

January 11, 2023

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, January 11, 2023 at 4:15 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public - - - - - 2

Reporters - - - - - 0

Remote Attendance: Public - - - - - 5

Reporters - - - - - 1

The meeting was called to order by Council President Wierman.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
Jeffrey R. Christopher, Chief of Police
William McCormick, Director of Public Works/Utilities
Thomas Thornton, P.E., Borough Engineer, Mott MacDonald
Paul Short, Code Enforcement Official

Council President Wierman read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 22, 2022. It was given to the news media and posted on the Official Bulletin Board as required by law.

Minutes:

Work Session, Regular Meeting, Closed Sessions – December 14, 2022

Motion made by Councilwoman Coskey, seconded by Councilman McCorristin that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

None

Resolution No. 1-2023: A RESOLUTION PROVIDING TEMPORARY APPROPRIATIONS FOR THE YEAR 2023

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

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

<p><u>Resolution No.</u> <u>2-2023:</u></p>	<p>A RESOLUTION AUTHORIZING THE APPOINTMENT OF SCOTT WAHL AS FUND COMMISSIONER AND JAMES A. WALDRON AS ALTERNATE FUND COMMISSIONER, FOR A ONE YEAR TERM COMMENCING JANUARY 1, 2023 TO THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND FOR THE BOROUGH OF AVALON</p>
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January 11, 2023

Resolution No. 3-2023:

A RESOLUTION DESIGNATING SCOTT WAHL, BUSINESS ADMINISTRATOR AS THE PUBLIC AGENCY COMPLIANCE OFFICER FOR THE BOROUGH OF AVALON FOR THE YEAR 2023

Motion made by Councilman McCorristin, seconded by Councilwoman Coskey that the resolutions be adopted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 4-2023:

A RESOLUTION AUTHORIZING THE APPOINTMENT OF FRANK GUARACINI, III, ESQUIRE OF BLANEY & KARAVAN, P.C. OF AVALON, NJ AS MUNICIPAL PROSECUTOR FOR THE BOROUGH OF AVALON FOR A ONE YEAR TERM COMMENCING JANUARY 1, 2023

Resolution No. 5-2023:

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL SORENSEN, ESQUIRE OF CAPE MAY COURT HOUSE, NJ AS MUNICIPAL PUBLIC DEFENDER FOR THE BOROUGH OF AVALON FOR A ONE YEAR TERM COMMENCING JANUARY 1, 2023

Motion made by Councilman McDermott, seconded by Councilwoman Juzaitis that the resolutions be adopted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 6-2023:

A RESOLUTION ADOPTING THE CASH MANAGEMENT PLAN OF THE BOROUGH OF AVALON FOR THE YEAR 2023

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

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 7-2023:

A RESOLUTION AUTHORIZING THAT A CLAIMANT CERTIFICATION BE WAIVED IN TRANSACTIONS LESS THAN OR EQUAL TO \$500.00

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

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

<u>Resolution No.</u> <u>8-2023:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS, NON-FAIR AND OPEN, FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2023
<u>Resolution No.</u> <u>9-2023:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MARSH & MCLENNAN AGENCY, LLC AS RISK MANAGEMENT CONSULTANT FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2023
<u>Resolution No.</u> <u>10-2023:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MARSH & MCLENNAN AGENCY, LLC AS HEALTH CARE CONSULTANT FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2023
<u>Resolution No.</u> <u>11-2023:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE RICHARD STOCKTON COLLEGE OF NJ COASTAL RESEARCH CENTER FOR MONITORING COMMUNITY BEACHES SEASONALLY FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2023
<u>Resolution No.</u> <u>12-2023:</u>	A RESOLUTION AWARDING A CONTRACT TO STEPHEN SERWATKA, T/A ANIMAL CONTROL OF SOUTH JERSEY FOR ANIMAL CONTROL SERVICES IN THE BOROUGH OF AVALON FOR A TERM OF ONE (1) YEAR COMMENCING JANUARY 1, 2023
<u>Resolution No.</u> <u>13-2023:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, EXEMPT FROM NEW JERSEY PAY-TO-PLAY REQUIREMENTS, WITH THE WETLANDS INSTITUTE OF STONE HARBOR, NEW JERSEY, FOR CERTAIN CONSULTING SERVICES FOR THE BOROUGH OF AVALON FOR A ONE (1) YEAR TERM COMMENCING JANUARY 1, 2023 FOR AN AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$26,500.00) TO PROVIDE ECOLOGICAL AND ENVIRONMENTAL ADVISORY GUIDANCE AND INPUT TO THE BOROUGH AND VARIOUS BOARDS AND COMMISSIONS THEREOF

Motion made by Councilman McCorristin, seconded by Council President Wierman that the resolutions be adopted.

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

<u>Resolution No.</u> <u>14-2023:</u>	A RESOLUTION AUTHORIZING LIVE STREAMING OF BOROUGH COUNCIL MEETINGS
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Motion made by Council President Wierman, seconded by Councilwoman Coskey that the resolution be adopted.

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

Resolution No. 15-2023: A RESOLUTION AUTHORIZING THE TAX ASSESSOR TO FILE CROSS APPEALS AND/OR MUNICIPAL APPEALS ON BEHALF OF THE BOROUGH OF AVALON FOR THE TAX YEAR 2023

Motion made by Councilman McDermott, seconded by Council President Wierman that the resolution be adopted.

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

Resolution No. 16-2023: A RESOLUTION DESIGNATING THE BOROUGH CLERK AND DEPUTY BOROUGH CLERK TO ISSUE CERTIFICATES AS TO LIABILITY FOR ASSESSMENT OF MUNICIPAL IMPROVEMENTS EFFECTIVE FEBRUARY 1, 2023 THROUGH JANUARY 31, 2024

Motion made by Council President Wierman, seconded by Councilman McCorristin that the resolution be adopted.

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

Resolution No. 17-2023: A RESOLUTION CONFIRMING THE APPOINTMENT BY BOROUGH COUNCIL OF A CLASS III MEMBER TO THE PLANNING/ZONING BOARD OF THE BOROUGH OF AVALON

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

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

Resolution No. 18-2023: A RESOLUTION AUTHORIZING THE BOROUGH OF AVALON THROUGH THE AVALON POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE AVALON POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

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

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

Resolution No. 19-2023:

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY FOR HEAVY EQUIPMENT FLEET MAINTENANCE FOR A TERM OF FIVE (5) YEARS COMMENCING JANUARY 1, 2023

Motion made by Councilwoman Coskey, seconded by Council President Wierman that the resolution be adopted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 20-2023:

A RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO APPLY TO THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS FOR A LOCAL RECREATION IMPROVEMENT GRANT

Motion made by Councilwoman Coskey, seconded by Councilman McCorristin that the resolution be adopted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 21-2023:

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PYROTECHNICO FIREWORKS, INC OF NEW CASTLE, PA FOR BOROUGH CONTRACT NO. 23-04, FIREWORK DISPLAYS FOR THE BOROUGH OF AVALON FOR CALENDAR YEARS 2023-2025

Motion made by Councilman McCorristin, seconded by Councilman McDermott that the resolution be adopted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 22-2023:

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF STONE HARBOR FOR DATA BACKUP SERVICES

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

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

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Resolution No. 23-2023:

RESOLUTION AUTHORIZING THE BOROUGH OF AVALON TO SIGN AND EXECUTE AN EQUIPMENT TRANSFER AGREEMENT WITH SPRINT SPECTRUM REALTY COMPANY LLC PERTAINING TO THE BOROUGH WATER TANK AT 3800 DUNE DRIVE, AVALON, NEW JERSEY

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

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 24-2023:

A RESOLUTION AUTHORIZING THE BOROUGH OF AVALON TO REFUND A LATE REGISTRATION PENALTY FOR A RENTAL LICENSE FOR 2023

Motion made by Council President Wierman, seconded by Councilman McDermott that the resolution be adopted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Resolution No. 25-2023:

A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Councilman McDermott, seconded by Councilwoman Coskey that the resolution be adopted.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Second reading, public hearing and final action on Ordinance No. 854-2023:

Motion made by Councilman McDermott, seconded by Councilwoman Coskey that Ordinance No. 854-2023 be brought on for second reading, public hearing and final action.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Councilman Wierman	Aye
Council President Juzaitis	Aye

Borough Clerk read aloud Ordinance No. 854-2023:

Ordinance No. 854-2023:

AN ORDINANCE REQUIRING THAT ALL BUSINESSES AND OWNERS OF RENTAL UNITS CARRY LIABILITY INSURANCE IN CERTAIN DESIGNATED AMOUNTS AND FILE PROOF OF SAME WITH THE BOROUGH PURSUANT TO P.L. 2022. C.92 AND FURTHER REQUIRING THAT ALL BUSINESS LOCATED WITHIN OR TRANSACTING BUSINESS WITHIN THE BOROUGH OF AVALON REGISTER WITH THE BOROUGH ANNUALLY AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

Council President Wierman opened the meeting for public hearing on Ordinance No. 854-2023 and asked if there were any questions or comments.

Martha Wright, 632 7th Street, inquired if the amounts of required coverage were set by the State or the Borough.

Council President Wierman responded the State set the coverage requirements, and the Borough is memorializing those requirements by Ordinance.

Martha Wright questioned if the Borough of Avalon drafted specific portions of the Ordinance, namely the sections addressing licensing and inspection, and asked for clarification on the section addressing “inspections outside of scheduled inspections”.

James Waldron explained there are certain inspections carried out by the Borough in accordance with various chapters of the Borough Code. Those inspections will continue to be carried out without any additional fees. If a violation is detected, corrective action will be required on the part of the offending party. If there is a zoning application that results in a variance or site plan, the property is subject to periodic review and inspections at periodic intervals for up to 18 months.

Paul Short added complaints will trigger unscheduled inspections, as well.

Martha Wright asked if the Certificates of Insurance are required to name the Borough of Avalon as an additional insured party.

James Waldron indicated the insurance being required under this Ordinance does not name any additional insured, as the requirement is to hold coverage only and provide proof of same. This Ordinance references other existing sections within Borough Code requiring the naming of the Borough of Avalon as an additional insured party; those sections having been adopted by Borough Council prior to the legislature’s recent actions. In those instances, the Borough of Avalon’s insurance requirements are higher than the states minimum requirements, and the Borough’s requirements would prevail over the state minimum limitations.

Councilman McCorristin clarified there are no Borough requirements in excess of the state requirements for rental licenses at this time.

Motion made by Councilman McDermott, seconded by Councilwoman Coskey that the public hearing be closed.

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

Motion made by Councilman McDermott, seconded by Councilwoman Coskey that Ordinance No. 854-2023 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports of Officials:

Scott Wahl thanked and commended Thomas Thornton for his leadership, as well as all volunteers of the Floodplain Management Committee for their efforts in compiling the Floodplain Management Plan. The two public meetings required through this process have been scheduled, the first of which will be held in Borough Hall on Friday, January 13, 2023. He encouraged all to attend. He reported a meeting will be held in the near future to discuss the upcoming beach fill project, where the schedule of work will be discussed. Currently, the project is expected to begin in Avalon in late-March, 2023. He commended Congressman Van Drew for his efforts in securing extra funding for this beach fill, as well as his advocacy for exploring an additional borrow area for future projects of this nature.

Pending Business:

None.

New Business:

None.

Public Comments:

None.

Motion made by Council President Wierman, seconded by Councilman McDermott to adjourn the Regular Meeting.

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

Regular Meeting adjourned at 4:36 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Samuel D. Wierman, Council President