A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, May 12, 2021 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 13 Reporters ----- 1

The meeting was called to order by Council President McCorristin.

Roll call:

Council President McCorristin

Councilman Deever

Councilwoman Hudanich

Councilwoman Juzaitis

Councilman Wierman

Present

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 R. Christopher, Chief of Police
Paul Short, Code Enforcement Officer
R. Edward Dean, OEM Coordinator
Chuck McDonnell, Director of Recreation
Steven C. Morey, Senior Project Manager, Mott MacDonald
James T. McDermott, Council-elect
Maura H. Coskey, Council-elect

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 24, 2020. It was given to the news media and posted on the Official Bulletin Board as required by law.

<u>Council President McCorristin</u> thanked all who exercised their civic duty by voting in the May 11, 2021 Municipal Election.

A moment of silence was observed to honor Michelle Devine, an employee of the Avalon Free Public Library who recently passed away.

Announcement of preliminary results from May 11, 2021 Municipal Election.

The Borough Clerk read the following tally of votes cast at the May 11, 2021 Municipal Election:

John M. McCorristin, candidate for Council At Large, received 79 votes in the 1^{st} District, 49 votes in the 2^{nd} District, 21 votes in the 3^{rd} District, and 68 Mail-In votes for a total of 217 votes.

Maura H. Coskey, candidate for Council At Large, received 80 votes in the 1^{st} District, 47 votes in the 2^{nd} District, 21 votes in the 3^{rd} District, and 67 Mail-In votes for a total of 215 votes.

James T. McDermott, Jr., candidate for Council At Large, received 81 votes in the 1^{st} District, 44 votes in the 2^{nd} District, 21 votes in the 3^{rd} District, and 63 Mail-In votes for a total of 209 votes.

12 write-in votes were cast, totaling to 653 votes cast.

There were 2,010 registered voters with approximately 232 ballots cast, which represents 11.54 % of the registered voters.

Provisional ballots have not yet been verified by the Cape May County Board of Elections and are not part of this announcement.

Council congratulated those elected and wished them well.

Discussion regarding the Borough of Avalon Emergency Operations Plan.

<u>Ed Dean</u> explained the Avalon Emergency Operations Plan must be updated every five years. The last full rewrite of the plan was in 2017, which Council approved. The content of the new plan being presented to Council remains the same, with the exception of minor housekeeping items.

Council agreed to proceed with a Resolution to be prepared for the May 26, 2021 Regular Meeting.

<u>Discussion regarding Resolution authorizing a grant application to be submitted for the Local Recreation Improvement Grant, Fiscal Year 2021 on behalf of the Borough of Avalon.</u>

Chuck McDonnell thanked Council for the opportunity to present his request to apply for the FY2021 Local Recreation Improvement Grant (LRIG), which is a reimbursement grant that would be placed in the budget as a capital project for 2022. The grant funding, if received, would allow a complete refurbishing of the 39th Street soft tennis courts. Since the year 2000, the courts have had only annual resurfacing and routine yearly maintenance, which consists of cleaning, top dressing, and re-lining. A complete refurbishing is recommended every 10-15 years, which consists of the complete removal of surfacing down to grade, laser regrading, irrigation canisters updated, irrigation pipes repaired if needed, all new surfacing, and lines. A breakdown of the estimated cost received from Welch Tennis Courts, the vendor used for yearly resurfacing, was reviewed. The application deadline for this grant program is May 24, 2021.

Council President McCorristin asked how long it would take to receive the grant funding, if approved.

Chuck McDonnell expressed the assumption that the grant funds will expire after one year.

<u>Councilwoman Hudanich</u> asked if this is the grant will be entered into the grant opportunity system, and who in the Borough has administrative privileges to view and submit the grant.

<u>Chuck McDonnell</u> replied yes, the grant will be entered into the SAGE system, and the Borough has not yet logged onto the system to submit the grant.

<u>Councilwoman Hudanich</u> recommended that Chuck access the system sooner than later, as the system is sometimes difficult to access.

<u>Council President McCorristin</u> inquired if replacing playground equipment would fall under the requirements for the grant.

Chuck McDonnell replied yes.

Council President McCorristin suggested replacing the playground equipment as well.

<u>Scott Wahl</u> clarified the total grant program is valued at two and a half million dollars with the maximum grant award per municipality being five hundred thousand dollars. The grant award would be made no later than June 11, 2021.

<u>Councilwoman Hudanich</u> thanked Chuck for his hard work, noting this project will be a great improvement to the Avalon tennis facilities.

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

Discussion regarding amendment to the Borough of Avalon Salary Ordinance

James Waldron reminded Council there was a reorganization of the Division of Beach Patrol within the Department of Public Safety, which involved a change in the command structure. This proposed amendment to the salary Ordinance establishes a range of \$35,000 min to \$50,000 max for the title of Chief of the Beach Patrol. The Captain of the Beach Patrol salary range remains the same without a change. A provision to the Ordinance has been added to stipulate that bonuses are set annually by Resolution. The second component to these amendments is to the title of Building Subcode Official, which would raise the max scale from \$40,000 to \$50,000. This is predicated by the Borough's most recent experience when attempting to secure a Building Subcode Official. The Borough and the City of Wildwood have entered into a Shared Services Agreement, and the cost will be \$45,000 per year for Avalon.

<u>Councilwoman Juzaitis</u> asked if the salary range change for Building Subcode Official had been discussed by Council previously.

<u>James Waldron</u> indicated a problem arose with respect to available personnel who hold licenses to fill these positions, therefore the salary of the appointed Building Subcode Official must be adjusted.

 $\underline{\text{Councilwoman Hudanich}} \text{ asked if the minimum and maximum salary ranges are clearly stated in the policy.}$

<u>James Waldron</u> replied yes and explained there are a variety of salaries within the scale with a nomination by the Mayor, and advice and consent of Council.

Council agreed to proceed with the appropriate Ordinance to be considered for introduction at today's Regular Meeting.

Discussion regarding proposed amendment to Chapter 27 (Zoning) pertaining to Floor Area Ratio.

<u>James Waldron</u> reported this proposed amendment originated with the Division of Construction Code Enforcement and Code Enforcement. Similarly, Ed Dean has brought up the fact that there are two different definitions of "cabana", one in Chapter 26, Subdivision and Site Plan Ordinance, and the other in Chapter 27, Zoning. To alleviate the discrepancy, Mr. Dean has recommended using the Chapter 27 definition with the clarification that plumbing is permitted, but toilets, showers, and bathtubs are not permitted. As a matter of strict policy, any differences in definitions should be addressed when discovered and corrected appropriately. The second item to be discussed is the Floor Area Ratio (FAR) and the need to have certain ground floor space remain open. If a structure is enclosed, it counts toward the FAR and if it is open, it does not. Mr. Dean has suggested a change to the Zoning Ordinance definition of Floor Area Ratio (FAR) as a means of eliminating any ambiguity in the interpretation of the Ordinance and the need to have certain ground floor space remain open. The proposed changes have been distributed among Paul Baldini and Joe Maffei. Mr. Baldini responded favorably and recommended the change.

<u>Council President McCorristin</u> asked for clarification that toilets, showers, and bathtubs are not permitted in the cabana facilities, with the only plumbing item permitted in the cabana facility being a sink.

Ed Dean confirmed and explained a sink would be permitted in a cabana.

<u>Councilwoman Hudanich</u> suggested adding the wording "plumbing fixtures such as a sink are permissible".

<u>Ed Dean</u> agreed with changing the wording to clarify the permitted plumbing equipment. Furthermore, with cabanas and other accessory structures, flood regulations also come into play. If a sink is below the flood elevation, it will not be permitted.

<u>Council President McCorristin</u> added a cabana is an enclosed structure and asked the classification for outdoor kitchens, grills, and smokers.

<u>Ed Dean</u> explained an outdoor kitchen, grill, or smoker is a separate accessory structure. While not necessarily defined in the Zoning Code, they are permitted as an accessory structure, providing it meets the regulations.

Council President McCorristin asked Ed to explain the meaning of "two contiguous sides".

<u>Ed Dean</u> responded it means connecting, and refers to the garage door opening. The following contiguous side would be considered the sidewalk. The sidewalk would have to be open in order for it to not be considered under the FAR.

Councilman Wierman asked if a breezeway is considered contiguous.

<u>Ed Dean</u> replied this would be considered part of FAR, because the two sides are not contiguous. These changes are recommended to prevent open structures below flood elevation from being enclosed by the insulation of a single floor.

After further discussion, Council agreed to proceed with the appropriate Ordinance to be prepared for introduction at the May 26, 2021 Regular Meeting.

<u>Further discussion regarding Resolution authorizing a contract with Just Right TV, LLC for livestreaming services.</u>

Scott Wahl noted if Council is in agreement with the submitted proposal, Just Right TV would supply the professional video production services yielding livestream and video recordings of Council Meetings for on-line viewing by the public live and on-demand. Just Right TV has all required supporting documents. The CFO has authorized availability of funds. The proposal will result in live video and audio streaming of Borough Council meetings with the video file being provided after the meeting and uploaded to YouTube. The Borough also received a quote for a hard fixed position camera that was much more expensive.

Councilwoman Juzaitis made the following statement: "I am willing to try the livestreaming on a limited basis, although I do not believe there is an overwhelming public demand for this service. Frankly, with 40% of this Governing Body turning over in a few weeks, I feel this should have the input of the two new elected officials once they are in office. To be clear, any member of this community that represents there is an issue with public transparency, is wrong beyond reasonable doubt. Most public entities in the State of New Jersey take great efforts to ensure the public is informed. In my opinion, Avalon is a model for this region. The municipal website is flushed with information regarding capital projects, initiatives, financial information and much more. The Borough of Avalon started an emergency management website that has become the model in the region. For a community with just over 1,300 residents and 6,000 properties, there are over 14,000 followers to the Borough social media page. We provide two newsletters every year to every property owner along with our information guide. Our "Ask a Question" feature located on our website answers thousands of individual complaints, suggestions and questions each year. This is in addition to all of the public meetings held each year and our excellent relationship with our Home and Landowners Association. Any representation that this Borough is not transparent is wrong and couldn't be farther from the truth."

<u>Council President McCorristin</u> indicated there has been an outcry from individuals requesting livestreaming. If approved, this would be a temporary item only. In December, when all contracts are being renewed, this will be one of the contracts considered. At that time, the new Council members could offer their input.

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

<u>Discussion regarding Resolution approving the amount of bonus for members of the Avalon Beach</u> <u>Patrol for the 2021 season.</u>

<u>James Waldron</u> explained Chief Christopher and James Craft have reviewed the bonuses for members of the Beach Patrol, and are recommending the same bonus structure as last year, with the only difference being the date on which bonus calculation will begin.

<u>Council President McCorristin</u> mentioned the bonus program helps to retain Beach Patrol employees after Labor Day and asked how many members of the Beach Patrol were employed through the "off season".

<u>James Waldron</u> said that information is unknown without further investigation, and added there is a problem this year with respect to coastal communities acquiring summer help.

Council President McCorristin asked when the Beach Patrol will hold its annual lifeguard test.

Councilman Wierman responded annual tryouts are typically held the first week of June.

<u>Scott Wahl</u> added Council President is correct with regards to the retention of employees, and mentioned coastal areas continue to face the challenge of the increased population and lack of employees.

Council agreed to proceed with a Resolution to be prepared for the May 26, 2021 Regular Meeting.

<u>Further discussion regarding Resolution authorizing a contract with Just Right TV, LLC for livestreaming services.</u>

Councilwoman Hudanich thanked Council for clarifying the driving force of the livestreaming. She stressed the importance of Council maintaining the balance of this conversation, while keeping in mind the governing body speaks as elected officials for all the constituents and holds a fiduciary responsibility on every agenda item with the certification of funds by the CFO. She expressed sadness at negative and toxic comments made about not using tax dollars to venues or performance of employees with criticism. She noted when examining video streaming, the pros and cons were reviewed with the end in mind, which is the repeated allegations that Council is not transparent. She stated for the record her opinion that transparency is not equated with seeing a face, but rather the content, the essence and the delivery of the substance of the conversations. She respectfully requested that Council postpone consideration of this Resolution until the newly elected Council members take office. She inquired about the fees for this service.

Scott Wahl said the quote begins in July 2021 at a cost of \$300 per meeting, \$600 per month.

Councilwoman Hudanich asked if the video is streamed live on a purchased channel on YouTube.

Scott Wahl explained the video could be posted on the website, YouTube or social media.

<u>Councilwoman Hudanich</u> noted the essence of the process was because the audio system and teleconference line tends to have technical difficulties and expressed concerns that this proposal is not for an interactive service. If this service is used, the existing teleconference line will still need to be used for members of the public to participate.

<u>Council President McCorristin</u> explained many years ago, this issue was addressed when other towns were using this platform, to keep the public informed. He stated there are many presentations during the Council meetings, such as the Bay Park Marina, that the public cannot see. He stressed the importance of making the public aware of the great things Council does for this town. He spoke in support of this contract to allow the public's access to presentations and programs offered.

<u>Councilman Wierman</u> spoke in support of livestreaming, so the public can view the presentations in real time, and spoke in favor of the trial period.

Councilwoman Hudanich advocated for the celebration aspect of livestreaming.

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

Public Comments:

Martha Wright, 632 7th Street, advocated for the accessibility aspect of livestreaming the Council meetings while noting many residents who live out of state have limited access to the Council meetings, as it is challenging to attend the 4:00 pm meeting. She noted the audio continues to be an issue for participants, and the Council meetings remain inaccessible to people who would like to participate, but feel unsafe doing so due to the pandemic. She encouraged Council to vote in favor of livestreaming and expressed her frustration with the lack of accessibility across all platforms, adding the information presented during the meetings is not available to the public.

<u>Edward "Lefty" Grimes, Bayonne, NJ</u> advocated for rights of persons with disabilities and cannabis rights. He expressed his frustrations with Council regarding the prevention of sale to individuals seeking marijuana for medical treatment.

<u>Council President McCorristin</u> clarified Avalon did not ban medical marijuana, nor is there a discussion scheduled regarding cannabis on Council's agenda this evening.

<u>Edward "Lefty" Grimes, Bayonne, NJ</u>, referenced an article in the newspaper, which indicates Avalon's prohibition of a medical marijuana dispensary.

<u>Council President McCorristin</u> explained there is no availability in Avalon to house a dispensary, and confirmed dispensaries are not allowed in Avalon's Zoning Ordinance; however, pharmacies selling medical marijuana are permitted.

<u>Elaine Scattergood, 75 30th Street</u>, voiced her opposition to livestreaming the Council meetings using Just Right TV, as she feels it is more cost effective to have an individual record the meetings via cell phone. She congratulated James T. McDermott and Maura H. Coskey for being elected.

Marina Redmond asked Council to publicly state their stance on medical marijuana.

Nicole Curio explained there is nothing on Council's agenda to discuss medical marijuana today.

Marina Redmond asked how Council plans to vote on this topic in the future.

<u>Nicole Curio</u> replied this issue has not been discussed; therefore, Council has no official stance at this time.

Marina Redmond asked Council to announce their feelings about a medicine that could help save lives.

<u>Nicole Curio</u> explained the public comment portion of the meeting is not the forum to answer such inquiries, but is rather an opportunity for the public to address Council and make comments.

<u>Marina Redmond</u> spoke as an advocate of marijuana use for personal medical reasons. She expressed her frustrations that this medicine is not universally accepted and spoke in support of individuals who use suffer from cancer and PTSD.

<u>Rick Robinson, 6448 Ocean Drive</u>, asked Council to consider informing the public of the dangers imposed by the proposed development of a wind farm off of New Jersey's coastline and allow the public to be heard concerning this matter. He indicated he emailed the full and complete copy of the Resolution adopted by Cape May County for Council's information. He expressed hopes that a thorough discussion will take place and Avalon would consider adopting a similar Resolution.

<u>Jamie Vansciver, Hallsboro, NJ</u>, advocated for medical cannabis patients' rights and accessibility. She spoke in opposition of preventing marijuana sales and use while further advocating for individuals, like herself, who need it for alternative treatments. She noted medical marijuana is often prescribed to veterans and accused Council of not supporting veterans by banning medical marijuana dispensaries.

<u>Council President McCorristin</u> explained Avalon is opposed to having dispensaries, as there is no facility that could house such an operation. He further explained there is nothing on the agenda tonight to discuss medical marijuana; therefore, Council does not have an official position on this matter at this time. He defended his constituents by stating Council works diligently for the Borough of Avalon and the veterans.

<u>Jeff Werner, 300 79th Street</u>, noted his opposition to the wind farm and urged Council to consider a formal opposition of the wind farms. He asked if the Borough has the ability to stop the project.

<u>Council President McCorristin</u> explained Council does not have power to stop what the State, Governor or Legislator has approved.

<u>Scott Wahl</u> announced over a week ago, the County held a meeting with Mayors and Administrators. In that meeting, the Mayors and County were unanimous in the decision that individual meetings will not be held regarding this issue. A discussion will be held with Orsted and the information will be released to the public.

<u>Councilwoman Hudanich</u> offered clarification and suggested a Resolution could be adopted by the New Jersey League of Municipalities on behalf of all members. To request individual meetings and Resolutions is not the way to proceed moving forward, due to the difference of opinions.

Rick Robinson, 6448 Ocean Drive, asked if the County meeting will be accessible to the public.

Scott Wahl noted he is unsure, but plans to keep the public informed.

<u>Jeff King, Eatontown, NJ</u>, noted speakers are difficult to hear and spoke in favor of medical cannabis. He referenced an article in the Cape May County Herald and stated it doesn't sound like Avalon is in favor of medical cannabis. He urged Council to be transparent with their intent, opinions and views.

<u>Council President McCorristin</u> thanked everyone for their comments and reiterated there is no action being considered by Council concerning medical marijuana at this time.

Council to check over the agenda for the Regular Meeting.

Council proceeded to check over the agenda for the Regular Meeting.

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich to adjourn the Work Session.

ROLL CALL VOTE:

Councilman Deever
Councilwoman Hudanich
Councilwoman Juzaitis
Aye

Councilman Wierman Aye
Council President McCorristin Aye

Work Session adjourned at 5:17 p.m.

Respectfully submitted,

C. Danielle Nollett, Borough Clerk

John M. McCorristin, Council President