

July 12, 2023

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, July 12, 2023 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public - - - - - 4 Reporters - - - - - 0

Remote Attendance: Public - - - - - 2 Reporters - - - - - 1

The meeting was called to order by Council President McDermott.

Pledge of allegiance.

<u>Roll call:</u>	Council President McDermott	Present
	Councilwoman Coskey	Present
	Councilwoman Juzaitis	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
William McCormick, Director of Public Works/Utilities
Thomas Thornton, Borough Engineer, Mott MacDonald
James Craft, Chief Financial Officer
Eleanor Cifaloglio, Tax/Utilities Collector

Council President McDermott read the Open Public Meetings Act Announcement.

Notice of this Work Session was included the Annual Schedule of Meetings dated June 28, 2023. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President McDermott 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 Resolution reappointing Brenda Camp as Tax Assessor.

James Waldron explained this is a standard reappointment of Brenda Camp to the position of Tax Assessor, which will vest tenure, should it be approved. Normally, New Jersey statute mandates any term of Tax Assessor to begin July 1 next after the date of appointment by the municipality. This term expired June 30, 2023, at which time reappointment could not take place, as the statute prohibits the mayor from making appointments until after the reorganization meeting. The Division of Taxation has counselled the Borough in regards to this scenario and has given the recommendation and approval in writing to appoint Brenda Camp to this position with the effective date retroactive to July 1, 2023, to demonstrate no break in service.

Council agreed to proceed the consideration of a Resolution at today's Regular Meeting.

Discussion regarding Resolution authorizing the placement of a handicapped parking space at 98 East 35th Street.

After brief discussion, Council agreed to proceed the consideration of a Resolution at today's Regular Meeting.

Discussion regarding vacant Councilmember-At-Large position.

Council President McDermott made note of the vacant Councilmember-At-Large, which by statute, can be filled by appointment until such time as it is filled via the General Election on November 7, 2023. He recommended Council consider appointing Gregory “Chet” Johnson to fill the vacant seat, noting Mr. Johnson has served on the Avalon Planning/Zoning Board since 2019, and has strong familial and community ties to the Borough of Avalon.

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

Discussion regarding Ordinance amending Chapter 14 (Water and Sewer) concerning fee schedule.

James Craft read the following report:

Water Sewer Rate Increase

The water sewer rates have not changed since 7/1/2018 – 5 years ago. There are three changes to the rates we are proposing. One of the changes is to increase the MUA Fee. Every year County MUA allocates to us a percentage of the cost to process wastewater. That allocation is based on the total gallons of wastewater we send to the MUA divided by the total gallons of wastewater the MUA processes, then that percentage is multiplied by the total cost the MUA expect to incur (and at the end of the year the MUA recalculates that percentage based on actual flows and actual cost and if we overpaid, we get a credit and any shortage is billed). This year that allocation resulted in a charge of \$3.64M. In 2022 we collected a little over \$1.0 million to offset that cost. That shortage has not been a problem since we have been collecting other water/sewer revenues to cover that expenditure.

The last time we issued a water/sewer bond was 2018. Currently we have almost \$15.0 million in unfunded water and sewer capital projects, and by 2025 we expect that number to be at \$18.4 million. The bulk of the \$18.4M was spent on water main improvements, Sanitary sewer system improvements and replacement of the water meters. Currently the plan is to issue a Water Sewer General Obligation Bond to fund those projects in 2025 and the annual debt service on that bond issue will be around \$1.5 million for the first 4 years of the bond. The current MUA rate is .00235 /gallon used in excess of allowance in the summer quarter, assessed for 4 quarters the following year.

What is proposed is to increase the rate to .00435/gallon up to the first 50,000 gallon in excess of the allowance and add two tiers based on that summer usage:

- From 50,000 to 80,000 the rate will be .00535/gallon per quarter and based on 2022 data, 698 meters of the 5,030 total meters 13.87% will be affected by this new tier.
- And over 80,000 the rate will be .00835/gallon per quarter. Which will affect 279 meters or 5.55% of the total meters.

Eleanor Cifaloglio added the Borough currently bills separate water and sewer fees at this time for base fees, as well as excess charges. It is recommended to combine the fees into one water/sewer fee to make billing simpler and easier to understand. If approved, irrigation meters would not be affected, and would be charged a water bill only. Another recommended amendment to the Borough Code effects multi-unit dwellings, specifically current hotel/motels and former hotel/motels that not exist as independently owned condominium units. Shortly after the Borough undertook the task of utility billing, an audit of all metered accounts was conducted, which identified some issues as they pertained to these classifications of dwellings. The philosophy of the Borough has been to assess water and sewer bills per living unit on a quarterly basis. Unfortunately, these classifications of units are being serviced by a single meter, and are not being billed in the same fashion, which has created discrepancies. It is recommended Council consider adjusting the language to bill all residential dwelling units, regardless of classification, in the same fashion to promote consistency.

Council agreed to proceed with a Resolution to be prepared for a future Regular Meeting.

Discussion regarding Resolution appointing Paul Baldini to represent the Borough in addition to the Avalon Planning/Zoning Board in recently filed litigation Sponaugle v. Avalon Planning Board and Borough of Avalon.

James Waldron explained a zoning permit was granted for the construction of a pool at the Sponaugle property. An appeal of that permit was filed by a neighbor, with the appeal being heard by the Zoning Board. The Zoning Board ruled to uphold the permit issued by the Zoning Officer. The neighbor then filed suit challenging the actions of the Zoning Board. The court reversed the Zoning Board’s decision. During this process, the pool construction had been completed. When the court’s decision was received, the Borough was obligated to issue a violation notice requiring the removal of the pool. That violation notice then prompted a tort claims notice, lawsuit, and variance application filed by the property owner. The tort claims notice has been submitted to the insurance company. At this point in time, both insurance carriers have declined to provide the Borough with defense, as monetary damages are not ripe. There is some indication that this variance will be justified on the basis of justifiable reliance. Mr. Baldini has intimate familiarity with this case and has indicated his ability and willingness to file responsive pleadings covering both borough and Board. Council is being asked to approve this appointment.

Council agreed to proceed the consideration of a Resolution at today’s Regular Meeting.

Discussion regarding Resolution authorizing renewal of Plenary Retail Consumption License held by 24th Street, LLC as an inactive license via a 12.39 Special Ruling.

Danielle Nollett indicated the State of New Jersey Office of the Attorney General has granted a Special Ruling to permit renewal of an inactive license pursuant to NJSA 33:1-12.39 for the 2023-2024 license term as it relates to the Plenary Retail Consumption License held by 24th Street, LLC. Council may now act upon the renewal of this inactive license by Resolution, if they so choose.

Council agreed to proceed the consideration of a Resolution at today’s Regular Meeting.

Public Comments:

Jerry Siebert, 5 Faith Run, Middle Township, spoke as a volunteer for an organization called US Term Limits, who is petitioning for term limits for Congress. He contended that term limits for Congress is a critical issue, and asked Borough Council to consider supporting this cause and consider signing the petition.

Nicole Curio noted Borough Council cannot voice any support or opposition at this time, as they would need to discuss same at a Council Meeting, and approve any action by way of Resolution.

Council to check over the agenda for the Regular Meeting.


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

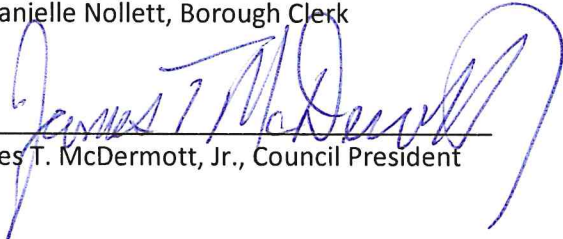
Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman to adjourn the Work Session.

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

Work Session adjourned at 4:20 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


James T. McDermott, Jr., Council President