

September 9, 2020

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, September 9, 2020 at 4:20 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 McCorristin.

<u>Roll call:</u>	Council President McCorristin	Present
	Councilman Deever	Present
	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
Jeffrey Christopher, Chief 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:

Work Session, Regular Meeting– August 26, 2020

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

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

Public comments regarding Resolutions:

Martha Wright, 632 7th Street, referenced the Resolution requesting permission for a Dedication by Rider for the Environmental Trust Fund, and expressed concerns about the Trust Fund, specifically section 24.3c. She noted there is a list of suggested applications including protection, preservation and enhancement of the beach and dunes, and increase access to the beach and bay, however asked what specific things the Fund will be used for, and if beach replenishment is an intended purpose.

James Waldron replied this Ordinance has outlined categories for which Council may use the funds, however any expenditure from the fund is specific to the project with every project being approved by Council on a case-by-case basis. By way of background, from time to time, the Department of Environmental Protection (DEP) has imposed conditions on owners and developers which requires certain conditions when granting permits. For example, on waterfront property, property owners must provide public access. In lieu of providing public access on their private property, there is the option to pay the cost of what that access would be to the Borough for use in connection with Environmental projects within the Borough. In years past, it was required that those projects be approved by the DEP and the Borough prior to using the funding. That rule has since been modified; therefore, the Borough is able to accumulate funds from various sources that would be used for a particular environmental project at the discretion of the governing body. In this case, there are a number of deposits that are being received from builders

James Waldron (continued) and developers, which is being deposited into a trust fund. Under the current structure, the Borough does not have the means to accumulate that money from budget year to budget year. At the end of each budget year, those funds disappear into the general fund and must be re-appropriated. The Environmental Trust Fund will allow the accumulation of funds, which will extend beyond any particular budget year. When a project is identified, for example beach replenishment, and it is Council’s desire to use that money to fund all or a portion of that project, that action must come before Council for a specific, affirmative Resolution approving that project. There is no blanket pre-approval of any project or type of project through this program. There is a broad category of what it can be used for, but every expenditure is case specific.

Councilwoman Hudanich added this is two-fold. Council is placing an encumbrance for the dedication of this fund and the mechanism to carry it from budget cycle to budget cycle. This is also part of mitigation and replenishment efforts by developers, so the genesis goes back to that.

Martha Wright expressed her concerns regarding items within the policy allowing for the funding to be used for educational activities designed to increase public awareness of environmental issues and concerns and other projects of the same or similar nature. She voiced her opposition for Council to use this fund to beautify the islands on Dune Drive. She also noticed the Environmental Commission does not seem to be involved with this fund and suggested the Environmental Commission be consulted when allocating funds from the trust fund. She also spoke in support of promoting indigenous planting and things to help wildlife and bird migration.

Councilwoman Hudanich added the involvement of the Environmental Commission is implied.

Martha Wright requested the policy be redrafted to explicitly require consultation of the Environmental Commission.

Councilwoman Hudanich explained Council is approving the financial component, which is the reason behind the policy.

Martha Wright asked Council not to consider using the funding for memorial benches on the boardwalk and noted she is not enthusiastic about the hyper maintenance of Avalon and the constant desire to crush anything natural and put it in a box, while mentioning Avalon’s approved plant list does not include white cedar or native evergreens that really thrive on the island.

Council President McCorristin agreed to take these suggestions under advisement and explained the intent of this policy is to have money dedicated for environmental projects to avoid the funding being absorbed into the general fund.

Martha Wright spoke in support of the spirit of the fund.

<u>Resolution No.</u>	<u>159-2020:</u>	A RESOLUTION AUTHORIZING PAYMENT TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH CONTRACT M-116, 8 TH STREET JETTY REPAIRS FOR AN ADDITIONAL AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$65,600.00)
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Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that the resolution be adopted.

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

Resolution No. 160-2020: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH D.A. NOLT, INC. FOR CONTRACT M-119, ROOF REPLACEMENT AND REPAIRS AT AVALON BOROUGH HALL IN THE AMOUNT OF FOUR HUNDRED SIXTY-SEVEN THOUSAND SIX HUNDRED TWENTY-TWO DOLLARS (\$467,622.00)

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

ROLL CALL VOTE:

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

Resolution No. 161-2020: A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATON BY RIDER FOR ENVIRONMENTAL TRUST FUND.

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

ROLL CALL VOTE:

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

Resolution No. 162-2020: A RESOLUTION AUTHORIZING THE RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LICENSES IN THE BOROUGH OF AVALON, CAPE MAY COUNTY, NEW JERSEY FOR THE LICENSE TERM OCTOBER 1, 2020 THROUGH JUNE 30, 2021

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

ROLL CALL VOTE:

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

Resolution No. 163-2020: A RESOLUTION AUTHORIZING THE RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LICENSES IN THE BOROUGH OF AVALON, CAPE MAY COUNTY, NEW JERSEY FOR THE LICENSE TERM OCTOBER 1, 2020 THROUGH JUNE 30, 2021

Resolution No. 164-2020: A RESOLUTION REQUESTING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL TO ACT UPON THE RENEWAL APPLICATION OF THE AVALON YACHT CLUB, CLUB LICENSE NO. 0501-31-010-004, FOR THE LICENSE TERM OCTOBER 1, 2020 THROUGH JUNE 30, 2021

Resolution No. 165-2020: A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE ON BEHALF OF 21ST STREET CORPORATION T/A JACK'S PLACE LICENSE NO. 0501-33-004-003 FOR LICENSE TERM OCTOBER 1, 2020 THROUGH JUNE 30, 2021 AS AN INACTIVE LICENSE

Motion made by Council President McCorristin, seconded by Councilman Deever that the resolutions be adopted.

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

Resolution No. 166-2020: A RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION WITH RESPECT TO BEACH PATROL BONUSES

Resolution No. 167-2020: A RESOLUTION APPROVING CERTAIN BONUS PAYMENTS FOR ELIGIBLE MEMBERS OF THE AVALON BEACH PATROL AND ELIGIBLE BEACH TAG INSPECTORS FOR THE 2020 SEASON; ADJUSTING THE ELIGIBILITY REQUIREMENTS FOR BEACH TAG INSPECTORS AND AUTHORIZING THE PAYMENT THEREOF

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

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

Resolution No. 168-2020: A RESOLUTION AUTHORIZING PAYMENT OF
BILLS

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

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

Second reading, public hearing and final action on Ordinance No. 810-2020:

Motion made by Councilwoman Hudanich, seconded by Councilman Deever that Ordinance No. 810-2020 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 810-2020:

Ordinance No. 810-2020:

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN ENVIRONMENTAL TRUST FUND AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SEEK APPROVAL FROM THE DIVISION OF LOCAL GOVERNMENT SERVICES WITHIN THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR A DEDICATION BY RIDER PURSUANT TO N.J.S.A. 40A:4-39 OF THE LOCAL BUDGET LAW OF NEW JERSEY

Council President McCorristin opened the meeting for public hearing on Ordinance No. 810-2020 and asked if there were any questions or comments.

Councilwoman Hudanich stated the focus of this is the budgetary and financial aspect and questioned if Section 24.3, could be amended to state “approval of Council after recommendation from the Environmental Commission.” She requested clarification from Administration if this conversation is appropriate or if this is strictly a financial Ordinance.

James Waldron stated as far as the Department of Community Affairs is concerned, all they are interested in is the Resolution. Administration has taken the added step of creating an Ordinance, because it is understood this money will come from different aspects. Because this is a Dedication by Rider and it involves the expenditure of money, it was limited solely to Borough Council because of the finances. The Environmental Commission is an advisory body and has no power over the expenditure of Borough funds. Certainly, there is nothing within this Ordinance that precludes Council from asking for advisory opinions from the Environmental Commission, Planning/Zoning Board, or independent consultants such as the Wetland Institute or Mr. Lomax, all of which are available for referral in any case that Council should elect to make that referral.

Councilwoman Hudanich noted she didn’t think it was appropriate to have the conversation, but she wanted to ask the question and revisit number 4 Beach Management Plan and to use the correct expenditure of the money.

James Waldron stated it is very clear that any expenditure of funds must be consistent with the Borough’s obligation under the State Aid Agreement and the Beach Management Plan, while noting the Beach Management Plan is in the process of being negotiated.

Motion made by Councilwoman Hudanich, seconded by Councilman Deeever that the public hearing be closed.

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

Motion made by Councilwoman Hudanich, seconded by Councilman Deeever that Ordinance No. 810-2020 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

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

None

Pending Business:

None

New Business:

None

Public Comments:

Council President McCorristin commended the contractors hired by the Borough for trash collection, and noted the trash was being collected in a very timely fashion.

<u>Resolution No. 169-2020:</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 PERSONNEL ISSUES INCLUDING MATTERS WITHIN ATTORNEY-CLIENT PRIVILEGE
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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 Deeever	Aye
	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 Regular Meeting and go into Closed Session.

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

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

Public portion of Regular Meeting recessed at 4:39 p.m.

Public Portion of Regular Meeting reconvened at 5:24 p.m.

Present:

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

Resolution No. 170-2020: 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 CONTRACT NEGOTIATIONS
INVOLVING A POTENTIAL SHARED
SERVICES AGREEMENT WITH THE
BOROUGH OF STONE HARBOR

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

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

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

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

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

Public portion of Regular Meeting recessed at 5:24 p.m.

Public Portion of Regular Meeting reconvened at 5:37 p.m.

Present:

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


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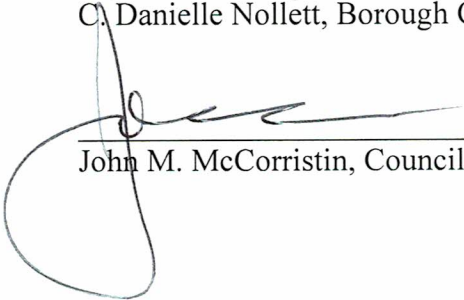
Motion made by Council President McCorristin, seconded by Councilman Deever to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 5:37 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


John M. McCorristin, Council President