

March 23, 2022

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, March 23, 2022 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 3

Reporters ----- 0

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:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
Jeffrey R. Christopher, Chief of Police
James Craft, Chief Financial Officer
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Paul Short, Code Enforcement Official
Joseph Clark, Qualified Purchasing Agent

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.”

Council President Juzaitis acknowledged the Volunteers in Medicine, who recently celebrated their 20th anniversary this year. She happily announced Avalon’s full and continuous support of this program, which has done phenomenal things for those without health insurance.

Swearing in by Mayor Pagliughi of Sergeant Gregory Armstrong.

Discussion regarding Professional Services Contract with Bay Atlantic Symphony for Fourth of July concert.

Scott Wahl announced the indoor Fourth of July performance by Bay Atlantic Symphony will be returning to Avalon for the first time post-pandemic. The concert will be held inside Community Hall. There is a minor increase within the proposal; however, the Chief Financial Officer has provided the appropriate Certification of Funds.

Council agreed to proceed with a Resolution to be prepared for the April 13, 2022 Regular Meeting.

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Discussion regarding Professional Services Contract with 7 Mile Publishing for Public Relations and Advertising Services.

Scott Wahl asked Council to look favorably upon the renewal of this annual contract, which provides various services to the Public Information Office. He commended 7 Mile Publishing for their exemplary performance and noted they aid in layout and distribution of the newsletters, recreation guide, lifeguard yearbook, and other items. This year, a line has been added to the proposal for tourism advertising to add to the marketing effort to invite visitors back to our community.

Council agreed to proceed with a Resolution to be prepared for the April 13, 2022 Regular 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 2022 calendar year.

Scott Wahl explained this agreement would renew the longstanding relationship with both Coastal Broadcasting, Inc. and Cape May County Herald, which is used to promote Borough and Chamber of Commerce events, such as Festive Friday, Snowfest Saturday, and the Seafood Festival. The contract amounts will be remaining the same for 2022.

Council agreed to proceed with a Resolution to be prepared for the April 13, 2022 Regular Meeting.

Discussion regarding Resolution approving revised form of Non-Conversion Agreement pursuant to Ordinance 834-2022.

James Waldron noted as Council is aware, Ordinance 834-2022 was passed by Borough Council on March 9, 2022. Ordinance 834-2022 was a restatement of a prior Ordinance, and made changes to the Floor Area Ratio (FAR) calculation. Those changes were embodied into a new Non-Conversion Agreement. The changes included in the Ordinance amended the penalty section to restate and clarify the penalty schedule, and made some non-substantive changes which clarified certain provisions in the earlier Ordinance. All changes are embodied into this new Non-Conversion Agreement, which Council is being asked to approve by Resolution today.

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

Discussion regarding Ordinance amendment concerning restricted hours of access to beach and boardwalk incorporating Mayoral Executive Order.

James Waldron indicated Mayor Pagliughi previously issued a Mayoral Executive Order, which restricted the hours of access to the beach and boardwalk. Council is being asked to incorporate that Executive Order into Chapter 9 of the Borough Code, which regulates, parks, the boardwalk, the beaches, and recreation facilities, to include the limited hours of access, in addition to extending the limited access to Surfside Park due to its close proximity to the boardwalk. The Ordinance as drafted provides that the hours of restricted access be between 11:00 pm and 4:00 am. If circumstances change and it is determined that those hours should be modified in the future, the Ordinance allows for those hours to be amended by Resolution. Any such restricted hours would be posted on the facility for public awareness.

Mayor Pagliughi added this Ordinance is being recommended due to problems arising from recent juvenile justice reform. Many issues arose last year, and it is expected for those same issues to be realized in the 2022 beach season.

Councilman McCorristin noted the drafted Ordinance amendment does not mention juveniles, and expressed concerns about early morning fishers and walkers trying to access the beaches and boardwalk during the restricted hours.

Mayor Pagliughi explained New Jersey State Statute prohibits curfews for certain age groups. Any and all restrictive hours to public facilities must be all-inclusive. This Ordinance gives the Police Department the power to disperse large or unruly crowds from these areas. The restriction does not apply to the fishing pier, as that is privately owned.

Chief Christopher stated it is not often that people walk on the boardwalk between 11:00 pm and 4:00 am.

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Council President Juzaitis stressed the importance of taking the necessary actions to deter nefarious activities in these areas.

Councilwoman Coskey asked for clarification that Surfside Park's restricted hours will be consistent with beach and boardwalk hours.

James Waldron confirmed.

Councilman McCorristin expressed understanding of the spirit of this legislation and the time restrictions, yet noted that youths have no proper gathering places.

James Waldron voiced his concerns regarding potential repercussions of the new legislation if Avalon does not take action to offset potentially damaging circumstances.

After further discussion, Council agreed to proceed with an Ordinance to be prepared for the April 13, 2022 Regular Meeting.

Discussion regarding Ordinance amendment appointing alternate members to Environmental Commission.

James Waldron explained this amendment would allow the appointment of two alternate members to the Environmental Commission. New Jersey State Statute is very clear in terms of when those alternate members can vote and the circumstances under which they can vote. The statute is incorporated into the proposed Ordinance insofar as the alternate members are concerned.

Mayor Pagliughi reported he has spoken with the Environmental Commission Chairperson, who wishes to be proactive in encouraging membership. There have been a few interested individuals with good environmental backgrounds.

Council agreed to proceed with an Ordinance to be prepared for the April 13, 2022 Regular Meeting.

Discussion regarding Ordinance amendment to Chapter 27 (Zoning) to create a setback exception for platforms for electric meters.

James Waldron reported this situation was brought to light by the Zoning and Construction Officials. Previously, a collapsible platform accessible by a ladder to read electric meters was considered adequate by Atlantic City Electric. Now, a new corporate policy of Atlantic City Electric prohibits climbing ladders or dealing with any type of collapsible platform. All electric meter platforms must now be permanent structures with steps leading to them. Many times, these permanent platforms are now encroaching slightly into the setback area. Due to the encroachment, the Zoning Official cannot approve a final Certificate of Occupancy (CO), which can prevent a sale from closing. The Zoning Official and Construction Official have provided reports regarding the requirements of the electric company recommending this Ordinance amendment. Such an amendment would require referral to the Planning/Zoning Board. Pending Council's approval, the Planning/Zoning Board is ready to discuss this proposed amendment at its April 12, 2022 meeting with a report of findings to be given to Borough Council on April 13, 2022 prior to introduction that day. Upon introduction, issuance of Temporary CO's would be permitted for affected properties, with final CO's to be given after final adoption of the Ordinance. In the past, permanent and collapsible platforms have been deemed acceptable; however, as a result of the recent merge with Exelon, the new company policy precludes meter readers from climbing ladders to read meters. Therefore, permanent structures will be required, otherwise the meters will not be read and electric service will be suspended until such structures are constructed.

Councilman McCorristin asked how these permanent platforms are now preventing the issuance of CO's when previously these platforms did not hinder the approvals.

Paul Short responded up until recently, no onsite zoning inspections were done, as approvals were given based on survey drawings submitted. In many cases, the surveys and drawings did not depict these platforms as encroaching within the setbacks. Currently, steps are allowed within the setback. This Ordinance amendment extends that allowance to these elevated platforms. In the Zoning Ordinance, if something is not expressly permitted, it is considered prohibited.

James Waldron noted many coastal communities are now facing this problem as a result of this change in policies on the part of the electric company.

After brief discussion, Council agreed to proceed with an Ordinance to be prepared for the April 13, 2022 Regular Meeting.

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Discussion regarding Resolution rejecting all bids received for the project known as Contract #22-01, Custodial & Cleaning Services of Borough Facilities.

Joseph Clark reported four bids were received in response to this project. The bid packages were reviewed, with many issues being found. There is an assumption that more time given to the bidders would allow for more competitive and complete bids. He gave an overview of issues with the bids received and questions asked of each of the bidders after the bids were received. He further detailed items that will be fine-tuned in the bid packages for the rebid, including asking for detailed employment information for employees to be used to complete the work regarding the contract; clarifying that the Borough of Avalon will be providing certain supplies, such as trash bags; detailing the types of insurances, riders, or endorsements required for transportation of employees conducting work on behalf of the contractor; including sketches of the buildings and areas to be covered under the contract scope. All other provisions previously discussed will remain included in the bidding documents. The bids in response to the rebid will be received April 7, 2022 for award at the April 13, 2022 Council Meeting with a contract start date of May 1, 2022. He expressed hope these new specifications will allow for more competitive and comprehensive bids.

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

Public Comments:

Martha Wright, 632 7th Street, gave a different outlook to the discussion held regarding an Ordinance allowing setback exceptions for electric meter platforms, and implored that Council not allow for such an exception. She further asked Council to consider asking Atlantic City Electric to change to a more remote reading of the meters to avoid needing platforms for the meters, or requiring that access to electric meters be granted via landings or entrances to homes to avoid additional platforms and stairs being needed.

Motion made by Councilman McDermott, seconded by Councilwoman Coskey 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 4:56 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

Barbara L. Juzaitis
Barbara L. Juzaitis, Council President