

July 26, 2023

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

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

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

The Meeting was called to order by Council President McDermott.

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

Also present:

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

Council President McDermott read the Open Public Meetings Act Announcement.

Notice of this Council Meeting 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.

## Swearing in by Mayor McCorristin of Councilman Gregory Johnson

Mayor McCorristin spoke fondly about his time served on Borough Council, his peers and fellow Borough officials and the many milestones and projects completed throughout his time as an elected official. He touched on the accomplishments of the Avalon Free Public Library, and on behalf of the Library, he presented the Borough with a surplus check in the amount of \$1,879,072.00. He expressed optimism about the potential success of future projects and events, noting the positive impacts of each. He thanked all for their support and voiced his optimism for the road ahead as he transitions into his term as Mayor.

Discussion regarding Resolution authorizing the extension of the grace period for 3rd Quarter Property Taxes.

Eleanor Cifaloglio reported during the months of June and July, Tax Collector's Offices are tasked with waiting for the County's certified tax rate, at which point the bill calculating and printing process can begin, with the tax bills being mailed upon completion of this practices. This year, the process began on July 17, 2023, which delayed the process. Unfortunately, it was not possible to release the tax bills prior to July 25, 2023, therefore an extension of the tax grace period to August 21, 2023 is requested.

Council agreed to proceed with a Resolution to be considered for formal action today.

**Discussion regarding Resolution establishing appointments and standing committees.**

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the August 9, 2023 Council Meeting.

**Discussion regarding potential amendment to Chapter 8 (Traffic) of the Avalon Borough Code in connection with parking in publicly owned parking lots.**

Scott Wahl read the following report:

Summary: This discussion is focused on the elimination of safety concerns regarding the parking lots enclosed in the Borough municipal complex contained within the boundaries of 30<sup>th</sup>-32<sup>nd</sup> streets, along with Dune Drive and Ocean Drive. The goal is to reduce safety concerns in the lot now that there has been the reduction in parking spaces due to the firehouse expansion project while providing reasonable parking expectations for individuals who visit Borough Hall, the Avalon Free Public Library, and the Avalon Elementary School. A meeting was held on Monday, July 17<sup>th</sup> including Safety Committee councilmembers Barbara Juzaitis and Jamie McDermott, along with the Business Administrator, Code Enforcement Officer, Safety Officer, Library Director, and School Superintendent.

Current Ordinance: The current ordinance restricts parking in the parking lot behind Avalon Borough Hall between the hours of 2:00am-6:00am. Those hours were likely set for street and parking lot sweeping operations.

Approach to Resolving Safety Issues: The parking lots including within the complex are intended for public access to Borough Hall, Avalon Elementary School, and the Avalon Free Public Library. During the firehouse expansion project, 14 parking spaces were eliminated while 10 new spaces were captured. This results in a loss of four parking spaces. This complex also includes the Avalon Senior Center and there is limited handicapped parking available for the Center or Borough Hall. There are employees of Borough Hall who have handicapped designations who often have no place to park since the lot is often used during in season by individuals who have no intention of using any of the municipal buildings. This results in cars backing up to get out of areas where no parking exists, a safety threat to motor vehicles and pedestrians.

Resolution: The committee approaches Council with the following recommendations that will reduce the safety issues stated herewith:

1. Amend the ordinance to allow public parking in the lots between the hours of 9:00am-10:00pm. This allows for parking for patrons of special events at the Library that run until 9:00pm, and for those attending government meetings that run late (primarily Planning and Zoning)
2. Provide parking permits for employees, emergency responders, and for Borough-issued motor vehicles that provide an exemption to the ordinance. Permits would need to be displayed when the lots are used during restricted hours.
3. Restrict parking in the small Ocean Drive lot between Ocean Drive and the school to employees only during the school year, defined as September 1-June 15<sup>th</sup>, between the hours of 7:00am-4:00pm. The 9:00am-10:00pm provision is in effect for all other hours in that specific lot throughout the year.
4. Create two additional handicapped only spots in the Borough Hall parking lot closest to the southwest exit of Borough Hall.
5. Have an ordinance amendment effective date of January 1, 2024.

Councilwoman Coskey inquired about the POD in the Library portion of the parking lot.

Scott Wahl responded the POD is temporary, and once moved, will make two additional parking spaces available.

Council agreed to proceed with an Ordinance to be prepared for a future Meeting.

**Discussion regarding Resolution appointing Deputy Court Administrator.**

James Waldron explained this Resolution would confirm the Mayor's nomination and appointment of Samantha Kuhns as Interim Acting Deputy Court Administrator. Currently, Ms. Kuhns serves as a Violations Clerk within the Municipal Court. Borough of Avalon Ordinance requires the title of Deputy Court Administrator to be held by an individual holding all of the same certifications as the Court Administrator, with some exceptions being permissible under certain circumstances, such as an individual in training for the position. Ms. Kuhns has completed all pre-requisites to becoming certified at this time, and is expected to receive her certification in the fall of this year. The Municipal Judge and the Court Administrator endorse this appointment, which would allow Ms. Kuhns to fulfill responsibilities that only the Court Administrator or Deputy Court Administrator may undertake. With the confirmation of this appointment, those duties will be permitted. As required under the existing Shared Services Agreement with the Borough of Stone Harbor, governing bodies of both municipalities must consent to any appointment within the Municipal Court. Stone Harbor is expected to consider formal action on said appointment at their August 1, 2023 meeting.

Council agreed to proceed with a Resolution to be considered for formal action today.

**Discussion authorizing final payment to Lafayette Utility Construction Co. Inc., Contract No. 58, in the total agreed upon amount of \$205,380.96.**

Nicole Curio indicated Contract No. 58, Ocean Drive Water and Sewer System Improvements, 62<sup>nd</sup> Street to 80<sup>th</sup> Street, was awarded by the Borough to Lafayette Utility Construction Co., Inc. with a project completion date during the month of May, 2022. This project completion date was not met, at which time the Borough of Avalon granted an extension of the project completion date to June 2022, which also was not met. A moratorium of work in connection with the project took place during the summer season of 2022, with a project re-mobilization and completion being required to take place in the fall of 2022. After many meetings and discussions, the project was completed in the fall of 2022. After project completion, Borough officials worked to calculate the final payment amount for this project, with certain liabilities for liquidated damages being charged to the contractor. Negotiations with regards to the final payment amount took place with Lafayette and their surety company, with all parties agreeing to a final payment amount of \$205,380.96, and a waiver of all claims against either party. The final payment will be issued directly to the surety company, and will resolve this issue in its entirety.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the August 9, 2023 Council Meeting.

Minutes:

Work Session, Regular Meeting, Closed Sessions – July 12, 2023

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that the minutes be approved as submitted.

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

Public comments regarding Resolutions:

Martha Wright, 632 7<sup>th</sup> Street, requested clarification regarding Resolution No. 145-2023.

Danielle Nollett explained liquor licenses that remain inactive for longer than two license terms must apply for permission to renew the license as an inactive license from the Office of the Attorney General under what is commonly known as a 12.39 Special Ruling. Until such authorization is granted by the Attorney General’s Office, the municipality is unable to act upon the renewal of that license. The Attorney General has granted a 12.39 Special Ruling to 24<sup>th</sup> Street, LLC, and Resolution 145-2023 would be authorizing the renewal of the Plenary Retail Consumption license held by 24<sup>th</sup> Street, LLC as an inactive license.

Council President McDermott asked if any Councilmember wished to have any Resolution acted upon independently of the consent agenda.

There were no requests from any member of Borough Council to act upon any Resolutions independently.

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|---------------------------------|--|
| <u>Resolution No. 145-2023:</u> | A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE ON BEHALF OF 24 <sup>TH</sup> STREET, LLC T/A THE DUNES OF AVALON LICENSE NO. 0501-33-003-005 FOR LICENSE TERM JULY 1, 2023 THROUGH JUNE 30, 2024 IN ACCORDANCE WITH A 12.39 SPECIAL RULING |
| <u>Resolution No. 146-2023:</u> | A RESOLUTION AUTHORIZING THE BOROUGH OF AVALON TO EXTEND THE GRACE PERIOD BY LOWERING THE INTEREST RATE FOR 3 <sup>RD</sup> QUARTER TAX PAYMENTS TO ZERO (0%) PERCENT DURING THE PERIOD FROM AUGUST 1, 2023 THROUGH AUGUST 21, 2023                                |
| <u>Resolution No. 147-2023:</u> | A RESOLUTION CONFIRMING MAYOR’S NOMINATION AND APPOINTMENT OF INTERIM ACTING DEPUTY COURT ADMINISTRATOR FOR THE SHARED MUNICIPAL COURTS OF THE BOROUGH OF AVALON AND THE BOROUGH OF STONE HARBOR   |
| <u>Resolution No. 148-2023:</u> | A RESOLUTION AUTHORIZING PAYMENT OF BILLS.   |

Motion made by Councilwoman Coskey, seconded by Council President McDermott that Resolution 145-2023 through 148-2023 as listed on the consent agenda be adopted.

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

Introduction and first reading by title only of Ordinance No. 866-2023:

Motion made by Councilman Johnson, seconded by Council President McDermott that Ordinance No. 866-2023 be brought on for first reading by title only.

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

Borough Clerk read aloud Ordinance No. 866-2023:

Ordinance No. 866-2023:

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE BOROUGH OF AVALON TO ADOPT REVISED WATER AND SEWER RATES

Motion made by Councilman Johnson, seconded by Council President McDermott that Ordinance No. 866-2023 be passed on first reading and advertised according to law.

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

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Scott Wahl gave the following report:

Dredging: The emergency dredging project in Pennsylvania Harbor will be substantially completed tomorrow. Crews continue to dredge with the demobilization forthcoming. There have been no safety issues nor significant concerns with this project.

CRS Insurance Meeting: Under our obligation in the CRS program for which Avalon has earned a Class 3 rating, and to maintain the Class 3 rating, we will hold our annual meeting to discuss flood insurance and the changing market in this room on Tuesday, August 15<sup>th</sup>, at 5:00pm. Our meeting is again hosted by Heist Insurance and Risk Reduction Plus. Councilman Wierman is on our insurance committee and will be present for the meeting. Letters have mailed to every property owner and information is on the front page of our municipal website.

Monthly Reports:

Month of July 2023 – submitted by respective Department/Division Heads

- Borough Clerk and Registrar's Report
- Bureau of Fire Prevention, Bureau of Licensing, Miscellaneous Construction Collection, Construction Water and Sewer, Uniform Construction Code & Taxicab Reports
- Code Enforcement Report
- Municipal Court Report
- Municipal Engineering Report
- Police Department Report
- Public Works Department Report
- Recreation Revenue Report
- Tax Collector & Water Sewer Control Account Reports
- Zoning Report

Motion made by Councilwoman Juzaitis, seconded by Councilwoman Coskey that the reports be approved.

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

Pending Business:

None.

New Business:

None.

Public Comments:

Martha Wright, 632 7<sup>th</sup> Street, made reference to a social media post inquiring if the Borough of Avalon has considered becoming a “Dark Sky City”, and spoke in support of this suggestion by detailing the many benefits of becoming a town with such a designation. She asked Council to consider exploring this option further.

|                       |                  |  |
|-----------------------|------------------|--|
| <u>Resolution No.</u> | <u>149-2023:</u> | 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 Wierman, seconded by Councilwoman Coskey that the resolution be adopted.

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

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

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

Council President McDermott announced official action may be taken after the Closed Session.

Public portion of Council Meeting recessed at 4:41 p.m.

Public portion of Council Meeting reconvened at 4:54 p.m.

Present:

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

July 26, 2023

Resolution No. 150-2023:

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF AVALON AND TEAMSTERS LOCAL 676, AMENDING THE CURRENT AGREEMENT BETWEEN THE PARTIES AND EXTENDING IT TO COVER THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2024 AND AUTHORIZING THE EXECUTION OF A NEW AGREEMENT CONSISTENT WITH SAME

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

ROLL CALL VOTE:

|                             |         |
|-----------------------------|---------|
| Councilwoman Coskey         | Aye     |
| Councilwoman Juzaitis       | Abstain |
| Councilman Johnson          | Aye     |
| Councilman Wierman          | Aye     |
| Council President McDermott | Aye     |

Motion made by Councilman Johnson, seconded by Councilman Wierman to adjourn the Council Meeting.

ROLL CALL VOTE:

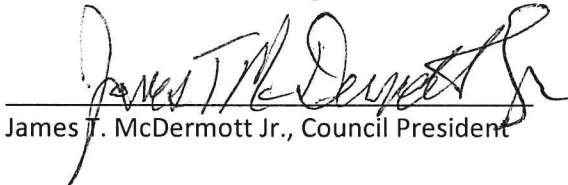
|                             |     |
|-----------------------------|-----|
| Councilwoman Coskey         | Aye |
| Councilwoman Juzaitis       | Aye |
| Councilman Johnson          | Aye |
| Councilman Wierman          | Aye |
| Council President McDermott | Aye |

Council Meeting adjourned at 4:54 p.m.

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



James T. McDermott Jr., Council President