

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, January 26, 2022 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 4                      Reporters ----- 1

The meeting was called to order by Council President Juzaitis.

<u>Roll call:</u>	Council President Juzaitis	Present
	Councilwoman Coskey	Present
	Councilman McCorristin	Present
	Councilman McDermott	Present
	Councilman Wierman	Present

Also present:  
Mayor Martin L. Pagliughi  
Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Borough Solicitor  
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
Jeffrey R. Christopher, Police Chief  
William McCormick, Director of Public Works/Utilities  
Donna Rothman, Chair, Avalon Environmental Commission

Council President Juzaitis read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 23, 2021. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Juzaitis read the following statement:

“For the convenience of the public, the Borough is offering, on a trial period, 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.”

Mayor Pagliughi conducted the swearing in of Officer Quar’tus Byrd.

**Presentation by Donna Rothman of the Avalon Environmental Commission 2021 Annual Summary and 2022 Work Plan.**

Donna Rothman reviewed the Avalon Environmental Commission 2021 Annual Summary in detail for the benefit of Council and the public by touching on each of the following initiatives addressed during 2021: Dune Vegetation Management Plan projects; review of the Borough Master Plan and Green Master Plan Addendum IV; Offshore Wind Farm, Acceptable Plant Materials List additions; lecture series at Surfside Park and the Pollinator Garden; Dune Grass Plantings; the Grasses in Classes program; the New Jersey Tree Recovery Free Seedlings Program; review of the history of a tree located on 22<sup>nd</sup> Street; New Jersey Department of Environmental Protection Land or Waterfront Development permits reviewed; the Landscaper Mail Program; tours of the Avalon Dune and Beach Trail; tree plantings on Dune Drive islands, ballfield sites and public property in the lagoons; establishing new goals and objectives for the Community Forestry Management Plan; the compilation of a tree inventory; Armacost Park pipe replacement and park restoration; a new Environmental Commission website; two awards won by the Avalon Environmental Commission, awarded by ANJEC; the 3<sup>rd</sup> Year Monitoring Report from the CSIP Grant; attendance at the Shade Tree Federation Conference; and the Pollinator Garden weeding of invasive plants. She expressed excitement in taking many of these initiatives into the 2022 year, as well as developing new programs.

Council thanked Donna and the Environmental Commission for their dedication to improving the environmental condition of the Borough of Avalon.

**Discussion regarding Resolution amending the Acceptable Plant List.**

Scott Wahl represented this recommendation has been reviewed and approved by Joe Lomax, as well as the Avalon Planning/Zoning Board.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 9, 2022 Regular Meeting.

**Discussion regarding Ordinance establishing a “No Parking Zone” on 21<sup>st</sup> Street.**

James Waldron explained this Ordinance is a requirement as part of a settlement agreement concerning the Buchanan issue addressed at the January 12, 2022 Council Meeting. This Ordinance establishes a new loading zone on 21<sup>st</sup> Street, as well as the creation of five angle parking places on Dune Drive. Once this Ordinance is adopted, only the striping of the parking places and the insertion of the curb will remain. It is recommended Council look favorably upon this Ordinance.

Council agreed to proceed with an Ordinance to be prepared for the February 9, 2022 Regular Meeting.

**Discussion regarding Ordinance amending Chapter 2 (Administration) to create a Division of Human Resources.**

James Waldron noted as Council is aware, the partial reorganization of the Department of Administration was approved to create a new Division of Human Resources. At the January 12, 2022 Council Meeting, the job description for Human Resources Officer was approved, and the appointment of Charles Schlager of Charles Schlager, LLC as Human Resources Officer was confirmed by way of a Professional Services Contract. This Ordinance creates that division and is the final administrative requirement to complete the reorganization.

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

**Discussion regarding Resolution authorizing renewal of Maintenance of Borough Owned Grounds and Garden Plots Contract for an additional one-year term commencing February 1, 2022.**

Scott Wahl reported the Public Works Director recommends the extension of this contract with Bayshore Landscaping by one year. As many know, 2020 presented many challenges, due to COVID, to the credit of Bayshore Landscaping, they attended a meeting where many issues relating to work performance were brought to light, and they accepted requests for improvement. In 2021, those improvements occurred. With the extension of this contract, it is expected those improvements will continue in 2022.

Councilman McCorristin agreed that many improvements were seen in 2021 and expressed hope that these improvements will continue.

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

**Discussion regarding Resolution authorizing certain approved State contract vendors.**

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 9, 2022 Regular Meeting.

**Discussion regarding Resolution renewing the Borough’s participation in the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System.**

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 9, 2022 Regular Meeting.

**Discussion regarding Resolution authorizing the execution of a Professional Services Contract with Archer & Greiner, P.C. to provide special legal services pertaining to the award of a water and sewer system management contract.**

James Waldron explained the existing Water and Sewer Management contract expires June 30, 2022, and the process has begun to initiate a contract for these services for a 10-year term starting July 1, 2022. The contract preparation process has entered a phase where certain laws and environmental acts involving the delivery of potable water within a municipality must be incorporated into the documents. Archer & Greiner currently act as the Borough's Bond Counsel, and have the expertise to assist the Borough with these laws, as well as the negotiation of a new contract and the solicitation of RFPs/RFOs. A contract for these services has been negotiated with a not-to-exceed amount of \$29,000.00, which will be charged to the Water/Sewer Utility Fund.

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

**Discussion regarding proposal from Mott MacDonald for 22<sup>nd</sup> Street Water Main Upgrades.**

Thomas Thornton indicated this project was initiated by a report from Ken Koches of Middlesex Water Company after hydrant testing was performed and found pressures too low for firefighting services, as well as other water quality issues. This project would include the replacement of the cast iron water main on 22<sup>nd</sup> Street, including the side streets of Fourth, Fifth, and Sixth Avenues.

Council agreed to proceed with a Resolution to be prepared for a Regular Meeting after budget and Bond Ordinance adoption for proper funding.

**Discussion regarding proposal from Mott MacDonald for 2022 Backpassing Project.**

Scott Wahl showed Council pictures of the beaches at the north end, and reported there are some cliffing and scarping conditions on those beaches, as related to previous storm activity. Recently, conversations have taken place with the New Jersey Department of Environmental Protection, where it was indicated funding for a large-scale hydraulic beach fill has been approved, which will include Avalon and Stone Harbor. This beach fill would take place in approximately early spring of 2023. In the meantime, a backpassing will be necessary for the 2022 season, as the beaches between 11<sup>th</sup> and 13<sup>th</sup> Streets are in need of restoration.

Thomas Thornton explained this project would be very similar to recent projects, where up to 60,000 cubic yards would be scraped from the borrow area south of the fishing pier and transported to the beaches at the north end. This project would provide the necessary protection to get through the 2022 season. This proposal includes survey and design, permit compliance under the maintenance provision, pre- and post-surveys of the fill and borrow areas, and surveyor and inspector services. Coordination will take place with the Department of Public Works for the equipment needs.

Council President Juzaitis inquired about the proposed time frame.

Thomas Thornton responded the start of the project would most likely be during the month of April, with project completion by Memorial Day.

Councilman McCorristin questioned if the equipment will be permitted to come across the bridge.

Scott Wahl responded yes.

Councilman McCorristin asked for a piping plover update, and questioned if a piping plover restriction can be removed if there has been no active nesting for a certain period of time.

Mayor Pagliughi noted the piping plover restriction is still in place. A record year in hatchlings on beaches in the northern part of the state was reported. If an area isn't habituated for a number of years, a municipality may apply to have a piping plover restriction removed.

Councilman McCorristin questioned if any sea beach amaranth has been found.

Mayor Pagliughi replied no.

Thomas Thornton stated permit requirements include a pre-project inspection for the plant; however, no evidence of the plant have yet been discovered on Avalon's beaches.

Council President Juzaitis stressed the importance of ensuring the public does not approach the project area or the equipment transporting the sand, in the interest of public safety.

Council agreed to proceed with a Resolution to be prepared for the February 9, 2022 Regular Meeting.

**Discussion regarding proposal from Mott MacDonald for Service Line Inventory Assistance.**

Thomas Thornton informed Council the State of New Jersey recently passed a law requiring New Jersey municipalities to create an inventory of water service lines, with a goal of identifying and replacing all lead service lines, including galvanized, within 10 years. The Borough of Avalon has approximately 6,000 services lines. To comply with the law, the material of all service lines must be identified, and all unknown conditions must become known conditions over the next 10-year period. It may be possible to use technology to predict where lead lines may be, although it is not expected there are many lead lines throughout the borough. A work plan will be developed and implemented over the next 10 years.

Councilman McCorristin asked if the inventory should cover lines from the meters to the street.

Thomas Thornton responded the inventory must cover all lines from the main to the house, including goosenecks. By July, it is expected to have all known materials identified and mapped. All other unknowns must be investigated over the next 10 years, which may need to be done by excavation. Conversations will need to take place in terms of reasonable conclusions that can be derived from information on-hand, such as dates of construction.

Council agreed to proceed with a Resolution to be prepared for a Regular Meeting after budget and Bond Ordinance adoption for proper funding.

**Discussion regarding Resolution permitting virtual public participation in Council Meetings and establishing a policy by which public comment periods will be conducted.**

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 9, 2022 Regular Meeting.

**Discussion regarding Resolution issuing an Amusement Games License to Two Bits Amusements, Inc.**

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 9, 2022 Regular Meeting.

**Public Comments:**

Martha Wright, 632 7<sup>th</sup> Street, informed Council of a construction site in her neighborhood causing disruptions and littering instances in the neighborhood due to an uncovered dumpster. One issue dealt with is the dumpster being uncovered from the time construction activity on the site ceases and the end of the allowable construction hours, which can amount to many hours, contributing to debris blowing into the streets, the bay, and neighbor's yards. She implored the Borough to review the language of the Ordinance to avoid similar issues in the future.

James Waldron expressed interest in reviewing the language in the Ordinance, as this construction site is not following the intent of the Ordinance.

Martha Wright inquired when a Resolution will be considered by Council to allow public participation in Council Meetings through a virtual platform.

James Waldron responded a Resolution will be before Council at the February 9, 2022 Regular Meeting.

Mark Papineau, 189 34<sup>th</sup> Street, praised the Borough for outstanding music programs at Surfside Park, movies on the beach, Fourth of July fireworks, and the backpassing project in advance of the 2021 beach season. He expressed hope for an equally successful 2022.

John Kauterman, 2809 Dune Drive, asked for Council’s help with the Sport Fishing Center, informing Council of many inconsistencies found while reviewing records in connection with the Sport Fishing Center, and requested that an item addressing this be added to the next Council agenda.

Council President Juzaitis asked what Mr. Kauterman would like Council to address at the next meeting.

John Kauterman noted his wish is for Council to revert back to the rules of 2010 governing the Sport Fishing Center.

Council President Juzaitis indicated this suggestion will be taken under advisement.

John Kauterman expressed his passion for this topic and his wishes for Council to address this item. He further commended Donna Rothman and Martha Wright for their commitments for making the Borough a better place through their advocacy.

Kevin Dougherty, 792 21<sup>st</sup> Street, spoke in support of John Kauterman and also suggested Council review the rules and regulations governing the Sport Fishing Center at an upcoming agenda. He noted the primary purpose of the Sport Fishing Center is to have a gathering place for sport fishing for the community’s benefit and reiterated the importance of Council evaluating the boats at the Sport Fishing Center for their fitment with the regulations. He expressed a wish to host a charity event in Avalon at the Sport Fishing Center.

Napoleon Monroe, 35 East 23<sup>rd</sup> Street, expressed hope that the Borough will soon be reviewing the stormwater management issue at the north end, which contributes to flooding in that area.

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

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

Motion made by Councilwoman Coskey, seconded by Councilman Wierman to adjourn the Work Session.

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

Work Session adjourned at 5:03 p.m.

Respectfully submitted,

C. Danielle Nollett  
C. Danielle Nollett, Borough Clerk

Barbara L. Juzaitis  
Barbara L. Juzaitis, Council President