

July 22, 2020

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, July 22, 2020 at 4:58 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 9 Reporters - - - - - 1

The Meeting was called to order by Council President McCorristin.

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

Also present:
Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
John Roscoe, Captain of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 24, 2020. It was given to the news media and posted on the Official Bulletin Board as required by law.

Minutes:

Reorganization Meeting – July 6, 2020
Public Hearing, Work Session, Regular Meeting – July 8, 2020

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

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

Public comments regarding Resolutions:

None.

<u>Resolution No.</u>	<u>144-2020:</u>	A RESOLUTION APPROVING A CHANGE TO THE MUNICIPAL COURT LOCAL VIOLATIONS BUREAU SCHEDULE TO INCREASE ALL FINES FOR PARKING VIOLATIONS BY THE SUM OF ONE DOLLAR (\$1.00)
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Motion made by Council President McCorristin, seconded by Councilwoman Juzaitis that the resolution be adopted.

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

Resolution No. 145-2020: 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 13.01, LOT 16 (74 EAST 13TH STREET).

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

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

Resolution No. 146-2020: A RESOLUTION AUTHORIZING PAYMENT OF BILLS.

Motion made by Councilman Wierman, seconded by Councilwoman Hudanich that the resolutions be adopted.

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

Second reading, public hearing and final action on Ordinance No. 808-2020:

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that Ordinance No. 808-2020 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 808-2020:

Ordinance No. 808-2020:

AN ORDINANCE AMENDING CHAPTER 8 (TRAFFIC) SECTION 8-14.1 (PROHOBITED PARKING) OF THE CODE OF THE BOROUGH OF AVALON TO ELIMINATE CERTAIN NO PARKING ZONES AND TO REDESIGNATE BAYBERRY DRIVE AS BAYBERRY ROAD.

Council President McCorristin opened the meeting for public hearing on Ordinance No. 808-2020 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>	Council Deever	Absent
	Councilwoman Hudanich	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McCorristin	Aye

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that Ordinance No. 808-2020 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

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

Scott Wahl read the following report:

Earlier this month, Mayor Pagliughi signed Executive Order 2020-15, pertaining to closing of the beach and boardwalk between certain hours. This order restricts individuals utilizing the beach and from 9:00 p.m. to 4:00 a.m. and the boardwalk from 11:00 p.m. to 4:00 a.m. The Mayor has also asked Administration to get the message out to the public by various platforms. Along with our partnership at the Avalon Chamber of Commerce and social media, on that effort alone we were able to reach 31,472 individuals, 7,759 engagements, 113 comments and 123 shares. For the benefit of the community, information can also be found on the municipal website regarding COVID, Tropical Storm Fay, the heat wave, and some other various alerts. For the benefit of the community, the Mayor has extended the prohibition of special events until further notice. For the safety of the community, Avalon will continue to follow Governor Murphy's Executive Orders.

Monthly Reports:

Month of May & June 2020

Bureau of Fire Prevention, Bureau of Licensing, Beach Vehicle Report, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code, and Taxicab Reports submitted by R. Edward Dean.
Zoning Report submitted by Amanda Seltzer.

Month of June 2020

Borough Clerk and Registrar's Reports submitted by C. Danielle Nollett.
Code Enforcement Report submitted by Paul E. Short, Sr.
Municipal Court Report submitted by Deborah Scott.
Municipal Engineering Report submitted by Thomas Thornton.
Police Department Report submitted by Chief Jeffrey Christopher.
Public Works Department Report submitted by William Macomber.
Recreation Revenue Report submitted by Chuck McDonnell.

Motion made by Councilwoman Juzaitis, seconded by Council President McCorristin that the reports be approved.

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

Pending Business:

None.

New Business:

None.

Public Comments:

Doug Macauley, 276 22nd Street, expressed his opposition with regards to the allowance of boutique hotels in the B-1 Business District. He reported the Planning/Zoning Board received a proposal in February 2020 regarding changes to the business zoned area to build a boutique hotel on 21st and 22nd Street. He expressed his concern and the opinion that this re-zoning would drastically change the town. He further expressed his intent to bring this pending Planning/Zoning matter to Council’s attention, and noted Avalon is now faced with a situation that could theoretically change the landscape from 22nd Street to 30th Street. He informed Council of the intent of property owners in that area to protest such a zone change, and explained the reasoning for such a protest by mentioning property values are affected considerably in the R-M Zone by approximately 20-30%.

Martha Wright, 632 7th Street, noted her regular attendance at the Planning/Zoning Board meetings and indicated there was a constituent of nine business owners who appeared before the Board in February 2020 requesting the allowance of boutique hotels in the B-1 Business District. She mentioned Avalon has a Master Plan that is reevaluated every two years, and the opportunity to make such a change could have been explored during the last review period. She expressed the opinion that doing something of this magnitude outside of the Master Planning time table is not appropriate. She also mentioned the last big issue to be discussed in the B-1 Business District was affordable housing, which garnered a large turnout from property owners opposing such a change. She explained if a change of this magnitude is contemplated, all property owners within the B-1 Business District and property owners within 200 feet of the business district must be notified before this change is made. She further expressed concerns about other boutique hotels within other shore communities that have expanded and have changed the landscapes of the areas they inhabit. She suggested allowing boutique hotels on a variance basis, rather than rezoning the B-1 District to always allow that type of development.

Gary Finger, 189 17th Street, expressed support of the Bay Park Marina plans, as well as his happiness with the Kayak Park, as he has been fortunate to have received a slot in the Kayak Park for the last several years. He suggested that Council consider charging a fee for all kayak slips to help offset the maintenance costs of the park.

<u>Resolution No.</u> 147-2020:	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 THE FOLLOWING TWO MATTERS: CONTRACT NEGOTIATIONS TO CONSIDER THE NEED FOR AN EXTENSION OF PROFESSIONAL SERVICE CONTRAT WITH THE LAW FIRM OF CULLEN AND DYKMAN, LLP AS SPECIAL COUNSEL AND ENVIRONMENTAL COUNSEL; AND PENDING LITIGATION IN THE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK BROUGHT BY THE NATIONAL AUDUBON SOCIETY.
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Motion made by Councilwoman Hudanich, seconded by Councilman Wierman that the resolution be adopted.

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

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

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

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

Public portion of Regular Meeting recessed at 5:14 p.m.

Public portion of Regular Meeting reconvened at 5:23 p.m.

Present:

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

Resolution No. 148-2020: A RESOLUTION:

1. AUTHORIZING THE JOINT REAPPOINTMENT OF NEIL YOSKIN, ESQUIRE AND THE LAW FIRM OF CULLEN AND DYKMAN LLP AS SPECIAL ENVIRONMENTAL AND LITIGATION COUNSEL (“SPECIAL COUNSEL”) FOR A ONE-YEAR TERM COMMENCING JULY 1, 2020 IN CONJUNCTION WITH AN EXISTING SHARED SERVICES AGREEMENT AMONG THE BOROUGH OF AVALON, THE BOROUGH OF STONE HARBOR, AND THE CITY OF NORTH WILDOOD FOR ALL MATTERS RELATING TO THE COASTAL BARRIER RESOURCES ACT AND THE INTERPRETATION AND ENFORCEMENT THEREOF; AND
2. AUTHORIZING AMENDMENTS TO AND THE EXTENSION OF THE EXISTING SHARED SERVICES AGREEMENT AMONG THE BOROUGH OF AVALON, THE BOROUGH OF STONE HARBOR, AND THE CITY OF NORTH WILDOOD WHICH AGREEMENT IS DATED AND EFFECTIVE AS OF MAY 1, 2019; AND
3. AUTHORIZING SPECIAL COUNSEL TO INTERVENE IN OR TAKE SUCH OTHER ACTION WHICH SPECIAL COUNSEL DEEMS APPROPRIATE WITH RESPECT TO CERTAIN LITIGATION NOW PENDING THE UNITED STATES FEDERAL DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK AND/OR SUCH OTHER LITIGATION WHICH MAY BE RELATED THERETO.

July 22, 2020

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


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

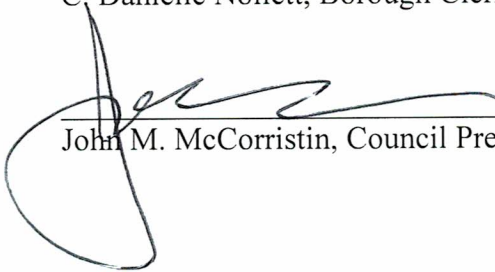
Motion made by Councilwoman Hudanich, seconded by Councilwoman Juzaitis to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 5:24 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


John M. McCorristin, Council President