

June 23, 2021

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, June 23, 2021 at 5:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey

Attendance: Public - - - - - 5

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:

Mayor Pagliughi

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Nicole Curio, Esquire, Borough Solicitor

Paul Short, Code Enforcement Official

William McCormick, Director of Public Works/Utilities

Jeffrey R. Christopher, Chief of Police

Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald

Joseph Maffei, Planning Board Engineer

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 – June 9, 2021

Motion made by Councilman McCorristin, seconded by Councilman Wierman 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.

<u>Resolution No. 127-2021:</u>	A RESOLUTION DESIGNATING AND ESTABLISHING MEETING DATES FOR THE GOVERNING BODY OF THE BOROUGH OF AVALON (CH. 231 P.L. 1975, OPEN PUBLIC MEETINGS ACT) FOR THE PERIOD FROM JULY 1, 2022 THROUGH JUNE 30, 2022
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Motion made by Councilwoman Juzaitis, seconded by Council President McCorristin 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. 128-2021:

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF AVALON AUTHORIZING THE ADOPTION OF THE 2021 CAPE MAY COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE.

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

ROLL CALL VOTE:

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

Resolution No. 129-2021:

A RESOLUTION AUTHORIZING CHANGE ORDER NOS. 1 & 2 FOR ROOF REPLACEMENT AND REPAIRS AT AVALON BOROUGH HALL, CONTRACT M-119

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

Resolution No. 130-2021:

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF DUNE DRIVE – SOUTHBOUND BETWEEN 74TH AND 76TH STREETS

Motion made by Councilwoman Hudanich, 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

Resolution No. 131-2021:

A RESOLUTION AUTHORIZING GARRISON ARCHITECTS TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR CONTRACT GA 19-49, AVALON FIRE DEPARTMENT 2021 STATION ADDITION AND RENOVATIONS

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

ROLL CALL VOTE:

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

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Resolution No. 132-2021: A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF A CLASS IV MEMBER, ALTERNATE #3 TO THE PLANNING/ZONING BOARD OF THE BOROUGH OF AVALON

Motion made by Councilman Wierman, seconded by Councilman Deever 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

Resolution No. 133-2021: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR PENNSYLVANIA HARBOR DREDGING PROJECT

Motion made by Councilman Wierman, seconded by Councilman Deever 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

Resolution No. 134-2021: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Councilman Deever, seconded by Councilwoman Hudanich 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

C. Danielle Nollett announced Ordinance 825-2021 has been deferred until July 14, 2021 meeting.

Second reading, public hearing and final action on Ordinance No. 821-2021:

Motion made by Councilwoman Juzaitis, seconded by Councilwoman Hudanich that Ordinance No. 821-2021 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 821-2021:

Ordinance No. 821-2021:

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 26 ENTITLED 7 SUBDIVISION AND SITE PLAN REVIEW AND CHAPTER 27 ENTITLED 8 ZONING OF THE CODE OF THE BOROUGH OF AVALON PERTAINING TO 9 CERTAIN DEFINITIONS

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Motion made by Councilwoman Juzaitis, seconded by Councilwoman Hudanich that Ordinance 821-2021 be amended to sever and delete portions of Section 2 pertaining to Chapter 27 to delete all reference to "Floor Area Ratio (FAR)" and "Parking, Semi-Enclosed" and retaining the definitions of "Cabana" and "Pavilion".

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

Council President McCorristin opened the meeting for public hearing on Ordinance No. 821-2021 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Councilwoman Juzaitis, seconded by Councilwoman Hudanich that Ordinance No. 821-2021 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman 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. 822-2021:

Motion made by Councilwoman Hudanich, seconded by Councilwoman Juzaitis that Ordinance No. 822-2021 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 822-2021:

Ordinance No. 822-2021:

AN ORDINANCE PROHIBITING ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF AVALON AND AMENDING ORDINANCE 781-2018 WHICH AMENDED AND SUPPLEMENTED CHAPTER 27 ENTITLED "ZONING" OF THE AVALON BOROUGH CODE PERTAINING TO THE SALE OF MARIJUANA AND DECLARNG SUCH SALE TO BE A PROHIBITED USE WITHIN ALL ZONING DISTRICTS IN THE BOROUGH OF AVALON AND READOPTING ORDINANCE 781-2018 AS AMENDED

Council President McCorristin opened the meeting for public hearing on Ordinance No. 822-2021 and asked if there were any questions or comments.

Hugh Giordano, United Food and Commercial Workers Local 152 Union, spoke in opposition of this Ordinance, making the argument that cannabis consumption and businesses supporting that activity generate tax revenues and create jobs, and are aligned with voter choice as well as options for ill individuals. He advised Council to review an Ordinance passed by Bayonne supporting labor rights, community and security standards. He also spoke in support of giving citizens the option to participate in meetings via telephone conference to allow disabled individuals an opportunity to voice their opinions.

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

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

Motion made by Councilwoman Hudanich, seconded by Councilwoman Juzaitis that Ordinance No. 822-2021 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman 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. 823-2021:

Motion made by Councilwoman Hudanich, seconded by Councilwoman Juzaitis that Ordinance No. 823-2021 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 823-2021:

Ordinance No. 823-2021:

AN ORDINANCE ESTABLISHING SMOKE-FREE ENVIRONMENTS WITHIN THE BOROUGH OF AVALON INCLUDING PROHIBITING THE SMOKING OF TOBACCO, CANNABIS AND CANNABIS MATERIALS OR ANY OTHER SUBSTANCES WHICH CAN BE SMOKED OR THE INGESTION THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND AMENDING AND SUPPLEMENTING CHAPTER 18 OF THE AVALON BORORUGH CODE ENTITLED HEALTH AND SAFETY

Council President McCorristin offered clarification on the delineation of this Ordinance adding Council is not eliminating usage or allowability of these substances, but rather creating smoke-free environments.

Council President McCorristin opened the meeting for public hearing on Ordinance No. 823-2021 and asked if there were any questions or comments.

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

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

Motion made by Councilwoman Hudanich, seconded by Councilwoman Juzaitis that Ordinance No. 823-2021 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<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. 135-2021:

A RESOLUTION DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181 CONCERNING THE EFFECTIVE DATE OF ORDINANCE NO. 823-2021

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

ROLL CALL VOTE:

Councilman 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. 824-2021:

Motion made by Councilman Deever, seconded by Councilman Wierman that Ordinance No. 824-2021 be brought on for second reading, public hearing and final action.

ROLL CALL VOTE:

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

Borough Clerk read aloud Ordinance No. 824-2021:

Ordinance No. 824-2021:

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF THE BOROUGH OF AVALON, TO WIT, CHAPTER 12 SECTION 7 "DOGS PROHIBITED FROM CERTAIN PLACES"

Council President McCorristin opened the meeting for public hearing on Ordinance No. 824-2021 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Deever, seconded by Councilman Wierman that the public hearing be closed.

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 that Ordinance No. 824-2021 be finally adopted, submitted to the Mayor for approval and advertised according to law.

ROLL CALL VOTE:

Councilman Deever	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.

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Monthly Reports:

Month of May, 2021:

Borough Clerk and Registrar's Report submitted by C. Danielle Nollett.
Bureau of Fire Prevention, Bureau of Licensing, Miscellaneous Construction Collection,
Construction Water and Sewer, Uniform Construction Code & Taxicab Reports submitted by R.
Edward Dean.
Code Enforcement Report submitted by Paul E. Short, Sr.
Municipal Court Report submitted by Wendy Torroni.
Municipal Engineering Report submitted by Thomas Thornton.
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 Eleanor Cifaloglio.
Zoning Report submitted by Amanda Seltzer.

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

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

Pending business

None.

New business

None.

Public Comments

Council President McCorristin offered thanks to Councilwoman Hudanich and Councilman Deever for their many years of service and wished them well in their futures.


Councilwomen Juzaitis expressed gratitude to Council President McCorristin for his tireless efforts leading Council during the COVID-19 pandemic.


Motion made by Councilwoman Hudanich, 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

Regular Meeting adjourned at 5:16 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Barbara L. Juzaitis, Council President