

March 13, 2024

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, March 13, 2024, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public - - - - - 4

Reporters - - - - - 0

Remote Attendance: Public - - - - - 2

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  
John Roscoe, Assistant Director of Public Works/Utilities  
Jeffrey Christopher, Police Chief  
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
Paul Short, Code Enforcement Official  
James V. Craft, Chief Financial Officer  
Matt Wolf, Beach Patrol Chief

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 Resolution establishing protected beaches for the 2024 season.

Matt Wolf referenced a report given to Borough Council pertaining to the proposed protected beaches for the 2024 season, which is primarily the same as previous years. When staffing allows, secondary stands will be added in the north end. One addition this year will be to grant permission to surfers at 8<sup>th</sup> Street, when the conditions permit. The area located at 57<sup>th</sup> Street and the bay will be staffed; however, it will not be advertised as a swimming location, as it is a staging area for bay rescues and will be utilized for training.

Councilman Wierman inquired about the potential for an open water swim allowance.

Scott Wahl indicated the concept of an open ocean swim was suggested by Chief Wolf; however, the Joint Insurance Fund has declined to offer the Borough coverage for such an allowance. Therefore, no such accommodation will be made for the 2024 season.

Council agreed to proceed with a Resolution to be prepared for the March 27, 2024 Council Meeting.

**Discussion regarding Ordinance amendment to water and sewer rate schedules to include surcharges to cover state-imposed Lead Service Line Inspections and Improvements.**

James Craft reported the 2024 water/sewer capital budget includes approximately 1 million dollars for lead service line test pits and other work associated with the testing and identification of potential lead service lines within the Borough, as is mandated by federal and state authorities for all municipalities nationwide. In order to fund this mandate, Council is being asked to implement a 10-dollar charge for every water service line to be paid quarterly for the next four years. This charge would begin with the July 2024 bill and continue through the April 2028 billing, at which point the charge would sunset and cease. This charge will fully fund this initiative until all such testing and identification is conducted.

Council agreed to proceed with an Ordinance to be prepared for the March 27, 2024 Council Meeting.

**Discussion regarding Resolution authorizing professional engineering services in connection with 2024 Reconstruction of Various Streets project.**

Thomas Thornton explained the next Reconstruction of Various Streets project has been generated as a result of periodic roadway evaluations recently conducted to judge street conditions in order to make recommendations to the Borough as to which roadways are in need of reconstruction. For 2024, the following are recommended: 78<sup>th</sup> Street between Ocean Drive and Dune Drive, 38<sup>th</sup> Street beach block, Dune Drive southbound between 34<sup>th</sup> Street and 36<sup>th</sup> Street. The Dune Drive portion of the project received funding from a Department of Transportation (DOT) grant. All streets require replacement of sanitary sewer mains, while 38<sup>th</sup> Street requires replacement of 250 feet of water main. The water main crossings at 35<sup>th</sup> and 36<sup>th</sup> Streets on Dune Drive are undersized and made of cast iron; therefore, it would be prudent to replace those. Any galvanized water lines discovered along Dune Drive will also be replaced, as is typically done. On 78<sup>th</sup> Street, the stormwater pipe extending from Ocean Drive to Sunset Drive will be investigated; however, it is likely to require replacement, and is included in the proposal before Council. Mott MacDonald is prepared to perform base map preparation, surveying, design and preparation of plans and specifications for all improvements, and administrative services required by the DOT associated with the grant process. The proposed schedule for this project would be based on Council’s formal authorization to proceed at the next meeting, if funds are available. Such an authorization would allow for the project to be bid, awarded, and infrastructure repairs completed in the fall of 2024 with final paving to be done in the spring of 2025.

Council agreed to proceed with a Resolution to be prepared for the March 27, 2024 Council Meeting.

**Minutes:**

Public Hearing, Council Meeting – February 28, 2024

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

<b><u>ROLL CALL VOTE:</u></b>	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. 875-2024:**

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 875-2024 be brought on for first reading by title only.

Borough Clerk read aloud Ordinance No. 875-2024:

**Ordinance No. 875-2024:**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14).

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 875-2024 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

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.

The Borough Clerk read the following statement:

The 2024 Local Municipal Budget Summary is available at the back of the room this evening. Copies of the introduced 2024 Local Municipal Budget in its entirety as well as the Budget Summary may also be obtained by members of the general public at the Borough Clerk’s Office and on the Borough’s website, [www.avalonboro.net](http://www.avalonboro.net), up to and including the time of the Budget Hearing to be held on April 10, 2024

<u>Resolution No. 59-2024:</u>	A RESOLUTION REGARDING THE LOCAL MUNICIPAL BUDGET OF THE BOROUGH OF AVALON, COUNTY OF CAPE MAY FOR THE FISCAL YEAR 2024
<u>Resolution No. 60-2024:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTS FOR VARIOUS SPORTS AND EDUCATIONAL CAMPS FOR THE 2024 SEASON
<u>Resolution No. 61-2024:</u>	A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR MUNICIPALLY OWNED AND/OR CONTROLLED TENNIS COURTS
<u>Resolution No. 62-2024:</u>	A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR MUNICIPALLY OWNED AND/OR CONTROLLED PICKLEBALL COURTS.
<u>Resolution No. 63-2024:</u>	A RESOLUTION APPOINTING THOMAS THORNTON, P.E. OF MOTT MACDONALD AS THE BOROUGH OF AVALON’S STORMWATER PROGRAM COORDINATOR.
<u>Resolution No. 64-2024:</u>	A RESOLUTION OPPOSING THE STATE OF NEW JERSEY’S NEW PROPOSED SHORE PROTECTION RULE.
<u>Resolution No. 65-2024:</u>	A RESOLUTION AUTHORIZING THE BOROUGH’S PARTICIPATION IN THE SOURCEWELL NATIONAL COOPERATIVE PURCHASING PROGRAM THROUGH CONTRACT NUMBER: 091521-NAF, “VEHICLES, CARS, VANS, SUV’S AND LIGHT TRUCKS WITH RELATED ACCESSORIES” FOR THE PURCHASE OF A BUCKET TRUCK.
<u>Resolution No. 66-2024:</u>	A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolution 59-2024 through 66-2024 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. 876-2024:

Motion made by Councilwoman Juzaitis seconded by Councilman Wierman that Ordinance No. 876-2024 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. 876-2024:

Ordinance No. 876-2024:

AN ORDINANCE AMENDING CHAPTER 14 (WATER & SEWER) OF THE AVALON BOROUGH CODE PERTAINING TO IRRIGATION AND WATER EMERGENCIES

Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman that Ordinance No. 876-2024 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.

Pending Business:

None.

New Business:

None.

Public Comments:

Martha Wright, 632 7<sup>th</sup> Street, noted in recent years, the Borough adopted a comprehensive construction Ordinance which greatly improved the quality of life for residents and visitors of Avalon. However, she noted any Ordinance is only as good as the enforcement, while expressing the opinion that Code Enforcement of the Ordinance has been subpar recently. One requirement of the Ordinance mandates that on construction sites, the contractor’s name is to be prominently displayed. She pointed out and gave the addresses of three active construction sites with no such signage. She stressed the importance of adequate Code Enforcement and implored Council look into rectifying any shortcomings.

<u>Resolution No. 67-2024:</u>	A 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 ATTORNEY-CLIENT PRIVILEGE CONCERNING POTENTIAL STREET VACATION OF BARRY ROAD
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Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that the resolution be adopted.

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

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis to recess the public portion of the meeting, and go into Closed Session.

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

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

Public portion of Council Meeting recessed at 4:15 pm.

Public portion of Council Meeting reconvened at 4:35 pm.

Resolution No. 68-2024: 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 ATTORNEY-CLIENT PRIVILEGE CONCERNING EASEMENT LOCATED AT 576 7TH STREET

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

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

Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson to recess the public portion of the meeting, and go into Closed Session.

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

Councilwoman Coskey announced official action will not be taken after the Closed Session.

Public portion of Council Meeting recessed at 4:36 pm.

Public portion of Council Meeting reconvened at 4:55 pm.

Motion made by Councilman Juzaitis, seconded by Councilman Johnson 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

March 13, 2024

Council Meeting adjourned at 4:56 pm.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
James T. McDermott Jr., Council President