

June 14, 2023

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, June 14, 2023 at 4:35 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public - - - - - 5

Reporters - - - - - 0

Remote Attendance: Public - - - - - 4

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
Paul Short, Code Enforcement Official
William McCormick, Director of Public Works/Utilities
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald

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 – May 24, 2023

Motion made by Council President Wierman, seconded by Councilman McDermott that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

There were no questions or comments.

Resolution No. 114-2023: A RESOLUTION AUTHORIZING A REFUND TO JULIUS ERDEI FOR A SOLICITOR/CANVASSER LICENSE IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS (\$150.00)

Motion made by Councilwoman Juzaitis, 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. 115-2023: A RESOLUTION AUTHORIZING CHANGE ORDER NOS. 1 & 2 FOR 2022 RECONSTRUCTION OF VARIOUS STREETS, CONTRACT M-128

Motion made by Councilwoman Juzaitis, 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. 116-2023: A RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY SITUATION WITHIN THE MEANING OF N.J.S.A 40A:11-6 WITH RESPECT TO THE REQUIRED DREDGING OF PENNSYLVANIA HARBOR IN THE BOROUGH OF AVALON WHICH IS IMPACTING THE PUBLIC HEALTH AND SAFETY AND REAFFIRMING THE PROVISIONS OF RESOLUTION 110-2023 ADOPTED MAY 24, 2023

Motion made by Councilwoman Coskey, 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

Resolution No. 117-2023: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

Introduction and first reading by title only of Ordinance No. 860-2023:

Ordinance No. 860-2023:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17 (SOLID WASTE MANAGEMENT) OF THE AVALON BOROUGH CODE PERTAINING TO THE ISSUANCE AND DISTRIBUTION OF STANDARDIZED RECEPTACLE CARTS FOR USE IN THE COLLECTION AND DISPOSAL OF RECYCLABLE MATERIALS AND SOLID WASTE AND PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE BOROUGH COLLECTION PROGRAM AND REPEALING ORDINANCE 779-2018, SECTIONS 17-6.1 THROUGH 17-6.9

Consideration of this Ordinance by Borough Council was postponed, due to the deferral of discussion of this item at the June 14, 2023 Work Session.

Second reading, public hearing and final action on Ordinance No. 862-2023:

Motion made by Council President Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 862-2023 be brought on for second reading, public hearing, and final action.

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

Borough Clerk read aloud Ordinance No. 862-2023:

Ordinance No. 862-2023:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 (BUILDING AND CONSTRUCTION) OF THE AVALON BOROUGH CODE, SECTIONS 20-1.6, 20-1.7, AND 20-2.6

Council President Wierman opened the meeting for public hearing on Ordinance No. 860-2023 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council President Wierman, seconded by Councilwoman Juzaitis that the public hearing be closed.

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

Motion made by Council President Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 862-2023 be finally adopted, submitted to the Mayor for approval and advertised according to law

<u>ROLL CALL VOTE:</u>	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. 865-2023:

Motion made by Council President Wierman, seconded by Councilman McCorristin that Ordinance No. 865-2023 be brought on for second reading, public hearing, and final action.

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

Borough Clerk read aloud Ordinance No. 865-2023:

Ordinance No. 865-2023:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 (BUILDING AND CONSTRUCTION) OF THE AVALON BOROUGH CODE, SECTIONS 20-1.6, 20-1.7, AND 20-2.6

Council President Wierman opened the meeting for public hearing on Ordinance No. 860-2023 and asked if there were any questions or comments.

Martha Wright, 632 7th Street, requested clarification concerning the buffer requirements for all newly constructed pools under this Ordinance.

Paul Short responded all pools, regardless of type, will require four feet of planted buffer on three sides of the pool, unless it is a lot with a bulkhead, which would only require four feet of planted buffer on two sides of the pool.

Motion made by Council President Wierman, seconded by Councilman McCorristin that the public hearing be closed.

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

Motion made by Council President Wierman, seconded by Councilman McCorristin that Ordinance No. 865-2023 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports of Officials:

None.

Pending Business:

None.

New Business:

None.

Public Comments:

Martha Wright, 632 7th Street, read, for the benefit of Council, the New Jersey 2018 Guide to Prevention of Animal Cruelty Laws, specifically NJSA 4:22-17a and NJSA 4:22-17.5 while contending the monofilament netting systems are in violation of state law. She implored Council to consider implementing change concerning this netting to do better for wildlife, as a community. She further contended the terrapins being run over by vehicular traffic is in violation of state law. She suggested placing flashing digital signage on Avalon Boulevard during terrapin nesting season to implore drivers to be more conscious of turtle crossings, or partnering with Middle Township to extend the turtle barriers throughout the entire length of Avalon Boulevard.

Scott Wahl noted the Borough does own a portable digital sign, which could be used for the purpose suggested by Ms. Wright, if Council so chooses.

Councilman McCorristin referenced previous discussions with representatives from Middle Township, who seemed uninterested in placing turtle barriers on their section of Avalon Boulevard; however, he expressed willingness to reopen the dialogue to evaluate their interest again.

Scott Wahl noted the Borough of Avalon is unable to place the barrier on land owned by other municipalities or the County without permission.

Resolution No. 118-2023: A RESOLUTION TO CONDUCT A CLOSED SESSION PURSUANT TO N.J.S.A. 10:4-12.b OF THE OPEN PUBLIC MEETINGS ACT PERTAINING TO CONTRACT NEGOTIATIONS CONCERNING TEAMSTERS LOCAL 676

Motion made by Councilman McCorristin, 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

Motion made by Councilman McCorristin, seconded by Councilwoman Coskey to recess the public portion of the Regular Meeting and go into Closed Session.

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

June 14, 2023

Council President Wierman announced official action will not be taken after the Closed Session.

Public portion of Regular Meeting recessed at 4:47 p.m.

Public Portion of Regular Meeting reconvened at 5:10 p.m.

Present:

- Council President Wierman
- Councilwoman Coskey
- Councilman McCorristin
- Councilman McDermott
- Councilman Wierman
- James A. Waldron, Assistant Business Administrator
- Scott Wahl, Business Administrator
- Nicole Curio, Esquire, Borough Solicitor

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 5:11 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Samuel D. Wierman, Council President