

January 27, 2021

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, January 27, 2021 at 5:40 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 4

Reporters - - - - - 2

The meeting was called to order by Council President Hudanich.

<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
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Jeffrey R. Christopher, Police Chief
William McCormick, Director of Public Works/Utilities
Paul Short, Code Enforcement Official

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, Closed Session – January 13, 2021

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

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

Public comments regarding Resolutions:

None.

Resolution No. 25-2021: A RESOLUTION APPROVING THE CERTIFIED LIST OF INDIVIDUALS QUALIFYING FOR 2020 LENGTH OF SERVICE PROGRAM CREDITS

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

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

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Resolution No. 26-2021:

A RESOLUTION APPROVING THE SELECTION OF A MEDIATOR, THE MEDIATION AND RETAINER AGREEMENT AND THE SCHEDULE OF FEES IN THE MATTER OF MATHIS CONSTRUCTION CO AND THE BOROUGH OF AVALON PERTAINING TO CONTRACT 55

Motion made by Councilwoman Hudanich seconded by Councilman Deeever that the resolution be adopted.

ROLL CALL VOTE:

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

Resolution No. 27-2021:

A RESOLUTION RATIFYING THE AGREEMENT BETWEEN THE BOROUGH OF AVALON AND POLICE CHIEF FOR A THREE (3) YEAR TERM COMMENCING JANUARY 1, 2021

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

ROLL CALL VOTE:

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

Resolution No. 28-2021:

A RESOLUTION AUTHORIZING JOSEPH S. CLARK, QUALIFIED PURCHASING AGENT FOR THE BOROUGH OF AVALON, TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR BOROUGH CONTRACT 21-02, 2021 DUNE DRIVE REPLANTING 19TH STREET – 34TH STREET

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

ROLL CALL VOTE:

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

Resolution No. 29-2021:

A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

ROLL CALL VOTE:

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

Ordinance:

Introduction and first reading by title only of Ordinance No. 816-2021:

Motion made by Council President McCorristin, seconded by Councilman Deeever that Ordinance No. 816-2021 be brought on for second reading, public hearing and final action.

ROLL CALL VOTE:

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

Borough Clerk read aloud Ordinance No. 816-2021:

Ordinance No. 816-2021:

AN ORDINANCE SUSPENDING THE OPERATION OF CERTAIN BOROUGH ORDINANCES FOR THE DURATION OF THE COVID-19 PANDEMIC TO THE EXTENT THAT SUCH ORDINANCES CONFLICT WITH ANY STATE GUBERNATORIAL EXECUTIVE ORDER AND/OR ANY MUNICIPAL MAYORAL EXECUTIVE ORDER

Motion made by Council President McCorristin, seconded by Councilman Deeever passed on first reading and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman 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:

Scott Wahl read the following report:

Back Bay Dredging: There is notice on the Borough’s website regarding a back bay dredging project being conducted by the Army Corps of Engineers. A dredge from Barnegat Bay Dredging Company will be dredging near Nummy Island, and then move to eliminate some shoaling in the Intracoastal Waterway between markers 366 and 368.

Open Space Application: The Cape May County Commission held a meeting late Tuesday afternoon. The Commission heard discussion of the Borough of Avalon’s application for an application to the Cape May County Open Space Program in the amount of \$1,110,576.71. This funding will be used for various public access enhancements at Avalon’s Bay Park Marina. A 45-day public comment period has begun with final approval anticipated from the Commission in late March, 2021.

Public Comment/Hazard Mitigation Plan: The County has entered the public comment period on the 2021 update to the Hazard Mitigation Plan. A link to the plan is posted on the front page of the Borough’s website if any members of the public wish to comment on it. I’ve also migrated it to our social media page. The social media page is now followed by 13,871 individuals.

County COVID Update: I attended a meeting in behalf of the Mayor with other mayors as we received updates on the County’s position of COVID-19 vaccinations. Avalon Community Hall continues to be used, and the universal message is to sign up on the State’s website and wait for the emailed appointment. Through various offices, the Borough has received its fair share of calls regarding the vaccinations and staff has been as helpful as possible while pointing out this is a County program and our building is being used. The County is ready to open up a second vaccination center upon delivery of more vaccines. Several hundred vaccines arrive weekly to the County. I attended a second meeting on COVID this morning and the County is promoting its COVID hotline number which is 609-463-6581. I asked the purpose of this hotline. To be clear, this is NOT to register to get a vaccination; it is intended to help people understand the vaccination registration process and general COVID-related issues. The recent seven-day average for new cases in the County is 44; currently, Avalon has three active resident cases.

Capital Projects: The roof replacement on Borough Hall is slightly ahead of schedule and work will transition over to the Senior Center before the weekend. County Engineer Bob Church told me work has been progressing at a good pace on the Ingram’s Thorofare Bridge and that project is slightly ahead of schedule due to favorable weather conditions.

Monthly Reports:

Month of August, October, November 2020

Amended Water Sewer Control Account Reports submitted by Alexis Coan

Month of December 2020

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

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.

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

Municipal Engineering Report submitted by Thomas Thornton

Municipal Court Report submitted by Wendy Torroni.

Police Department Report submitted by Chief Jeffrey Christopher.

Public Works Department Report submitted by William McCormick.

Recreation Revenue Report submitted by Chuck McDonnell.

Tax Collector & Water Sewer Control Account Reports submitted by Alexis Coan (original and amended)

Zoning Report submitted by Amanda Seltzer.

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

ROLL CALL VOTE:

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

Pending business:

None.

New business:

None.

Public Comments:

Alison Grillo, reporter for the Atlantic City Press, asked how many members of the public were physically present for the Regular Meeting.

Scott Wahl replied zero.

Martha Wright, 632 7th Street, thanked Council for considering the concept of livestreaming the meetings and voiced concerns of what could be construed as stifling public comments made by Allison Grillo. She noted public comments cannot be limited to agenda items only. She thanked Council for identifying themselves when making motions for those listening from home.

Nicole Curio, Borough Solicitor, responded by noting the statement made by Mr. Wahl limiting public comments to agenda items was an error; however, public comments should be members of the public addressing the governing body, rather than a question-and-answer session. She advised Council of her opinion that Mr. Wahl acted appropriately by requesting that Ms. Grillo contact him directly to answer questions she may have.

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Resolution No. 30-2021:

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 CONCERNING A POTENTIAL AGREEMENT WITH THE COUNTY OF CAPE MAY FOR DISPATCH SERVICES

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

ROLL CALL VOTE:

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

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

ROLL CALL VOTE:

Councilman 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 5:52 p.m.

Public Portion of Regular Meeting reconvened at 6:09 p.m.

Present:

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

Resolution No. 31-2021:

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 POTENTIAL SALE, LEASE, OR ACQUISITION OF REAL PROPERTY AND CONTRACT NEGOTIATIONS CONCERNING SALE OR EASEMENT OF ALL OR A PORTION OF BOROUGH OWNED LAND KNOWN AS BLOCK 83, LOT 1.01

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

ROLL CALL VOTE:

Councilman 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.

ROLL CALL VOTE:

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

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

Public portion of Regular Meeting recessed at 6:10 p.m.

Public Portion of Regular Meeting reconvened at 6:42 p.m.

Present:

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

Resolution No. 32-2021: 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 PENDING LITIGATION CONCERNING AUDUBON SOCIETY V. US SECRETARY OF THE INTERIOR ET ALS. AND INTERVENORS BOROUGH OF AVALON, BOROUGH OF STONE HARBOR, AND CITY OF NORTH WILDWOOD

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

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

Motion made by Council President McCorristin, 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	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 6:43 p.m.

Public Portion of Regular Meeting reconvened at 6:55 p.m.

Present:

Councilman Deever
Councilwoman Hudanich
Councilwoman Juzaitis
Council 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.

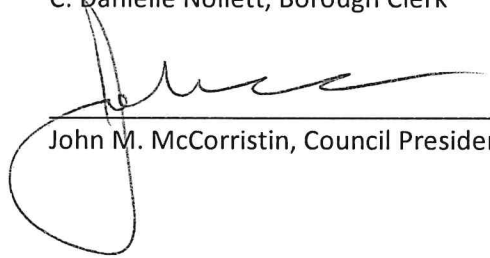
<u>ROLL CALL VOTE:</u>	Councilman Deever	Aye
	Councilwoman Hudanich	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McCorristin	Aye

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Regular Meeting adjourned at 6:55 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


John M. McCorristin, Council President