

February 12, 2020

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, February 12, 2020 at 4:51 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

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

The meeting was called to order by Council President Hudanich.

<u>Roll call:</u>	Council President Hudanich	Present
	Councilman Deever	Absent
	Councilwoman Juzaitis	Present
	Councilman McCorristin	Present
	Councilman Wierman	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
 Jeffrey R. Christopher, Police Chief
 Steve Camp, Assistant 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 June 27, 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 – January 22, 2020

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

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

Public comments regarding Resolutions:

None.

<u>Resolution No.</u>	<u>34-2020:</u>	A RESOLUTION DETERMINING THAT A CERTAIN YARD SALE SCHEDULED TO BE CONDUCTED UNDER THE SPONSORSHIP OF THE AVALON GARDEN CLUB ON SATURDAY, MAY 9, 2020, IS EXEMPT FROM THE PROVISIONS OF CHAPTER 10 OF THE CODE OF THE BOROUGH OF AVALON, 2013
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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	Absent
	Councilwoman Juzaitis	Aye
	Councilman McCorristin	Aye
	Councilman Wierman	Aye
	Council President Hudanich	Aye

Resolution No. 35-2020: A RESOLUTION EXPRESSING SUPPORT OF THE COUNTY OF CAPE MAY APPLYING TO THE UNITED STATES COAST GUARD FOR OFFICIAL DESIGNATION OF CAPE MAY COUNTY AS A "COAST GUARD COMMUNITY"

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

ROLL CALL VOTE:

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

Resolution No. 36-2020: A RESOLUTION GRANTING A 2020 AMUSEMENT GAMES LICENSE TO TWO BITS AMUSEMENTS, INC. FOR PREMISES LOCATED AT 2805-07-09 BOARDWALK, AVALON, NEW JERSEY

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

ROLL CALL VOTE:

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

Resolution No. 37-2020: A RESOLUTION AUTHORIZING THE BOROUGH OF AVALON THROUGH THE AVALON POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE AVALON POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

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

ROLL CALL VOTE:

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

Resolution No. 38-2020: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE SERVICES IN CONNECTION WITH BOROUGH-WIDE AERIAL PHOTOGRAPHY AND TOPOGRAPHIC MAPPING FOR THE LUMP SUM AMOUNT OF FIFTY-NINE THOUSAND DOLLARS (\$59,000.00)

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

ROLL CALL VOTE:

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

February 12, 2020

Resolution No. 39-2020: A RESOLUTION AUTHORIZING RELEASE OF CERTAIN CLOSED SESSION MINUTES OF THE BOROUGH CONCERNING MATTERS THAT HAVE BEEN SETTLED OR CONCLUDED

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

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

Resolution No. 40-2020: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Scott Wahl reported very competitive bids were received February 12, 2020 for the project known as Inlet Drive Stone Removal. The bids are undergoing engineering and legal review, with reports expected to be provided to Council at the February 26, 2020 Work Session. He also announced he will be representing the Borough of Avalon at a meeting with the new 1st District legislators on Friday, February 21, 2020 for an Administrators Roundtable discussion. He indicated he intends to ask for support for a doubling of revenue in the State's beach nourishment fund, and also discuss some amendments to proposed legislation that will soon regulate the installation of wireless facilities. The proposed legislation strips much local control from municipalities over installations in the public right of way.

Pending business.

None.

New business

None.

Public Comments:

None.

Resolution No. 41-2020: 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 INVOLVING ANTICIPATED LITIGATION CONCERNING CONTRACT M-108 WITH WICKBERG MARINE CONSTRUCTION, INC

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

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

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

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

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

Public portion of Regular Meeting recessed at 4:57 p.m.

Public Portion of Regular Meeting reconvened at 5:03 p.m.

Present:

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

Resolution No. 42-2020: A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH WICKBERG MARINE CONTRACTING, INC. REGARDING CONTRACT M-108, RECONSTRUCTION OF VARIOUS BULKHEADS

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

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

Resolution No. 43-2020: 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 PERSONNEL CONCERNING ROTATION OF BOROUGH COUNCIL OFFICES OF PRESIDENT AND VICE PRESIDENT

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

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

February 12, 2020

Motion made by Councilman Wierman seconded by Council President Hudanich to recess the public portion of the Regular Meeting and go into Closed Session.

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

Public portion of Regular Meeting recessed at 5:04 p.m.

Public Portion of Regular Meeting reconvened at 5:07 p.m.

Present:

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

Resolution No. 44-2020: 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 PERSONNEL CONCERNING MAYORAL APPOINTMENTS SUBJECT TO COUNCIL ADVICE AND CONSENT

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

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

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

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

Public portion of Regular Meeting recessed at 5:07 p.m.

Public Portion of Regular Meeting reconvened at 5:18 p.m.

Present:

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

Resolution No. 45-2020: 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 ANTICIPATED, THREATENED, OR PENDING LITIGATION CONCERNING 6128 ODD, LLC V. BOROUGH OF AVALON PLANNING & ZONING BOARD

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

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

Motion made by Councilwoman Juzaitis seconded by Councilman Wierman to recess the public portion of the Regular Meeting and go into Closed Session.

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

Public portion of Regular Meeting recessed at 5:18 p.m.

Public Portion of Regular Meeting reconvened at 5:28 p.m.

Present:

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

Resolution No. 46-2020: 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 INVOLVING ANTICIPATED LITIGATION CONCERNING TIDELANDS CLAIM REGARDING BLOCK 56.04, LOT 42

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

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

February 12, 2020

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

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

Public portion of Regular Meeting recessed at 5:26 p.m.

Public Portion of Regular Meeting reconvened at 5:31 p.m.

Present:

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

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

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

Regular Meeting adjourned at 5:31 p.m.

Respectfully submitted,



C. Danielle Nolle, Borough Clerk



Nancy M. Hudanich, Council President