

January 24, 2024

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, January 24, 2024, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public ----- 2

Reporters ----- 0

Remote Attendance: Public ----- 7

Reporters ----- 1

The Meeting was called to order by Council President McDermott.

<u>Roll call:</u>	Council President McDermott	Present
	Councilwoman Coskey	Present
	Councilman Johnson	Present
	Councilwoman Juzaitis	Present
	Councilman Wierman	Present

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
William McCormick, Director of Public Works/Utilities
Jeffrey Christopher, Police Chief
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Paul Short, Code Enforcement Official
Ken Koches, Middlesex Water Company

Council President McDermott read the Open Public Meetings Act Announcement.

Notice of this Council Meeting was included the annual Schedule of Meetings dated July 12, 2023. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President McDermott read the following statement:

"For the convenience of the public, the Borough is offering the option of public comment via remote access as described herein. Public who participates remotely will be muted during the Council Meeting except at the public comment portion of the meeting. Any person attempting to disrupt the remote broadcast of a meeting may be denied access at the discretion of the person administering the meeting. Public is reminded of a five-minute limit per comment. In the event remote access is unavailable due to a technology malfunction, or other reason beyond the Borough's control, the Borough will not pause or stop the live meeting. Borough Council Meetings are held in person with no capacity limits on attendance at a meeting. The best way to ensure an individual's ability to publicly comment is to attend in person so that comments may be made in the event of a technology malfunction. The Borough reserves the right to discontinue offering public comment via remote access at its discretion for any future meeting."

Discussion regarding Resolution issuing an Amusement Games License to Two Bits Amusements, Inc.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 14, 2024 Council Meeting.

Discussion regarding Resolution authorizing certain approved State contract vendors.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 14, 2024 Council Meeting.


Discussion regarding bids received for the project known as Contract M-136, 78th Street Water and 29th Street Sewer Improvements.

Thomas Thornton reported six bids were received on January 10, 2024 for this project, which includes the replacement of a 2-inch galvanized water main on 78th Street between Ocean Drive and Sunset Drive, and the replacement of a half-block of sewer main on 29th Street between Ocean Drive and Dune Drive. The bids received were very competitive, with the low bid being within one percent of the Engineer's estimate. That bid was submitted by Mathis Construction Company, Inc., and it is recommended that the Borough award this contract to the lowest bidder.

Council agreed to proceed with Resolutions to be considered at today's Council Meeting.

Presentation of the Borough of Avalon’s Communication Plan on Water Conservation in 2024.

Scott Wahl gave the following presentation:

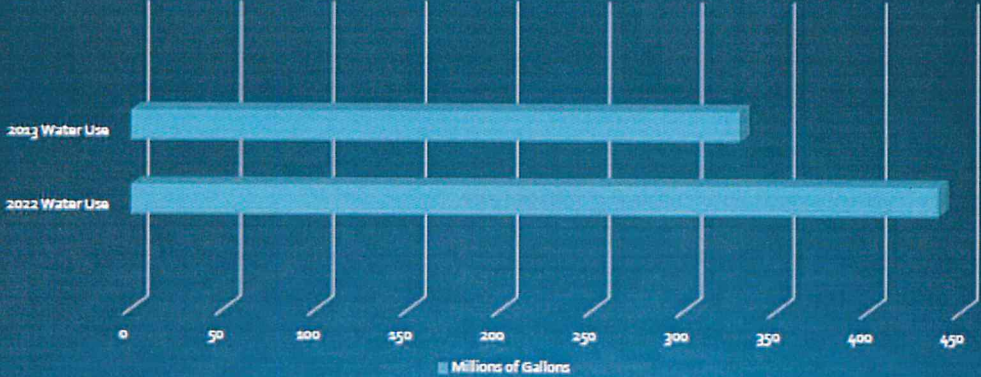


Water Consumption in the Borough of Avalon

January 24, 2024

Cumulative Water Use: 2013 v. 2022

Millions of Gallons




Year	Cumulative Water Use (Millions of Gallons)
2013	~330
2022	~440

Special note: Water use in June 2013 was 44,000,000 gallons; June 2023 was 70,000,000

New Jersey Water Allocation Permit

A Water Allocation Permit is required for the diversion of ground and/or surface water in excess of 100,000* gallons per day for a period of more than 30 days in a 365 consecutive day period, for purposes other than agriculture, aquaculture or horticulture. This includes water diversions for public water supply, industrial processing and cooling, irrigation, sand and gravel operations, remediation, power generation, and other uses. For these use types diversion limits are set within a Water Allocation Permit, Water Use Registration, or Permit-by-Rule. **Avalon has a Water Allocation Permit for 502,000,000 gallons of water annually.**



2013: Avalon reached 65.7 percent of its water allocation permit
2022: Avalon reached 87.2 percent of its water allocation permit

How Is Water Provided to Avalon?



Avalon has five water wells with the goal of running four peak season (May 15-October 15), and one as a backup:

- 12th Street and Ocean Drive
- 13th Street and Dune Drive
- 30th Street, near the Public Safety Complex
- 38th Street and Dune Drive
- 67th Street and Dune Drive

In 2023, all five wells were running 24/7 at times during peak season. The 30th Street well needs mechanical service

Note: To install a fifth water well or a third water tower would involve many years of expensive permitting and millions of dollars in construction costs.

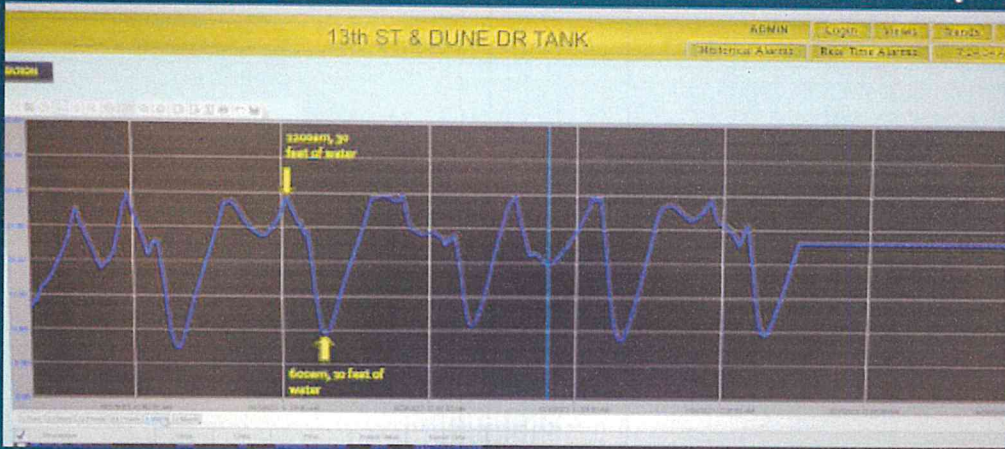
Excessive Water Use: Irrigation



Our community has more larger homes and a proliferation of swimming pools. However, it is proven that irrigation is by far the largest water use in the Borough, not only on properties but by the Borough itself.

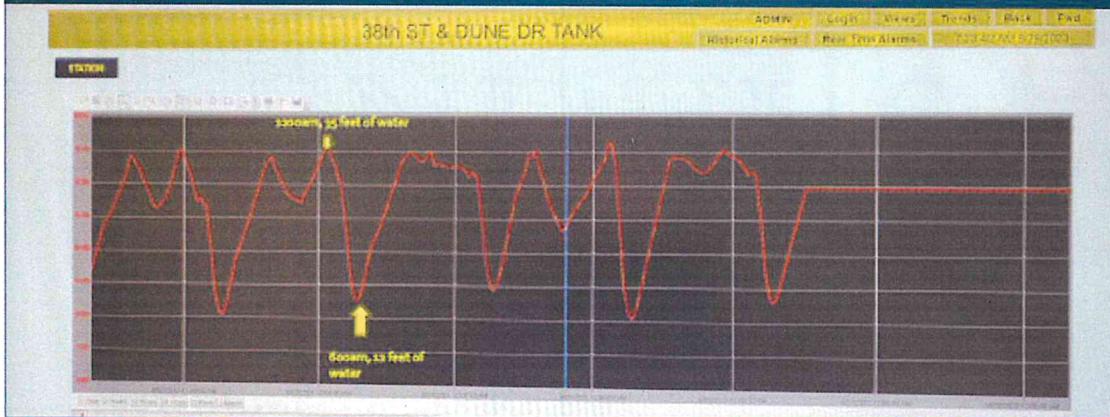
How can we make that conclusion?

Exhibit: 13th Street Water Tower Graph



The 13th Street water tower has a 250,000 gallon tank. At midnight each day, the tank has 25-30 feet of water. By sunrise, the tank has 10 feet of water, or less due to daily irrigation, with all wells working at full capacity.

Exhibit: 38th Street Water Tower



The 38th Street Water Tower is a 500,000 gallon tank. Each day at midnight, there is approximately 35 feet of water in the tank. By 6:00am, there is 12 feet of water in the tank, with all wells operating at full capacity.

2012-Water Irrigation Ordinance

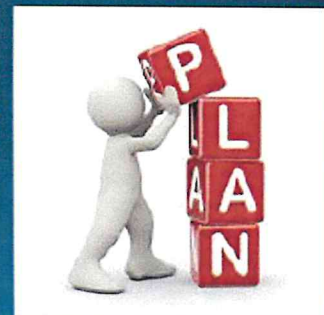
Avalon amended Chapter 14 to include two zones for every other day watering, with no watering allowed on Monday. Times were restricted to Midnight-9:00am. Smart technology controllers and rain sensors were required for all new installs of irrigation.

We see irrigation running during daylight hours, spraying on curbs and sidewalks, daily irrigation of certain properties, irrigation during rainstorms, and other circumstances



Suggestion for Plan Moving Forward

1. Education campaign to inform property owners about Borough ordinance, expectations to comply.
2. Utilize both Spring and Fall, 2024 newsletters to educate, along with a social media campaign
3. Engage all landscapers who do work in our community with the Borough ordinance with recommendations to check rain sensors and timers to comply with the ordinance
4. Have a flier that can be distributed to property owners when it is noticed compliance is not followed
5. Investigate Borough irrigation systems for compliance and working rain sensors for ordinance compliance. Funds are placed in the Mayor's budget for consideration to upgrade irrigation, where necessary, to comply with the existing ordinance.



Ken Koches thanked Scott Wahl and the Department of Public Works for conducting this test in August to prove irrigation as the number one aggravating cause of water usage, further noting the strain on all other wells was lessened when the Borough reduced its irrigation schedule. In summation, this was a small experiment that succeeded, and more success is anticipated if property owners comply.

Scott Wahl stressed the importance of educating property owners about the irrigation Ordinance.

After brief discussion, Council expressed appreciation for the presentation and supported this initiative.

Councilwoman Juzaitis suggested evaluating all irrigation of the planted islands on Dune Drive to avoid runoff into the street.

William McCormick responded that evaluation is an ongoing process, and some corrective action has been taken to date.

Discussion regarding Resolution releasing all previously imposed Deed Restrictions pertaining to conditions such as minimum lot size, minimum square footage, and two-story height restrictions.

Nicole Curio explained any time a municipality releases deed restrictions or waives any other restrictions on a property that has been deeded over, the governing body is required to adopt a Resolution to that affect, as well as hold a public hearing in advance of the Resolution adoption. In 2020, the Borough of Avalon held a global public hearing releasing all restrictions and adopting a new restriction release policy; however, the requirement for the application process and release of deed restrictions individually by Resolution was still required. Council is now being asked to amend the process further and take formal action upon a global Resolution after another global hearing addressing all properties sold by the Borough prior to 1979. The Resolution would release all existing site improvement deed restrictions previously imposed on those properties when sold, including minimum lot size requirement, first floor square footage minimum, and a two-story height restriction. This Resolution sets a date and time for the final global hearing whereby after that, Council may pass a final Resolution on the matter in addition to adopting a new Ordinance amending the current process. The new process eliminates much of the administrative process, and allows the global Resolution to serve as Council's approval that these restrictions are officially released. The Borough Clerk and Solicitor will continue to review every application for consistency and compliance with the new policy.

Council agreed to proceed with a Resolution and Ordinance to be considered at today's Council Meeting.

Minutes:

Council Meeting, Closed Session – January 10, 2024

Motion made by Council President McDermott, seconded by Councilwoman Coskey that the minutes be approved as submitted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilman Johnson	Aye
Councilwoman Juzaitis	Aye
Councilman Wierman	Aye
Council President McDermott	Aye

Public comments regarding Resolutions:

None.

Council President McDermott asked if any Councilmember wished to have any Resolution acted upon independently of the consent agenda.

There were no requests from any member of Borough Council to act upon any Resolutions independently.

<u>Resolution No. 25-2024:</u>	A RESOLUTION AUTHORIZING THE USAGE OF CONTRACTS WITH EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) #65-MCESCCPS COOPERATIVE PRICING SYSTEM FOR THE 2024 CALENDAR YEAR
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<u>Resolution No. 26-2024:</u>	A RESOLUTION AUTHORIZING THE USAGE OF CONTRACTS WITH CAMDEN COUNTY EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM #66CCEPS FOR THE 2024 CALENDAR YEAR
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<u>Resolution No. 27-2024:</u>	A RESOLUTION APPROVING THE CERTIFIED LIST OF INDIVIDUALS QUALIFYING FOR 2023 LENGTH OF SERVICE PROGRAM CREDITS
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<u>Resolution No. 28-2024:</u>	A RESOLUTION ACCEPTING THE QUOTE OF FOLEY, INC. OF PISCATAWAY, NJ FOR A PORTABLE GENERATOR TO PROVIDE STANDBY ELECTRICAL POWER TO AN EVACUATION SHELTER ON AN AS-NEEDED BASIS FOR A ONE-YEAR TERM COMMENCING JANUARY 1, 2024
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- Resolution No.

29-2024:

A RESOLUTION AUTHORIZING AN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT WITH THE COUNTY OF CAPE MAY IN ADDITION TO ANY AND ALL PARTICIPATING ENTITIES
- Resolution No.

30-2024:

A RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH NORTH WILDWOOD FOR BACKUP SUB CODE CONSTRUCTION OFFICIAL SERVICES
- Resolution No.

31-2024:

A RESOLUTION AUTHORIZING THE PARTIAL RELEASE OF A PERFORMANCE GUARANTY IN THE AMOUNT OF ONE HUNDRED FORTY-NINE THOUSAND EIGHTY-THREE DOLLARS AND TWENTY CENTS (\$149,083.20) AND A FULL SAFETY AND STABILIZATION GUARANTY RELEASE IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) SUBMITTED BY ROCKWELL AVALON, LLC FOR 2907 DUNE DRIVE
- Resolution No.

32-2024:

A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING IN ACCORDANCE WITH N.J.S.A. 40:60-51.2 FOR RELEASE OF DEED RESTRICTIONS PREVIOUSLY IMPOSED UPON CERTAIN PROPERTIES WITHIN THE BOROUGH OF AVALON
- Resolution No.

33-2024:

A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR 2024 BACKPASSING PROJECT FOR A LUMP SUM FEE IN THE AMOUNT OF FIFTY-NINE THOUSAND EIGHT HUNDRED DOLLARS (\$59,800.00)
- Resolution No.

34-2024:

A RESOLUTION APPOINTING CLASS I SPECIAL OFFICERS FOR THE BOROUGH OF AVALON
- Resolution No.

35-2024:

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MATHIS CONSTRUCTION CO., INC. FOR CONTRACT NO M-136, 78TH STREET WATER AND 29TH STREET SEWER IMPROVEMENTS IN THE AMOUNT OF THREE HUNDRED FIFTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND FORTY-NINE CENTS (\$358,750.49)
- Resolution No.

36-2024:

A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR CONTRACT NO. M-136, 78TH STREET WATER AND 29TH STREET SEWER IMPROVEMENTS ON A REIMBURSABLE BASIS FOR AN AMOUNT NOT TO EXCEED FORTY-SIX THOUSAND SIX HUNDRED DOLLARS (\$46,600.00)
- Resolution No.

37-2024:

A RESOLUTION AUTHORIZING PAYMENT OF BILLS.

Motion made by Councilwoman Coskey, seconded by Council President McDermott that Resolution 25-2024 through 37-2024 as listed on the consent agenda be adopted.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Introduction and first reading by title only of Ordinance No. 871-2024:

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 871-2024 be brought on for first reading by title only.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Borough Clerk read aloud Ordinance No. 871-2024:

Ordinance No. 871-2024:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1 (GENERAL PROVISIONS) OF THE CODE OF THE BOROUGH OF AVALON TO CREATE AN APPEALS TRIBUNAL AND ESTABLISHING THE RULES AND REGULATIONS THERETO

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 871-2024 be passed on first reading and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Introduction and first reading by title only of Ordinance No. 872-2024:

Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman that Ordinance No. 872-2024 be brought on for first reading by title only.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Borough Clerk read aloud Ordinance No. 872-2024:

Ordinance No. 872-2024:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 9 (PARKS, BEACHES, AND RECREATION FACILITIES) OF THE CODE OF THE BOROUGH OF AVALON REGARDING MUNICIPAL DOCKING FACILITIES

Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman that Ordinance No. 872-2024 be passed on first reading and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Introduction and first reading by title only of Ordinance No. 873-2024:

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 872-2024 be brought on for first reading by title only.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Borough Clerk read aloud Ordinance No. 873-2024:

Ordinance No. 873-2024:

AN ORDINANCE AMENDING ORDINANCE 809-2020 ESTABLISHING A PROCEDURE FOR PROPERTY OWNERS TO OBTAIN A RELEASE AND DISCHARGE OF CERTAIN DEED RESTRICTIONS IMPOSED BY THE BOROUGH OF AVALON IN CERTAIN DEEDS OF CONVEYANCES EXECUTED AND DELIVERED BY THE BOROUGH OF AVALON PRIOR TO 1979

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 873-2024 be passed on first reading and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

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

None.

Monthly Reports:

Month of December 2023 – submitted by respective Department/Division Heads
Borough Clerk and Registrar’s Report
Bureau of Fire Prevention, Bureau of Licensing, Miscellaneous Construction Collection,
Construction Water and Sewer, Uniform Construction Code & Taxicab Reports Code
Enforcement Report
Municipal Court Report
Municipal Engineering Report
Police Department Report
Public Works Department Report
Recreation Revenue Report
Tax Collector & Water Sewer Control Account Reports
Zoning Report

Motion made by Council President McDermott, seconded by Councilwoman Coskey that the reports be approved.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Pending Business:

None.

New Business:

None.

Public Comments:

Martha Wright, 632 7th Street, spoke about the egregious decimation of the maritime forest within the high dunes located on or near 5609 Dune Drive, and expressed the opinion that the Borough, as well as the Borough’s environmental consultant, The Lomax Consulting Group, are culpable for the disgrace to the community, the Borough, and the state of New Jersey as a whole. She stressed that the Dune Vegetation Management Plan was not appropriately followed, and further voiced the opinion that The Lomax Consulting Group did not sufficiently supervise the project near this property, which allowed the clear-cutting that occurred. She opined that no amount of remediation will ever restore the area to its original condition. She requested that Council advise if the homeowner will be fined for this outrageous action, if the Lomax Consulting Group will have payment withheld for this oversight, who the Borough assigned oversight of this project, how a Certificate of Occupancy was granted with over 8,000 square feet of protected land cleared of vegetation unlawfully.

January 24, 2024

Council President McDermott stated Borough Council is in full support of the actions being taken by the New Jersey Department of Environmental Protection (DEP) in an effort to remediate the wrong-doing within the maritime forest at 5609 Dune Drive. That property received approval of the final as-built survey from the Avalon Environmental Commission, and Avalon Planning/Zoning Board, which pledged no disturbance of the dunes. The Borough is reviewing the actions that can be taken while supporting the DEP to restore the natural vegetation that has been destroyed there. He explained the Borough has found no wrong-doing by any Borough official or contracted firm at this point in the investigation, as these violations were committed after all approvals were issued. The DEP has issued violations and mandated corrective action, and at this time, this matter is solely within the DEP's jurisdiction.


Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson to adjourn the Council Meeting.

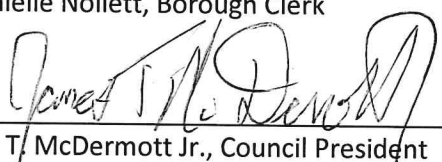
ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilman Johnson	Aye
Councilwoman Juzaitis	Aye
Councilman Wierman	Aye
Council President McDermott	Aye

Council Meeting adjourned at 4:32 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


James T. McDermott Jr., Council President