

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, April 10, 2024, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public ----- 6 Reporters ----- 0
Remote Attendance: Public ----- 6 Reporters ----- 2

The Meeting was called to order by Council President McDermott.

Roll call:
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
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Paul Short, Code Enforcement Official
James V. Craft, Chief Financial Officer
Michael Garcia, Municipal Auditor

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.

Discussion regarding the activation of ABC License issued to 24th Street, LLC t/a Black Cactus.

Ed Kennedy, owner of 24th Street, LLC, announced the Black Cactus is scheduled to open for business in advance of Memorial Day this year; therefore, an activation of the inactive liquor license held by 24th Street, LLC. When a presentation was last made regarding this ABC license, it was proposed to have an outdoor amusement area; however, that area is no longer included in the plans. New renderings of the proposed restaurant have been provided to Council, which show the outdoor areas being used for seated dining only, with a last seating time of 9:00 pm. Previously, when the Person-to-Person and Place-to-Place transfers were approved by Borough Council, certain special conditions were imposed upon the license. All of those special conditions will be followed; however, it is requested that Council allow the service of alcohol and low ambient music as approved by the Planning/Zoning Board outdoors until 10:30 pm, at which point all patrons will be moved indoors. Council is further being asked to approve the consumption of alcohol to be permitted until 2:00 am, as aligned with other similar establishments in the Borough. To comply with the 2:00 am maximum, last call will occur at 1:30 am, and lights will be turned on at 1:45 am.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the May 8, 2024 Council Meeting.

Discussion regarding Resolution appointing Class I and Class II Special Officers.

Scott Wahl reported a memorandum has been received from the Police Departments recommending the appointment of three individuals as Special Officers. A Resolution is being sought in advance of the April 27, 2024 academy start date.

Council agreed to proceed with a Resolution to be prepared for the April 24, 2024 Council Meeting.

Discussion regarding Resolution authorizing renewal of Agreement with Coastal Broadcasting, Inc. and authorizing further Agreement with Cape May County Herald for media services for the 2024 calendar year.

Scott Wahl explained the Borough has a long-standing advertising relationship with these two outstanding agencies, which are used to advertise Borough events, Garden Club activities, and American Legion activities. It is recommended Council renew these agreements with no increase in spending for 2024.

Council agreed to proceed with a Resolution to be prepared for the April 24, 2024 Council Meeting.

Discussion regarding Resolution authorizing partial Performance and Safety & Stabilization Guaranty release in connection with 2538 Dune Drive.

James Waldron indicated the Municipal Land Use Law allows for the partial release of bonds as progress on a project is made, upon application made by the developer. In this case, such an application has been made. Joseph Maffei, Planning/Zoning Board Engineer, has conducted a site survey of the property in question, and has made a recommendation based on that survey to reduce the Performance Guaranty by \$25,928.49 and the Safety and Stabilization Guaranty by \$3,500.00.

Council agreed to proceed with a Resolution to be prepared for the April 24, 2024 Council Meeting.

Discussion regarding Resolution authorizing Professional Services contract with Steven Secare, Esq. as an Independent Hearing Officer.

James Waldron stated the Borough of Avalon has had a long-standing relationship with this Independent Hearing Officer, who was first appointed in 2020 by way of a Professional Services Contract, and was subsequently reappointed in 2021. Mr. Secare's services were not required in 2022; therefore, his Professional Services Contract was not renewed. It has been determined these services will be required in 2024. Mr. Secare is agreeable to the standard hourly rate approved for professionals. Mr. Secare has an office located outside of Cape May County, which eliminates a potential conflict of interest, which has been advantageous in the past.

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

Discussion regarding Resolution declaring an emergency with relation to the effective date of Ordinance No. 876-2024.

James Waldron explained Ordinance No. 876-2024 amends certain irrigation rules and regulations for each year during the period covering April 1 through November 15. These regulations were implemented at the recommendation of Middlesex Water Company, who had determined that during irrigation season in 2023, there were times during which all 5 water wells providing potable water to the Borough of Avalon were activated. Middlesex Water Company represents that no more than 4 wells be activated at once, with the remainder to be used in the event of an emergency. As a result, it is recommended that Council make this Ordinance effective immediately by way of a Resolution.

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

Discussion regarding Ordinance amending various chapters of the Borough Code to conform with requirements of the State of New Jersey imposed as conditions on the State MS4 Permit issued to the Borough.

James Waldron reported the Borough recently applied for and received an MS4 permit from the State of New Jersey, accompanied by conditions which required certain amendments be made to the Borough Code. Those amendments have been drafted and compiled into one Ordinance, a summary of which is below:

SECTION 1: This section amends Chapter 12 of the Borough Code, as follows:

- a) Section 12:7-5 is amended to include all "pets" and not merely "dogs" and continues to require owners and custodians of "pets" to clean up after their pets. The same section is further amended to expand its applicability to all persons with disabilities using service animals and not merely persons with blindness.
- b) Section 12—20.1 prohibits any person from feeding wildlife and domestic animals, including stray animals, in any public park or other property owned or controlled by the Borough. This includes the beach and the boardwalk.

Section 2: This section amends Chapter 14 of the Borough Code as follows:

- a) Sections 14-21.1, 14-21.2, and 14-21.3 are revised (repealed) and restated as "Improper Disposal of Waste" in accordance with the State mandate. A new definition section is included (14-21.2); a new section on regulated activities (14-21.3) is included; together with a list of "exemptions" (14-21.4). The duty to enforce (14-21.5) and the penalties for violations (14-21.6) is amended to conform with the general penalty provisions at Section 1-5.1 and following.

- b) Lastly, Sections 14-23.3 subsections a and b are repealed as they have been replaced by the revised provisions of 14-21.1 through 14-21.6

Section 3: This section amends Chapter 20 of the Borough Code pertaining to pool maintenance by adding a new section know as Section 20-5.7 d to make all pool discharges subject to the provisions of the revised provisions of Sections 14-21.1 through 14-21.6 inclusive.

Section 4: This section amends Chapter 30 of the Borough Code (Stormwater Regulations) to add a new section as follows:

- a) The Borough is required to regulate “Privately-Owned Salt Storage Facilities” within the Borough (even though none exist) and to adopt the State model ordinance, or another ordinance which is substantially similar to the model ordinance. The model ordinance has been utilized and appears at Section 30-12.1 through 30-12.4.
- b) The Borough has designated the Code Enforcement Official/Officers and the Zoning Official as the enforcement personnel (30-12.5) and the general Borough penalty provisions have been made applicable (30-12.6).
- c) The Borough is now required to appoint an individual to act as the “Stormwater Coordinator.” Borough Council, by Resolution adopted in March, appointed the Borough Engineer to the position.
- d) Stormwater Coordinator this is a new position within the Borough which has been mandated by the State permit (MS4 GP). Accordingly, an ordinance creating the position is required. The new section 30-12-13.1 creates that position, specifies the appointing authority (either the Mayor or the Borough Council); the term of office; the duties and responsibilities (30-12-13.2).

Sections 5 and 6: These sections provide that all ordinances which are inconsistent with or in conflict with this ordinance (878-2024) are repealed and that all provisions are severable.

Section 7: This Ordinance will become effective on or before May 1, 2024.

Council agreed to proceed with an Ordinance to be considered for introduction at today’s Council Meeting.

Discussion regarding Ordinance creating “Division of Information Technology & Cyber Security” within the Department of Administration and creating the new title of “System Administrator”.

James Waldron noted with the impending retirement of Jim Craft to be effective May 31, 2024 and in recognition of cyber security measures recommended and imposed by the JIF and MEL, it is recommended for the Borough of Avalon to formalize the Office of Information Technology to provide more protection and coverage in the event of any unforeseen issues. There is an employee in-house who is uniquely qualified to fulfill this position, who has been working as an assistant to Jim Craft in Information Technology, pursuant to Executive Order by the Mayor. If Council chooses to act favorably upon this Ordinance, a recommendation to permanently appoint this employee to the newly created position will be forthcoming for Council’s advice and consent.

Council agreed to proceed with an Ordinance to be prepared for introduction at today’s Council Meeting.

Discussion regarding Resolution authorizing budgetary amendment for additional permitting services in connection with Bay Park Marina.

Thomas Thornton explained the proposal previously approved for permitting services performed by Mott MacDonald was based on a joint permitting processing meeting with all appropriate agencies in advance of this project. In this case, some unforeseen circumstances have arisen as it pertains to certain permitting allowances and requirements offered by the US Army Corps of Engineers, as a result of recent rule changes made in January of 2024. These rule changes now require a new detailed analysis of the expected construction activities and how they may impact endangered species in the immediate vicinity of the work to be completed, in addition to supplemental surveys and studies. Those additional tasks were completed, which increased the originally estimated costs included in the original proposal. Mott MacDonald has ensured compliance with all agencies, and a new proposal for a budgetary amendment to cover these additional tasks is being submitted to Council for review and potential approval.

Council agreed to proceed with a Resolution to be prepared for the April 24, 2024 Council Meeting.

Minutes:

Council Meeting, Closed Session – March 27, 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

Presentation regarding the 2024 Local Municipal Budget.

Michael Garcia noted all municipalities within the State of New Jersey are required to stay within two State Caps. First, is a 3.5% spending cap, and the second is a 2% tax levy cap. This budget is \$1.3 million below the spending cap and \$7.2 million below the tax levy cap, bringing the budget into compliance. This budget proposes no increase in the local purpose tax rate, and has been reviewed by State and approved for adoption by Council, if Council so desires.


Scott Wahl gave the following budget presentation.

The Avalon Budget Process

- Planning process begins during summer preceding the budget year
- Administration sets the expectations of department heads
- Department heads submit spending plans, reviewed by administration
- Global capital budget meeting is held to discuss spending by public works, engineering, and water/sewer/stormwater manager
- Information provided to the Mayor to assemble the budget
- Council Finance Committee reviews and modifies budget with mayoral consent
- Budget is introduced and passed *Budget approval at April 10th meeting*

Summary: 2024 Avalon Budget

- \$35.8 million municipal budget
- No tax hike, remains at 20.6 cents per \$100 of assessed valuation
- Applies \$1.87 million of excess library funding
- Applies \$4.91 million of surplus funding
- Finances necessary capital improvements
- Pays off \$3.325 million in short-term debt; \$2.554 million in funding prior year capita; and “pay as you go” in 2024 budget of \$2.446 million. Total: \$8.35 million



Avalon Has Zero Long Term General Obligation Debt



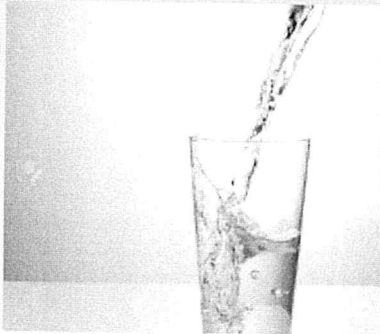
1. Avalon has a pay as you go approach to funding capital projects. State requires a 5% downpayment, we pay either with 100% cash or a 20% downpayment.
2. Managed a 22% increase in health benefits for employees and brought the increase down to 2%.
3. Privatize when appropriate, saves on salaries, benefits, pension obligations.
4. Prudent, three-year capital budget plan that strategizes placement of priority projects.
5. The BIG One: Commitment by administration/department heads to live within our means.

Financial Benefits of Conservative Budgeting



- Previous nine budget cycles, one small tax increase (2023).
- During those nine budget cycles, the Consumer Price Index increased by 25%.
- Maintain AAA bond rating from Standard and Poor's.
- Independent financial audit noticed the Borough with "No areas of needed improvement".

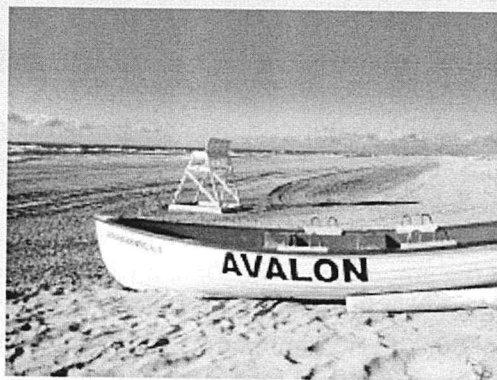
2024 Avalon Water and Sewer Fund



- Operating budget totals \$5.619 million; \$3.69 million of the fund are fees paid to the Cape May County Municipal Utilities Authority.
- Fund is generated in part to finance essential capital improvement projects (water and sewer service replacements, NJDEP regulations, etc.)
- New Jersey is requiring every community test pit every property to identify any lead service lines and replace any lead services that are found. This is an exposure to municipal budgets of \$950,000-\$1.1 million each of the next 5-7 years.

Avalon Beach Utility Fund

- 2024: \$2.19 million, 3.81% increase over '23.
- Fund pays for lifeguards, taggers, beach cleaning operations, trash removal, and other associated beach expenses.
- By statute, towns cannot make a profit on beaches. Avalon experiences about a \$500,000 deficit.
- Slight increase in seasonal tags this year, \$32 preseason, \$40 in-season. No increases for daily or weekly tags.

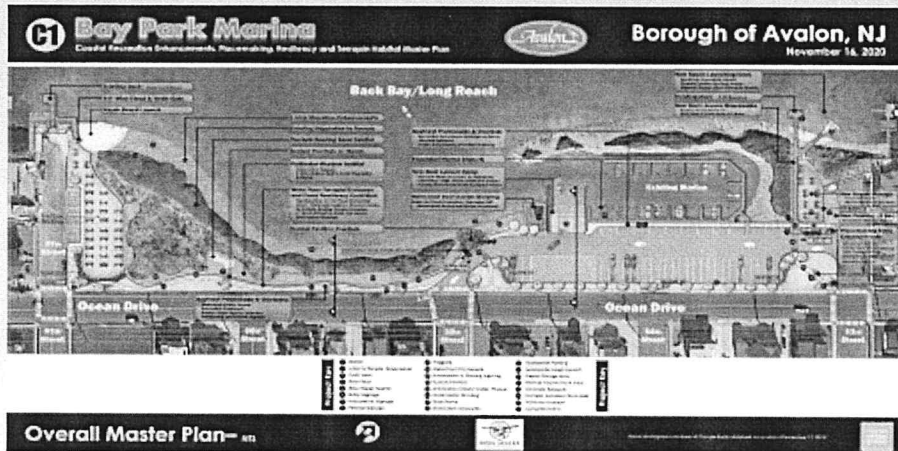


2024 Avalon Capital Projects

- Three new tennis courts constructed at 8th Street
- Fencing repairs at athletic fields
- Upgrades to Beach Patrol headquarters
- New beach mats
- Sand back passing project to repair north end
- Irrigation improvements throughout Avalon
- Repairs to various streets and bulkheads (Avalon secures a NJDOT grant annually for streets)
- Upgrades to our stormwater pump stations
- Improvements to Sport Fishing Center building
- Repairs to various lagoon outfall pipes
- Investment in cybersecurity improvements and a Systems Administrator to protect Borough infrastructure and your data
- *\$946,000 in test pitting program in 2024 for lead water line identification



Project Update: Bay Park Marina



Project delayed by extreme permitting delays by the NJDEP and the United States Army Corps of Engineers. The project is a GO and supported by Cape May County Open Space funding.

2024 Avalon Special Events

NEW LINEUP FOR SUMMER 2024

THURSDAYS AT SURFSIDE

JUNE

- 20 Sensational Soul Cruisers
- 27 Dancing Dream - A Tribute to ABBA

JULY

- 11 Best of the Eagles - The Eagles Tribute Band
- 18 B-Street Band - A Tribute to the Boss
- 25 Tupelo Honey - A Van Morrison Celebration

AUGUST

- 1 Well Alright - A Rolling Stones Tribute
- 8 StevieMac - A Fleetwood Mac & Stevie Nicks Experience
- 15 Yacht Rock Gold Experience
- 22 Yellow Brick Road - A Tribute to Elton John
- 29 Southern Steel - Classic Skyline Live

SEPTEMBER

- 5 The Amish Outlaws

Surfside Park

Thursdays at Surfside will be our best outdoor concert lineup to date. Fireworks return July 4th and New Year's Eve, along with a move to outdoor entertainment at Surfside Park on July 4th. Avalon's Spring into Summer is new with a June filled with arts, music, nature exploration, and much more! Log on to visitavalonnj.com for details!



Public Hearing regarding the 2024 Local Municipal Budget:

Council President McDermott opened the meeting for public hearing on the 2024 Local Municipal Budget and asked if there were any questions or comments.

Martha Wright, 632 7th Street, asked for explanations regarding line items for Council-Salaries and Wages in the amount of \$75,890; Council-Other Expenses in the amount of \$40,000; Office of Mayor-Other Expenses in the amount of \$35,050; Environmental Commission- Salaries and Wages in the amount of \$6,000; Environmental Commission- Other Expenses; VFW Improvements in the amount of \$5,000; Deferred Charges relating to various Ordinances amounting to \$4.3 million; Recreation Improvements in the amount of \$230,000 planned for 2024; and Improvements to Avalon Sport Fishing Center.

James Craft responded Councilmembers and the Mayor are paid salaries, as outlined under their respective Salaries and Wages line items; under Other Expenses within Council’s budget, there is a \$30,000 allocation made, which contributes toward payments made to various consultants, such as Lomax Consulting Group; the Other Expenses line item within the Mayor budget includes expenses relating to public relations, the Senior Center, and other miscellaneous governmental expenses; the \$6,000 allocated within the Salaries and Wages line item of the Environmental Commission budget is for the position of Secretary of the Environmental Commission; Deferred Charges relating to various Ordinances is a result of the Borough passing Bond Ordinances approving various capital improvements, which may not be completed in one to two years after approval; therefore, the money is allocated into the Capital section of the budget to fund those Ordinances with no additional long-term debt.

Scott Wahl added Other Expenses to be funded through the Environmental Commission budget includes funding for the planning of new or replacement trees for Borough, as well as lecture series at the Pollinator Garden and Surfside Park, a pilot native plant program, and other ancillary expenses. The VFW expenses are as a result of a sponsorship awarded to the American Legion to support veterans of the Borough of Avalon. Recreation expenses included in the budget will be used for resurfacing of the tennis courts at 39th Street, fence improvements at recreation facilities, new supports in Community Hall for the basketball hoops. Expenses for improvements made at the Avalon Sport Fishing Center are mostly cosmetic improvements and routine maintenance. No public bathrooms will be added at that facility.

Martha Wright declared for the record that she does not support paying Lomax Consulting Group any fees, and expressed the opinion that they were derelict in duties with regards to the property in the high dunes. She referenced the public hearing for the 2023 Local Municipal Budget where many members of the community asked the Borough to explore other environmental consultants; however, no indication of a change in such a service has been made.

Public comments regarding Resolutions:

None.

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

Councilwoman Coskey requested Resolution 79-2024 be acted upon independently of the consent agenda, due to a conflict of interest.

Resolution No. 75-2024: A RESOLUTION REGARDING 2024 LOCAL MUNICIPAL BUDGET READ BY TITLE ONLY AS PROVIDED BY N.J.S.A. 40A:4-8

Resolution No. 76-2024: A RESOLUTION TO AMEND THE 2024 CAPITAL BUDGET

Resolution No. 77-2024: A RESOLUTION REGARDING 2024 LOCAL MUNICIPAL BUDGET AS FINALLY ADOPTED

Resolution No. 78-2024: A RESOLUTION REGARDING THE 2024 LOCAL MUNICIPAL BUDGET EXAMINATION.

Resolution No. 80-2024: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR 8TH STREET SPORTS COMPLEX, CONTRACT NO. MAV00200.01.

Resolution No. 81-2024: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR 78TH STREET PUMP STATION, CONTRACT NO. M-126.

Resolution No. 82-2024: A RESOLUTION REAPPOINTING STEVEN SECARE, ESQUIRE AS AN INDEPENDENT HEARING OFFICER IN AND FOR THE BOROUGH OF AVALON FOR A FURTHER TERM ONE YEAR TERM COMMENCING APRIL 1, 2024

Resolution No. 83-2024: A RESOLUTION DECLARING THAT ORDINANCE No. 876-2024 SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION PURSUANT TO N.J.S.A. 40:69A-181

Resolution No. 84-2024: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolutions 75-2024 through 78-2024 and 80-2024 through 84-2024 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

Resolution No. 79-2024: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, NON-FAIR AND OPEN, WITH 7 MILE PUBLISHING AND CREATIVE GROUP, LLC OF AVALON, NJ FOR PUBLIC RELATIONS AND ADVERTISING SERVICES FOR THE BOROUGH OF AVALON FOR A TERM OF ONE (1) YEAR COMMENCING APRIL 1, 2024.

Motion made by Council President McDermott, seconded by Councilwoman Juzaitis that Resolution 79-2024 be adopted.

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

Introduction and first reading by title only of Ordinance No. 878-2024:

Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson that Ordinance No. 878-2024 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. 878-2024:

Ordinance No. 878-2024:

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS OF THE BOROUGH CODE, SPECIFICALLY CHAPTERS 12 (ANIMAL CONTROL), 14 (WATER & SEWER), 20 (BUILDING & CONSTRUCTION); AND 30 (STORMWATER REGULATIONS); REPEALING ALL CONFLICTING AND INCONSISTENT ORDINANCES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson that Ordinance No. 878-2024 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. 875-2024:

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

April 10, 2024

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 (N.J.S.A. 40A:4-45.14)

Council President McDermott opened the meeting for public hearing on Ordinance No. 875-2024 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. 875-2024 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. 876-2024:

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

Ordinance No. 876-2024:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHATER 14 (WATER AND SEWER) OF THE AVALON BOROUGH CODE PERTAINING TO IRRIGATION AND WATER EMERGENCIES INCONSISTENT ORDINANCES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

Council President McDermott opened the meeting for public hearing on Ordinance No. 876-2024 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. 876-2024 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 Reports:

Month of March 2024 – 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 Councilwoman Juzaitis, 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:

Council President McDermott made the following statement:

“The Mayor, Administration, and Borough Council fully understand that there is a concern about the property at 5609 Dune Drive in the high dunes and the alleged installation of vegetation, which is not permitted under either the DEP or Borough Ordinance. Difference from the natural environment is a violation of the DEP permit. While the Council understands all residents’ concerns, this Council is prevented from discussing this matter or responding to you in this matter while the litigation is pending. There are currently two enforcement actions pending. The first is an administrative enforcement action by the DEP. And the second is, since the violation, if proven, would violate both the DEP permit and Borough Ordinances, the Borough filed criminal complaints against the property owners. However, since the DEP is the lead agency, the municipal court matters must follow the DEP administrative enforcement action. Therefore, this Council, as a matter of law, cannot comment on any of your comments on the status of the enforcement actions. We can, however, assure the public that the matter is being pursued by both the Borough and the DEP in cooperation with one another and to that end, there will not be a reoccurrence of such a violation in a highly sensitive area of our community. Thank you.”

April 10, 2024

Barbara Stout, 406 20th Street, referenced a recent article in the Cape May County Herald regarding the property at 5609 Dune Drive and the clear-cutting of the native maritime forest on said private property. She voiced concerns about facts contained within the article, including the length of time between the discovery of the violation and action taken on the infraction. She made mention of other facts within the article and inquired as to why the Borough had not taken any action on any observations made. She further pointed out the Borough of Avalon has Ordinances in place to stop any desecration of the dunes and expressed the opinion that the Borough failed in upholding its own Ordinances. She stressed the importance of fixing the error.

Martha Wright, 632 7th Street, quoted portions of Chapter 23 of the Avalon Borough Code titled "Beach and Dune Protection", such as the Borough's findings as to the importance of the Borough's dune system as well as the reasoning for maintaining the integrity of the dunes on public and private property, as well as the Borough's responsibilities and enforcement allowances for unlawful activity in the dunes, including the disturbance, removal, or redistribute sand or vegetation on private or public property within the dune area. She expressed disappointment that the public safety and welfare of the dunes was not protected by the Borough of Avalon. She noted the Borough Code clearly states the Planning/Zoning Board shall give due regard, but shall not be required to accept any recommendation of the DEP, and that enforcement should fall upon the Borough of Avalon. She made reference to a report she personally made in February 2022 to the Environmental Commission and Borough Administration regarding illegal cutting of the dunes occurring near 123 73rd Street and 125 77th Street. At that time, Business Administrator Scott Wahl stated it was being handled and was a police matter with no referral to the DEP made.

Elaine Scattergood, 75 30th Street, mentioned an interaction with a neighbor, who represented contact with Paul Short during the summer about many vehicles parked along Dune Drive near 5609 Dune Drive, during which Mr. Short represented work was being done at that time, with no found violations. She expressed disbelief that no violations were found, and voiced her disappointment in the Borough's actions as a result of the desecration of the dunes.

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 5:08 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

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