STREET LOCATION: 5499 DUNE DRIVE, AVALON, NEW JERSEY)

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 794-2019 be passed on first reading 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

Introduction and first reading by title only of Ordinance No. 795-2019:

Motion made by Council Vice President McCorristin, seconded by Councilman Wierman that Ordinance No. 795-2019 be brought on for first reading by title only.

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

Borough Clerk to read aloud Ordinance No. 795-2019:

Ordinance No. 795-2019:

AN ORDINANCE AMENDING CHAPTER 2 OF THE AVALON BOROUGH CODE PERTAINING TO THE OFFICE OF ZONING; TO CREATE A NEW DIVISION OF ZONING ENFORCEMENT AND INSPECTIONS AND THE POSITION OF ZONING ENFORCEMENT OFFICER AND APPROVING THE MAYOR’S RECOMMENDATION FOR A PARTIAL PLAN OF REORGANIZATION OF THE DEPARTMENT OF ADMINISTRATION

Motion made by Council Vice President McCorristin, seconded by Councilman Wierman that Ordinance No. 795-2019 be passed on first reading 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	

Second reading, public hearing and final action on Ordinance No. 793-2019:

Motion made by Council Vice President McCorristin, seconded by Councilman Wierman that Ordinance No. 793-2019 be brought on for second reading, public hearing and final action.

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

Borough Clerk to read aloud Ordinance No. 793-2019:

Ordinance No. 793-2019:

BOND ORDINANCE PROVIDING FOR VARIOUS BEACH IMPROVEMENTS BY AND IN THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$900,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council President Hudanich opened the meeting for public hearing on Ordinance No. 793-2019 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council Vice President McCorristin, 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 Council Vice President McCorristin, seconded by Councilman Wierman that Ordinance No. 793-2019 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:

Monthly Reports:

Month of July and August 2019

Updated Public Works Department Report submitted by William Macomber.

Month of September 2019

Public Works Department Report submitted by William Macomber.

Water Sewer Control Account Report submitted by Alexis Coan.

Month of October 2019

Borough Clerk and Registrar's Reports submitted by C. Danielle Nollett.

Bureau of Fire Prevention, Bureau of Licensing, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code, and Taxicab Reports submitted by John Tracy.

Code Enforcement Report submitted by Paul E. Short, Sr.

Municipal Engineering Report submitted by Thomas Thornton

Municipal Court Report submitted by Deborah Scott.

Police Department Report submitted by Chief Jeffrey Christopher.

Public Works Department Report submitted by William Macomber.

Recreation Revenue Report submitted by Chuck McDonnell.

Tax Collector & Water Sewer Control Account Reports submitted by Alexis Coan.

Zoning Report submitted by Amanda Seltzer.

Motion made by Councilman Deever, seconded by Councilwoman Juzaitis that the reports be approved.

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

Pending business.

None.

New business

None.

Public Comments:

None.



Resolution No. 184-2019:

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 CONCERNING THE AUTHORIZED PURCHASE OF NEW HOME WARRANTIES FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AS WELL AS ANTICIPATED, THREATENED, OR PENDING LITIGATION CONCERNING THE FOLLOWING FOUR MATTERS: 6128 ODD, LLC V. BOROUGH OF AVALON PLANNING & ZONING BOARD; FLORENCE JONES V. BOROUGH OF AVALON; M3 ARCHITECTURAL LLC V. BOROUGH OF AVALON, AVALON PLANNING & ZONING BOARD, AND JEFFREY HESLEY; AND PATRICIA WILK V. BOROUGH OF AVALON

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

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

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

Council President Hudanich announced official action will not be taken after the Closed Session.

Public portion of Regular Meeting recessed at 5:31 p.m.

Public Portion of Regular Meeting reconvened at 5:53 p.m.

Present:

Councilman Deever  
Council President Hudanich  
Councilwoman Juzaitis  
Council Vice President McCorristin  
Councilman Wierman  
Scott Wahl, Business Administrator  
James A. Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Gruccio, Pepper, DeSanto & Ruth, P.A.


Motion made by Councilman Wierman, seconded by Councilman Deever 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

November 13, 2019

Regular Meeting adjourned at 5:53 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
Nancy M. Hudanich, Council President