

April 24, 2019

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, April 24, 2019 at 4:31 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 Deever.

<u>Roll call:</u>	Council President Deever	Present
	Council Vice President Covington	Present
	Councilwoman Hudanich	Present
	Councilwoman Juzaitis	Present
	Councilman McCorristin	Absent

Also present:

Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
James Craft, Chief Financial Officer  
Nicole Curio, Esquire, Borough Solicitor  
Steve Camp, Assistant Director of Public Works/Utilities  
John Roscoe, Police Captain  
Paul Short, Code Enforcement Officer  
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 27, 2018. It was given to the news media and posted on the Official Bulletin Board as required by law.

Minutes:

Public Hearing, Work Session, Agenda Session, Regular Meeting – April 10, 2019

Motion made by Councilwoman Hudanich, seconded by Councilwoman Juzaitis that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

None.

<u>Resolution No.</u>	<u>84-2019:</u>	RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH ELIZABETH McMANUS, A LICENSED PROFESSIONAL PLANNER AND THE FIRM OF KYLE + McMANUS OF HOPEWELL NEW JERSEY FOR CERTAIN PLANNING AND CONSULTING SERVICES PERTAINING TO AFFORDABLE HOUSING ISSUES FOR THE BOROUGH OF AVALON AND FOR THE AVALON PLANNING & ZONING BOARD FOR A ONE (1) YEAR TERM COMMENCING MAY 1, 2019 TO APRIL 30, 2020 FOR AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)
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Motion made by Councilwoman Juzaitis, seconded by Council Vice President Covington that the resolution be adopted.

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

Resolution No. 85-2019: A RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 CATERPILLAR MODEL 918M WHEEL LOADER FROM FOLEY CAT THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE

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

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

Resolution No. 86-2019: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

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

Introduction and first reading by title only of Ordinance No. 789-2019:

Motion made by Council Vice President Covington, seconded by Councilwoman Juzaitis that Ordinance No. 789-2019 be brought on for first reading by title only.

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

Borough Clerk read aloud Ordinance No. 789-2019:

Ordinance No. 789-2019:

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 779-2018 PREVENTING THE SALE, USE OR DISTRIBUTION OF CERTAIN PLASTIC ITEMS DEEMED TO CONSTITUTE A THREAT TO THE ENVIRONMENT AND AMENDING AND SUPPLEMENTING CHAPTER 17 (SOLID WASTE MANAGEMENT) AND MANDATORY RECYCLING THE CODE OF THE BOROUGH OF AVALON, 2013

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Motion made by Council Vice President Covington, seconded by Councilwoman Juzaitis that Ordinance No. 789-2019 be passed on first reading and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 785-2019:

Motion made by Councilwoman Hudanich, seconded by Council President Deever that Ordinance No. 785-2019 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 785-2019:

Ordinance No. 785-2019:

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS PROVISIONS OF THE AVALON BOROUGH CODE, TO WIT: CHAPTER 2, ARTICLE 7 (FEES) PERTAINING TO TAX COLLECTOR FEES AND ELECTRIC VEHICLES; CHAPTER 8 (TRAFFIC) PERTAINING TO ELECTRIC VEHICLES AND BICYCLE ROUTES AND CHAPTER 10 (LICENSES AND PERMITS) PERTAINING TO THE BUREAU OF LICENSES

Council President Deever opened the meeting for public hearing on Ordinance No. 785-2019 and asked if there were any questions or comments.

No comments.

Motion made by Councilwoman Hudanich, seconded by Council President Deever that the public hearing be closed.

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

Motion made by Councilwoman Hudanich, seconded by Council President Deever that Ordinance No. 785-2019 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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



Second reading, public hearing and final action on Ordinance No. 786-2019:

Motion made by Councilwoman Hudanich, seconded by Council President Deever that Ordinance No. 786-2019 be brought on for second reading, public hearing and final action.

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

Borough Clerk read aloud Ordinance No. 786-2019:

Ordinance No. 786-2019:

BOND ORDINANCE PROVIDING FOR VARIOUS 2019 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$2,089,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,671,200 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council President Deever opened the meeting for public hearing on Ordinance No. 786-2019 and asked if there were any questions or comments.

No comments.

Motion made by Councilwoman Hudanich, seconded by Council President Deever that the public hearing be closed.

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

Motion made by Councilwoman Hudanich, seconded by Council President Deever that Ordinance No. 786-2019 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 787-2019:

Motion made by Councilwoman Juzaitis, seconded by Council Vice President Covington that Ordinance No. 787-2019 be brought on for second reading, public hearing and final action.

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

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Borough Clerk read aloud Ordinance No. 787-2019:

Ordinance No. 787-2019:

BOND ORDINANCE PROVIDING FOR VARIOUS 2019 WATER AND SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$2,482,500 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$2,358,375 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF

Council President Deever opened the meeting for public hearing on Ordinance No. 787-2019 and asked if there were any questions or comments.

No comments.

Motion made by Councilwoman Juzaitis, seconded by Council Vice President Covington that the public hearing be closed.

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

Motion made by Councilwoman Juzaitis, seconded by Council Vice President Covington that Ordinance No. 787-2019 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 788-2019:

Motion made by Council Vice President Covington, seconded by Council President Deever that Ordinance No. 788-2019 be brought on for second reading, public hearing and final action.

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

Borough Clerk to read aloud Ordinance No. 788-2019:

Ordinance No. 788-2019:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVALON TO WIT: CHAPTER 8 (TRAFFIC) PERTAINING TO A DESIGNATED CONSTRUCTION ZONE; TO AMEND THE DEFINITION OF "CONSTRUCTION VEHICLE" AND AUTHORIZING THE POSTING OF SIGNAGE FOR CONSTRUCTION ZONES; AND CHAPTER 20 PERTAINING TO CONSTRUCTION ZONES



Council President Deeever opened the meeting for public hearing on Ordinance No. 788-2019 and asked if there were any questions or comments.

James Waldron stated Administration is recommending Ordinance 788-2019 be amended by the addition of a single sentence. This sentence will be included at the end of item 4 stating “*only the property owners of the construction site, the General Contractor or the Construction Manager are authorized to initiate enforcement under this section.*” This recommendation comes about as result of the discussion that ensued at the Council Meeting on April 10, 2019 regarding the initiation of complaints concerning vehicles parked in the construction zone. This parallels the Borough’s policy with respect to illegal parking in private driveways. Interested parties can file a complaint and this is the recommendation Administration is proposing to Council to consider as part of this Ordinance.

Councilwoman Hudanich thanked Administration for making the appropriate change to this Ordinance as it offers further clarification and will help to avoid any issues that may arise in the future.

James Waldron added this change is consistent with the language that appears on the signs that are posted at the construction site.

Martha Wright, 632 7<sup>th</sup> Street thanked Administration for the clarification concerning vehicles parked in the construction zone. She requested further clarification from Administration regarding unmarked, unauthorized vehicles parked in the construction zone and asked what is considered a violation.

James Waldron indicated to the extent that Martha Wright would be impacted as a neighbor, she would be an interested party and she could initiate that complaint. To go a step further, should Martha be driving down “X” Street and see an unauthorized vehicle parked in a construction zone, she cannot initiate a complaint. Only the property owner, general contractor or the construction manager are authorized to initiate a complaint. Under those circumstances, a neighbor who is an interested party and impacted by the illegal parking may initiate a complaint.

Martha Wright, 632 7<sup>th</sup> Street expressed her frustrations as she is currently living next to a construction site and is looking forward to the establishment of the construction zone. She closed her comments by voicing support of the Ordinance and thanked Council for their efforts.

Motion made by Council Vice President Covington, seconded by Council President Deeever that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Council Vice President Covington	Aye
	Councilwoman Hudanich	Aye
	Councilwoman Juzaitis	Aye
	Councilman McCorristin	Absent
	Council President Deeever	Aye

Motion made by Council Vice President Covington, seconded by Council President Deeever that Ordinance No. 788-2019 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Council Vice President Covington	Aye
	Councilwoman Hudanich	Aye
	Councilwoman Juzaitis	Aye
	Councilman McCorristin	Absent
	Council President Deeever	Aye

Resolution No. 87-2019: A RESOLUTION DECLARING AN EMERGENCY  
PURSUANT TO N.J.S.A. 40:69A-181 CONCERNING  
THE EFFECTIVE DATE OF ORDINANCE NO. 788-  
2019

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

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

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Scott Wahl explained he would like to address two matters; the first matter is concerning the backpassing project. After a meeting with Steve Camp and Shawn Carr from Mott Macdonald in the fill area of the beach fill project, it has been determined the project is close to being completed. The Borough has been posting updates and photos on the project link on the municipal website. Earlier this morning, an update posted on the website indicated that the beach fill project has resulted in 47,000 cubic yards of sand being moved from the Borough area into the North End. As Council is aware, the Borough has rented the equipment through the end of April. Conservative movement of sand is approximately 3,500 cubic yards per day with a favorable tide and weather cycle over the next few days. The Borough anticipates being able to move all of the sand in advance of the conclusion of the rental of the equipment. Public Works has done a very admirable job and there have been no safety concerns in despite of some early challenges. Mott Macdonald has done a great job constantly monitoring the beach fill as well. Secondly, he provided clarification with regards to Martha Wright's comments concerning notice sent by Middlesex Water Company. Approximately ten years ago, the DEP imposed a permit upon the Borough for quarterly testing of all the water wells in the Borough. With that said, the Borough has not had any issues with the water meeting the acceptable levels. In March of 2018, well number 9 was shut down for emergency maintenance and the DEP was notified. Despite being notified, the DEP still attempted a test on the water after they were told the well was shut down for maintenance purposes. The Borough agreed to provide a test as soon as the well was repaired. The Borough received a violation from the DEP simply because the well was unavailable.

Councilwoman Hudanich: mentioned she felt the letter was out of place and inappropriate. She thanked Scott for the clarification with regards to the letter from Middlesex Water.

Monthly Reports:

Month of March 2019:

- Borough Clerk and Registrar's Report submitted by C. Danielle Nollett.
- Bureau of Fire Prevention, Licensing, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code, Taxicab, Beach Vehicle Reports submitted by John Tracy.
- Code Enforcement Report submitted by Paul E. Short, Sr.
- Municipal Court Report submitted by Deborah Scott.
- Police Department Report submitted by Chief Jeffrey Christopher.
- Public Works Department Report submitted by William Macomber.
- Recreation Operations Report submitted by Chuck McDonnell.
- Tax Collector & Water/Sewer Control Account submitted by Alexis Coan.
- Zoning Report submitted by Brenda Camp.



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

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

Pending business.

None.

New business

None.

Public Comments:

None.

Motion made by Councilwoman Juzaitis, seconded by Councilwoman Hudanich to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 4:47 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
James Deever, Council President