

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, February 28, 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 - - - - - 5 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
Charles McDonnell, Director of Recreation
Paul Short, Code Enforcement Official
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald

Council President McDermott read the Open Public Meetings Act Announcement.

Notice of this Council Meeting was included the annual Schedule of Meetings dated June 28, 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 2024 Sports and Educational Camps.

Charles McDonnell explained at the conclusion of the 2023 season, each sport and educational camp provider and participant was asked to provide feedback, all of which was positive. As a result, all camps have been invited to return for the 2024 season, with all camps agreeing to return with the exception of one tennis camp. To offset that absence, efforts are being orchestrated with local individuals to develop a tennis program independent of the summer camps to provide opportunities for residents and visitors to receive tennis and pickleball lessons. There is a slight increase in fees for the camps this season, which is expected in today's inflationary times.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2024 Council Meeting.

Discussion regarding rules and regulations for municipally owned tennis and pickleball courts.

Charles McDonnell noted the recent conversion of three tennis courts at the 8th Street Sports Complex into seven new pickleball courts, bringing the total number of pickleball courts in the Borough to 17. A thorough review of the fees, dates of play, and hours of play was conducted after the conclusion of the 2023 season. Recent inflationary pressures have increased maintenance costs to all facilities, which is a task undertaken regularly in an effort to strive to be a popular destination for tennis and pickleball players. All proposed changes to the rules and regulations provided to Borough Council have been discussed and approved by the Recreation Advisory Committee, which includes Councilman Johnson and Councilwoman Coskey. All fees were increased by approximately 30 dollars for tennis and 25 dollars for pickleball, with a 12-dollar increase for 90 minutes of pickleball play. Pay for play hours have also been changed at the recommendation and input of the pickleball community to ensure fair play for all player levels.

Councilman Johnson spoke in favor of the proposed changes and added the Seven Mile Tennis and Pickleball organization is led by active members of the community, and is a formulated team focused on tennis and pickleball. That organization has evaluated these changes in comparison to other nationwide facilities and are in support, as well. Additionally, pickleball and tennis visitors have brought more business to the downtown business district, the stores in which have now begun to stock pickleball and tennis related products to meet the new demands. The offerings of pickleball and tennis in the Borough has generated a positive impact to the community with many families playing during the free hours, which promotes community involvement.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2024 Council Meeting.

Discussion regarding Ordinance amending Chapter 14 (Water & Sewer) concerning Water Irrigation Restrictions.

Scott Wahl reported at a prior Council Meeting the irrigation Ordinance of 2012 that had not been enforced was discussed. The importance of water conservation was stressed during the discussion, with Council and the public being informed that irrigation has been determined as a main irritant to water usage in the Borough. Since that discussion, meetings have been held with landscapers to evaluate the current Ordinance, and receive feedback about any recommended changes. As a result of the feedback received, proposed amendments to the Ordinance are being recommended to Council. The existing Ordinance currently restricts irrigation by dividing the town in half, with the north end and south end of the Borough being permitted to irrigate on opposite days. Unfortunately, this system would have all properties in Avalon having two consecutive days of prohibited irrigation on a regular basis, which poses many issues and may generate complaints. It is recommended to implement an odd/even system, which would establish that the property address number would dictate whether a property would be eligible to irrigate their property on odd or even dates. Ken Koches of Middlesex Water Company is in favor of this system, as the draw on the water towers will be equal during this program, as well. The permitted irrigation window would be between midnight and 9 am with watering still being restricted to 30 minutes per day. The landscapers have also requested a 21-day daily irrigation allowance for new plantings, which the Borough is in favor of accommodating.

After brief discussion, Council agreed to proceed with an Ordinance to be prepared for the March 13, 2024 Council Meeting.

Discussion regarding Resolution appointing Tom Thornton as the Borough's Stormwater Program Coordinator.

Thomas Thornton explained the Borough of Avalon's stormwater management activities are strictly regulated under the New Jersey Municipal Stormwater Program. Historically, the Borough has appointed the Director of Public Works as the Stormwater Program Coordinator. Unfortunately, this is not the best fit for the appointment, as many responsibilities required by the Municipal Stormwater Program are very broad, and include many tasks the Engineer oversees. As a result, recent discussions have determined it is in the best interest of the Borough to appoint the Borough Engineer as the Stormwater Program Coordinator to oversee each of the required tasks and responsibilities.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2024 Council Meeting.

Discussion regarding Resolution opposing the State of New Jersey's proposed Shore Protection Rule.

Scott Wahl indicated a virtual meeting was hosted by the New Jersey Department of Environmental Protection (DEP) on September 19, 2023 concerning upcoming changes to the Shore Protection Rule. Recently, a County-wide meeting was held, during which the upcoming changes were discussed. All Cape May County communities expressed opposition of this Shore Protection Rule, and are recommending the adoption of Resolution of opposition by each of the communities. While protecting wildlife and the environment on the New Jersey shoreline is important, there are many concerns surrounding this rule change. The proposed change allows the New Jersey Division of Fish and Wildlife to implement beach closures at their will to remain in effect until such closure is revoked by the DEP. These closures would allow those state agencies to restrict any and all tidal waters and contiguous shoreline to protect threatened or endangered species if threatened or endangered species activity is expected or observed at any time of the year, and for any length of time. Those closures would cover from the high water line to the tow of the dune, which could negatively impact public safety response times on the beach. These restrictions would be in addition to the Borough's Beach Management Plan. The Borough supports the spirit and intent of protecting endangered and threatened species on the beach; however, it is believed this is extreme overreach and a dangerous precedent by giving all control of municipal beachfront to state agencies.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2024 Council Meeting.

Discussion regarding Resolution with the Cape May County Municipal Utilities Authority to review, sign, and submit the Annual Recycling Tonnage Report.

Scott Wahl explained as a result of a recent retirement in the Department of Public Works, the Borough no longer has a Certified Municipal Recycling Coordinator. A current Public Works employee is attending the program to become certified; however, until such time as that individual becomes certified, the Borough is unable to submit the Annual Recycling Tonnage Report. The Cape May County Municipal Utilities Authority has provided an opportunity which allows the Borough, in consultation with the County, to prepare and file the report jointly in the interim.

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

Discussion regarding Resolution authorizing the purchase of a bucket truck through the Sourcewell National Cooperative Purchasing Agreement.

William McCormick reported the Department of Public Works has been working to purchase this bucket truck for two years; however, due to supply chain issues, that purchase has yet to come to fruition. The Borough was recently notified that a bucket truck will become available sometime during the month of March. As a result, Council is being asked to authorize the purchase through a National Cooperative Purchasing Agreement. Funds for this purchase were allocated in the 2022 municipal budget, and have been held since that allocation.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2024 Council Meeting.

Minutes:

Council Meeting – February 14, 2024

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

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

Resolution No. 44-2024: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH GUZZO LANDSCAPING OF ABSECON, NJ FOR BOROUGH CONTRACT NO. 24-01, MAINTENANCE OF BOROUGH OWNED GROUNDS & GARDEN PLOTS IN THE AMOUNT OF TWO HUNDRED FORTY-SEVEN THOUSAND DOLLARS (\$247,000.00)

Resolution No. 45-2024: A RESOLUTION ACCEPTING AND ADOPTING THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND'S 2024 SAFETY INCENTIVE PROGRAM

Resolution No. 46-2024: A RESOLUTION ESTABLISHING CHANGE FUNDS FOR OPERATION OF VARIOUS SUMMER FUNCTIONS FOR THE 2024 SEASON

- Resolution No. 47-2024: A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTY IN THE AMOUNT OF EIGHTY-THREE THOUSAND TWO HUNDRED EIGHTY-TWO DOLLARS (\$83,282.00) SUBMITTED BY THOMAS J. WELSH, JR. FOR BLOCK 19.09, LOTS 1.883, 1.885, 1.887, 1.889, 1.891, 1.893, 1.897 & 1.899, KNOWN AS 883, 885, 887, 889, 891, 893, 895, & 987 21ST STREET
- Resolution No. 48-2024: A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, LOCAL RECREATION IMPROVEMENT GRANT, FISCAL YEAR 2024, FOR THE RESURFACING OF 39TH STREET TENNIS COURTS
- Resolution No. 49-2024: A RESOLUTION AUTHORIZING AN INCREASE TO PRE-SEASON AND SEASON BEACH TAG FEES
- Resolution No. 50-2024: A RESOLUTION AUTHORIZING BUDGETARY AMENDMENT REQUEST RECEIVED FROM MOTT MACDONALD FOR ADDITIONAL CONSTRUCTION PHASE ENGINEERING SERVICES IN CONNECTION WITH WATER METER REPLACEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND SEVEN HUNDRED DOLLARS (\$2,700.00)
- Resolution No. 51-2024: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR OUTFALL NO. 73 REPAIRS FOR A LUMP SUM FEE OF THIRTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$35,600.00)
- Resolution No. 52-2024: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR 2023 RECONSTRUCTION OF VARIOUS BULKHEADS, CONTRACT NO. M-135
- Resolution No. 53-2024: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR CUSTODIAL CLEANING SERVICES OF BOROUGH FACILITIES, CONTRACT NO. 22-01 R-1
- Resolution No. 54-2024: A RESOLUTION DETERMINING THAT A CERTAIN YARD SALE SCHEDULED TO BE CONDUCTED UNDER THE SPONSORSHIP OF THE AVALON GARDEN CLUB ON SATURDAY, MAY 11, 2024, IS EXEMPT FROM THE PROVISIONS OF CHAPTER 10 OF THE CODE OF THE BOROUGH OF AVALON, 2013
- Resolution No. 55-2024: A RESOLUTION AUTHORIZING A REFUND TO THOMAS WELSH FOR A NEW WATER/SEWER SERVICE IN THE AMOUNT OF ELEVEN THOUSAND FOUR HUNDRED DOLLARS (\$11,400.00) FOR 2178 OCEAN DRIVE
- Resolution No. 56-2024: A RESOLUTION RELEASING CERTAIN DEED RESTRICTIONS PREVIOUSLY IMPOSED UPON CERTAIN PROPERTIES WITHIN THE BOROUGH OF AVALON IN ACCORDANCE WITH N.J.S.A. 40:60-51.2
- Resolution No. 57-2024: A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF AVALON AND THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY TO REVIEW, SIGN, SUBMIT THE 2023 ANNUAL RECYCLING TONNAGE REPORT
- Resolution No. 58-2024: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolution 44-2024 through 58-2024 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

Ordinances:

Introduction and first reading by title only of Ordinance No. 874-2024:

Motion made by Councilman Johnson, seconded by Councilman Wierman that Ordinance No. 874-2024 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. 874-2024:

Ordinance No. 874-2024:

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF THE BOROUGH OF AVALON (SUBDIVISION AND SITE PLAN REVIEW) TO ALLOW OUTDOOR DINING FOR FOOD SERVICE ESTABLISHMENTS WITHIN THE BOROUGH SUBJECT TO OBTAINING AN OUTDOOR DINING PERMIT

Motion made by Councilman Johnson, seconded by Councilman Wierman that Ordinance No. 874-2024 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

Second reading, public hearing and final action on Ordinance No. 871-2024:

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 871-2024 be brought on for second reading, public hearing, and final action.

<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 OF THE AVALON BOROUGH CODE (GENERAL PROVISIONS) TO CREATE AN ADMINISTRATIVE APPEALS TRIBUNAL

Council President McDermott opened the meeting for public hearing on Ordinance No. 873-2024 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 871-2024 be finally adopted, submitted to the Mayor for approval 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

Second reading, public hearing and final action on Ordinance No. 872-2024:

Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman that Ordinance No. 872-2024 be brought on for second reading, public hearing, and final action.

<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

Council President McDermott opened the meeting for public hearing on Ordinance No. 872-2024 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman that Ordinance No. 872-2024 be finally adopted, submitted to the Mayor for approval 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

Second reading, public hearing and final action on Ordinance No. 873-2024:

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 873-2024 be brought on for second reading, public hearing, and final action.

<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

Council President McDermott opened the meeting for public hearing on Ordinance No. 873-2024 and asked if there were any questions or comments.

There were no questions or comments.

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

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

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 873-2024 be finally adopted, submitted to the Mayor for approval 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 and Annual Reports:

Month of January, 2024 & 2023 Annual – 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 Councilman Johnson, seconded by Councilman Wierman 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:

Council President McDermott announced the retirement of Kimberly Mastriana, who has faithfully served the Borough of Avalon for 35 years. On behalf of Borough Council, he thanked Kimberly for her dedication to the Borough and wished her the best in her future.

Public Comments:

Martha Wright, 632 7th Street, spoke in favor of revisiting the irrigation Ordinance and focusing on how water use and conservation can be more thoughtfully addressed. She inquired how the new Ordinance will be enforced, and if the Borough will be adhering to the irrigation restrictions on public property.

Scott Wahl recommended that 2024 be an education year to include public information campaigns, social media campaigns, and meetings with landscapers. Enforcement of the Ordinance would fall into the responsibility of the Code Enforcement Officer, who will be authorized to begin issuing violations starting in 2025. For 2024, violators will be provided with information only. The Borough will be following the Ordinance requirements as it pertains to public property.

Martha Wright voiced her enforcement concerns, as well as concerns for the seemingly excessive 21-day daily allowance for new landscaping. She further stressed the importance of water conservation.

Elaine Scattergood, 75 30th Street, referenced a recent article in the Cape May County Herald regarding recent clear-cutting of vegetation within the maritime forest of the high dunes at the property located at 5609 Dune Drive. She expressed disappointment in the Borough for the missed violation.

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

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

Council Meeting adjourned at 4:33 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

James T. McDermott Jr.
James T. McDermott Jr., Council President