

April 26, 2023

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, April 26, 2023 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance:	Public	-----	29	Reporters	-----	0
Remote Attendance:	Public	-----	6	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,
William McCormick, Director of Public Works/Utilities
Jeffrey R. Christopher, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Paul Short, Code Enforcement Officer
James V. Craft, Chief Financial Officer
Michael S. Garcia, Auditor, Ford, Scott & Associates
Douglas Rohmeyer, Public Engineer, CME Engineering Associates
Charles McDonnell, Recreation Director

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.

Council President Wierman read the following statement:

“For the convenience of the public, the Borough is offering 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.”

Discussion regarding Bond Ordinances for various Capital and Water/Sewer Improvements

James Craft gave the following report:

Two Bond Ordinances are scheduled for introduction tonight. One for general capital projects/purchases and the other for water/sewer capital projects/purchases.

The general capital Bond Ordinance authorizes \$5,179,923.29 in appropriations and up to \$4,038,638.62 approved to be financed by bonds or notes. All the projects included in this ordinance have more down payment than the statutory 5%, almost all have a 20% down payment.

There are no plans to issue any debt for these projects other than a 1-year Bond Anticipation Note to finance the various projects until it can be funded in a succeeding years budget.

The projects/purchases include:

Street Sweeper, Beach Tractor, Reconstruction of Various Street/30th Pavilion Improvements/Bulkhead Flood Mitigation Projects, Back Bay Maintenance Dredging, 23rd Street Pier Replacement/Bike Lane Repairs, Outfall Repairs and Replacements/Drainage improvements.

This Bond Ordinance does not include all the capital projects for 2023; there's \$3,193,100 included in the 2023 as pay-as-you-go.

The water/sewer Bond Ordinance authorizes \$3,181,900 in appropriations. Since the utility is self-liquidating (which means revenues exceed expenses) no downpayment is required.

The projects/Purchases include:

Infrastructure improvements associated with the road program, Sanitary Sewer replacement – 29th Street and Avalon Avenue, Fire hydrants/tank inspections/and various water sewer system improvements/electrical upgrades/rebuild wastewater pumps.

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

Discussion regarding Resolution accepting grant funding from the New Jersey Department of Community Affairs Local Recreation Improvement Grant and engineering services to be provided.

Scott Wahl explained this grant is associated with the additional courts to be constructed at the 8th Street Recreation Complex. That project was originally intended to be completed by Memorial Day weekend; however, while exploring the purchasing options for the project, it was determined that the State contracts and other contracts offered through Cooperative Pricing Agreements were in excess of the Engineer's estimate. As a result, it has been decided to publicly bid the project. The Borough of Avalon has been awarded \$77,000 through this grant, the funds from which will be used to offset the costs of this project. Council is being asked to officially accept this grant funding.

Douglas Rohmeyer added the technical specifications and contract documents for this project have been drafted and submitted to the necessary Borough officials for review, and coordination will be taking place to take all necessary steps to publicly bid this project.

Scott Wahl clarified the delay of this project will have no impact on the professional pickleball tournament coming to the Borough of Avalon in September of 2023.

Councilman McCorristin inquired about any specifications that were altered as a result of this change in process.

Douglas Rohmeyer noted the Engineer's estimate has not been adjusted, as it was determined that State contracts and Cooperative Pricing Agreements were not advantageous due to the small scale of the project. As a reminder, this project will be an additional six pickleball courts framed in a perimeter of concrete; the concrete perimeter will be an alternate bid item within the bid specifications in an effort to identify expensive areas of project.

Council agreed to proceed with a Resolution to be prepared for the May 10, 2023 Regular Meeting.

Discussion regarding Resolution appointing a Class II Special Officer to the Borough of Avalon Police Department

Chief Christopher indicated this individual recently retired from the Middle Township Police Department, and will be an addition to the Marine Unit.

Council agreed to proceed with a Resolution to be prepared for the May 10, 2023 Regular Meeting.

Discussion regarding Resolution approving a State Aid Agreement in connection with the 2023 Beach Renourishment Project

Scott Wahl reported this State Aid Agreement authorizes the Borough of Avalon to spend funding on the beach fill project currently underway. The State Aid Agreement is a requirement to coordinate the different partnerships involved for this project, which is funded on a federal, state, and municipal level. The Agreement terms were reviewed and negotiated by representatives from all involved governmental agencies, and it is being recommended that Council look favorably upon this Agreement. The project has moved approximately 241,000 cubic yards of material, amounting to approximately 40 percent of the full project scope. Once all material is placed on the beaches, the contractor will be responsible for reconstructing the beach access paths. It is estimated the project will conclude by late May. The State Aid Agreement includes all bid options, which would bring the total sand volume to 581,000 cubic yards.

James Waldron mentioned unresolved negotiation issues with the 2019 State Aid Agreement, which led the Borough to process payment for the 2019 beach fill independent of the State Aid Agreement. The Agreement presented this year addressed all concerns raised by the Borough in those past negotiations. All included terms align with the Beach Management Plan, with the Department of Environmental Protection and US Department of Fish & Wildlife in agreement.

Councilman McCorristin clarified when the dredge moves to complete Stone Harbor's portion of the beach fill project, there will be no impact to Avalon's beaches.

Scott Wahl agreed and added when the project is underway in Avalon, 1,000 feet of the beach will be closed at a time. The project will conclude between the 27th and 28th Street beaches and will fill the federal template.

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

Discussion regarding Resolution granting encroachment license to Uncle Bill's Restaurant

James Waldron explained this will allow Uncle Bill's to continue with previously approved outdoor dining along 32nd Street. Currently, the perimeter of the outdoor dining area slightly encroaches into the Borough's right of way, as depicted on the survey. This encroachment was discovered when an application was made to construct awnings over the existing tables. The mounts of the awnings will encroach the right of way near the end of the grass plot, with no impact to the sidewalk. This type of encroachment requires a license agreement, which is consistent with past practices. An encroachment license is authorized for a five-year term, subject to renewal procedures at the end of that term. Liability insurance is also required, naming the Borough of Avalon as the additional insured. Such an encroachment would typically require site plan approval; however, due to an existing Temporary Emergency Response Plan that runs concurrently with the Gubernatorial Executive Order declaring a public health emergency, which extends outdoor dining, subject to COVID, through November 1, 2023. An Ordinance addressing outdoor dining within the Borough of Avalon independent of that Executive Order is in the planning stages.

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

Discussion regarding Resolution authorizing an on-line auction of various items no longer needed for public use

William McCormick indicated periodically; the Department of Public Works compiles a list of property from various Borough departments which are no longer needed. At this time, Council is being asked to grant permission to list these items for sale on the online auction site GovDeals, which has been done in the past.

Council agreed to proceed with a Resolution to be prepared for the May 10, 2023 Regular Meeting.

Public Comments:

Martha Wright, 632 7th Street, noted the 2023 budget was introduced on March 8, 2023 and expressed concern that her questions regarding the budget have not been answered. Her questions regarding the budget include the circumstances surrounding the Ocean Wind Pro Grant included in the budget, and proposed improvements to Armacost Park. She spoke of the budgeting process, and suggested Council take into careful consideration the wishes of the public, and especially those present when considering the 2023 budget.

Janet Bogaraski, 24th Street, expressed her vehement opposition to the wind turbines off of New Jersey's coast, and voiced her concerns regarding the Borough of Avalon receiving the Ocean Wind Pro Grant. She asked what the requirements were for obtaining the \$600,000 in grant funding, and how the grant funding will be spent.

Councilman McCorristin explained a detailed accounting of the allocation of the grant funding will be included in the 2023 budget presentation at the Regular Meeting today, and noted the funds have been earmarked for flood mitigation purposes in the north end, with no requirements of the Borough of Avalon as it pertains to the proposed windmill farm off of New Jersey's coast. He added the Borough of Avalon is part of a county-wide partnership opposing any development on the wind farm until further studies are undertaken as to how the development would impact wildlife and the fishing industry. He expressed his personal opposition to the wind farm project.

Council President Wierman noted the grant funding is entirely separate from the proposed wind farm development.

Councilwoman Juzaitis mentioned the Borough of Avalon is an active participant in sending letters to the State leadership requesting the project be paused until further studies are conducted for review prior to any construction for this project.

April 26, 2023

Gale Kaeppler, 71st Street, spoke of the naturalized beauty of the high dunes and Armacost Park and voiced concerns regarding any proposed alterations to Armacost Park while stressing the importance of preserving the uniqueness of the Park.

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 Wierman, seconded by Councilman McDermott to adjourn the Work Session.

ROLL CALL VOTE:

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

Work Session adjourned at 4:36 p.m.

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



Samuel D. Wierman, Council President