

August 9, 2023

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, August 9, 2023, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public - - - - - 1

Reporters - - - - - 0

Remote Attendance: Public - - - - - 1

Reporters - - - - - 1

The Meeting was called to order by Council President McDermott.

Roll call:

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

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

Council President McDermott read the Open Public Meetings Act Announcement.

Notice of this Council Meeting was included the annual Schedule of Meetings dated July 12, 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 authorizing Change Order No. 1 for Contract No. 23-01, Collection & Disposal of Municipal Solid Waste Materials.**

Scott Wahl indicated this Change Order is in connection with a unique set of circumstances, and no further Change Orders to this contract are anticipated. As of January 1, 2023, the Borough of Avalon entered into the aforementioned contract with a new vendor. The previous contract for this service, which expired December 31, 2023, included two-yard dumpsters at all commercial facilities throughout the Borough. As of the expiration of that contract, the prior vendor removed all two-yard dumpsters from their locations, in accordance with that contract. Unfortunately, the two-yard dumpsters purchased by the Borough of Avalon for this purpose were not available until March 2023. The new vendor, Pinelands Construction, allowed the rental of such dumpsters until such time as the Borough received the purchased dumpsters. Pinelands Construction mobilized each rented dumpster to all applicable commercial properties. When the purchased dumpsters were delivered to the Borough of Avalon, some assembly was required. Pinelands Construction assisted with storage, assembly, and delivery of the new dumpsters, which helped provide a seamless transition. This Change Order adjusts the contract for these additional services.

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

**Discussion regarding Resolution authorizing purchase of a John Deere Cab Tractor through the ESCNJ Cooperative Pricing Agreement.**

William McCormick explained this tractor would act as a beach rake and would replace a 14-year-old piece of equipment that is reaching the end of its useful life. The purchase of this tractor would increase efficiency and service to the Avalon residents and visitors by lessening the chances of interruption of beach raking operations.

Council agreed to proceed with a Resolution to be prepared for the August 23, 2023 meeting.

**Discussion regarding Resolution authorizing renewal of Plenary Retail Consumption License held by AVE, Inc. 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 AVE, Inc. Council may now act upon the renewal of this inactive license by Resolution, if they so choose.

Council agreed to proceed with a Resolution to be prepared for the August 23, 2023 meeting.

**Minutes:**

Council Meeting, Closed Session – July 26, 2023

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

**ROLL CALL VOTE:**

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

**Public comments regarding Resolutions:**

Joseph Reilly, Windward Harbor, referenced Resolution No. 153-2023 and requested that the Change Order also include a change to the trash receptacle regulations for condominium associations. Since the implementation of the new contract, Windward Harbor's condominium association is being billed for additional two-yard dumpsters, which has not been done under prior contracts. He expressed the opinion that these fees should not be in place.

James Waldron gave background concerning the contracts surrounding trash collection and disposal, which required a new bidding process for the contract beginning January 1, 2023. Unfortunately, due to the extenuating circumstances surrounding this contract, many changes had to be made to the scope of services to accommodate those changes. With respect to the Ordinance that is scheduled for re-introduction at today's meeting, property classifications are being made, which had not been done in the past. Condominiums of five or more units are now in a separate classification, with an allowance for the Borough to provide some solid waste collection, and no solid waste collection. These are factors of the solicited bid and awarded contract. The Ordinance and the regulations contained therein is the culmination of lengthy and detailed negotiations due to the changing climate surrounding solid waste and recycling removal.

Council President McDermott requested Mr. Reilly provide the total cost incurred by the Windward Harbor condominium association.

Joseph Reilly responded the invoice charges a total amount of \$960 for the use of two additional two-yard dumpsters each year. He requested condominiums not be considered as commercial properties, and that certain exceptions be made to these regulations based on the quantity of units within the condominium.

James Waldron indicated when drafting the regulations, a classification for condominiums containing five or more residential units was created due to site plan requirements that mandate specific locations for solid waste collections are made.

Joseph Reilly further noted condominium associations are not permitted to have trash receptacles of any form outside of the two-yard dumpsters.

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.

Resolution No. 151-2023: A RESOLUTION AMENDING RESOLUTION NO. 131-2023 ADOPTED JULY 3, 2023 WHICH ESTABLISHED STANDING COMMITTEES AND DESIGNATED APPOINTMENTS THERETO FOR A PERIOD OF ONE (1) YEAR COMMENCING JULY 1, 2023 THROUGH JUNE 30, 2024

Resolution No. 152-2023: A RESOLUTION AUTHORIZING FINAL PAYMENT TO LAFAYETTE UTILITY CONSTRUCTION CO., INC IN THE AMOUNT OF \$205,380.96 WITH RESPECT TO CONTRACT No. 58 KNOWN AS OCEAN DRIVE WATER AND SEWER IMPROVEMENT PROJECT – 62<sup>ND</sup> TO 80<sup>TH</sup> STREETS IN AVALON, NEW JERSEY

Resolution No. 153-2023: A RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR BOROUGH CONTRCAT NO. 23-01, COLLECTION & DISPOSAL OF MUNICIPAL SOLID WASTE MATERIALS FOR THE BOROUGH OF AVALON

Resolution No. 154-2023: A RESOLUTION AUTHORIZING PAYMENT OF BILLS.

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolution 151-2023 through 154-2023 as listed on the consent agenda be adopted.

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

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

Motion made by Council President McDermott, seconded by Councilman Wierman that Ordinance No. 860-2023 be removed from the table and brought on for first reading by title only.

<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. 860-2023:

Ordinance No. 860-2023:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17 OF THE AVALON BOROUGH CODE ENTITLED “SOLID WASTE MANAGEMENT” PERTAINING TO STANDARD SIZE RECEPTACLE CARTS FOR THE COLLECTION AND DISPOSAL OF APPROVED RECYCLABLE MATERIALS AND SOLID WASTE AND REPEALING ORDINANCE 779-2018

Motion made by Council President McDermott, seconded by Councilman Wierman that Ordinance No. 860-2023 be passed on first reading and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 866-2023:

Motion made by Councilman Johnson, seconded by Council President McDermott that Ordinance No. 866-2023 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. 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

Council President McDermott opened the meeting for public hearing on Ordinance No. 866-2023 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Johnson, seconded by Council President McDermott 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 Councilman Johnson, seconded by Council President McDermott that Ordinance No. 866-2023 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 and Recommendations by Mayor and Officials:

Reports of Officials:

Scott Wahl read the following report:

Certifications: I am pleased to report to Council that two individuals in the Avalon Construction Office have earned certifications from the Department of Community Affairs as Technical Assistant to the Construction Official. The certifications were earned by Amanda Seltzer and Eryn Chobert. They are both certified through July, 2026 and we thank Amanda and Eryn for their achievements that advances operational efficiency in the Construction Office.

Flood Meeting: We remind the public that an important meeting will be held in this room on Tuesday, August 15<sup>th</sup>, at 5:00pm. To preserve our Class 3 designation in FEMA’s CRS program, we are obligated to hold a public meeting each year to discuss flood insurance issues that impact property owners in flood zones. This meeting is well-attended each year and Councilman Wierman will be on the dais as part of the discussion. Invitation letters were mailed from the office of Mayor McCorristin last month regarding this meeting.

AHLOA Meeting: The Avalon Home and Property Owners Association will hold its annual meeting Saturday at 9:00am at Community Hall. Mayor McCorristin will deliver his state of the Borough address during the meeting. As always, the Borough appreciates the invitation to be a part of this meeting.

Borough Wide Dredging Permit: By the end of this week, our engineer will have submitted the Sediment Sampling and Analysis Plan to the NJDEP for review. Once that plan is approved, our engineer will approach Council with a proposal to make the formal submission to NJDEP and USACOE for the town-wide dredging permit.

Pending Business:

None.

New Business:

Council President McDermott acknowledged and commended all involved in a successful National Night Out event.

Public Comments:

Martha Wright, 632 7<sup>th</sup> Street, referenced an ongoing topic of conversation surrounding the Avalon Sport Fishing Center and the review of rules and regulations as it relates to the Avalon Sport Fishing Center, as well as the commercial operation located on the property. She made reference to the multiple dates this topic of conversation was raised to Borough Council and requested an update on the review.

James Waldron stated there is no update as of now, due to more pressing matters in connection with the Tidelands License for the property have recently arisen. The Borough, with the Borough Engineer, have worked to file a Tidelands and permit application for this property. The license expired during the COVID shutdown, and was renewed online; however, the Department of Environmental Protection (DEP) did not act upon that license prior to the expiration of the license. The Borough engaged the services of its environmental consulting firm, Cullen & Dykman, to become involved in the process in an effort to secure the renewal. As a result of that engagement, the DEP indicated the requirement for a full review, including drawings, formal application, and notification to the public. There has been a subsequent submission to the DEP with an expectation that a preliminary approval will be granted sometime in August 2023, which will require some modification. The Public Works committee of Borough Council has seen some preliminary information regarding proposed regulations, which are on hold until all necessary approvals are received from the DEP, as it is expected there will be some modifications required as it relates to the kayak operations. In addition, there may be new requirements for toilets and pump out facilities, which are to be determined at this point in time. There has been a supplemental submission to the DEP recently made.

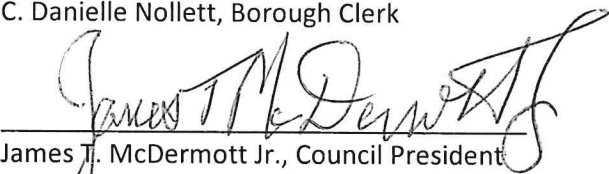
Motion made by Councilman Johnson, seconded by Councilwoman Coskey to adjourn the Council Meeting.

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

Council Meeting adjourned at 4:30 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
James J. McDermott Jr., Council President