A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, August 23, 2023, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance:    Public - - - - - - - - - -    28         Reporters - - - - - - - - - -   0

Remote Attendance:     Public - - - - - - - - - -    9         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

Nicole Curio, Esquire, Borough Solicitor

William McCormick, Director of Public Works/Utilities

Sean McNair, Police Captain

Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald

Paul Short, Code Enforcement Official

Joseph Clark, Qualified Purchasing Agent

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 granting the Qualified Purchasing Agent to award Window Contracts in accordance with Local Finance Notice 2023-14.**

Joseph Clark explained a Local Finance Notice was recently passed by the Department of Community Affairs (DCA), which ties into a new law signed by the Governor in February 2023. As a result of these updates, municipalities now have the ability for Qualified Purchasing Agents (QPA) to award contracts in amounts lower than the bid threshold on behalf of the municipality. All contractual requirements as they pertain to documentation, disclosures, and certifications will remain intact, with the only change being that the governing body would allow the award of contracts within this price window at the sole discretion of the QPA. In the future, the bid threshold may be increased, at which point the window contracts would be eligible to be awarded by the QPA up to that adjusted bid threshold. Many municipalities throughout the state have elected to award contracts in this manner since the law change.

Council agreed to proceed with a Resolution to be prepared for the September 13, 2023 meeting.

**Discussion regarding Resolution authorizing professional engineering consulting services in connection with NJDEP MS4 Permit Program Management.**

Thomas Thornton indicated since 2004, Avalon has operated the storm sewer system under a general permit issued by Department of Environmental Protection (DEP) known as a Stormwater Discharge Master General Permit. Every five years or so, modifications are made to that permit, which typically entails a broad range of activities. The DEP identifies coastal towns as a certain tier with specific requirements, including compliance with an MS4 system, known as a Municipal Separate Storm Sewer System. In the past, Mott MacDonald has helped with specific engineering related tasks under this program, such as evaluating outfall ends, investigating potential interconnections with the sanitary sewer system, and helping with mapping, with the coordination of the overall program historically falling under the responsibility of the Director of Public Works. This year, the DEP issued an amendment to this rule, which adds additional tasks to the program. Through multiple discussions, it was determined to shift the responsibility of the management of the program to the Borough Engineer. Council is in receipt of a proposal from Mott MacDonald to take over the role as Stormwater Program Coordinator and assist Borough in implementation of compliance with permit and to provide guidance and assistance in many of the required activities. These are in addition to the typical services offered by Mott MacDonald during this process.

Council agreed to proceed with a Resolution to be prepared for the September 13, 2023 meeting.

**Discussion regarding Resolution authorizing professional engineering services in connection with 78th Street Water Main and 29th Street Sewer Main Replacement.**

Thomas Thornton reported the water main on 78th Street was recently discovered to be a water main made of galvanized pipe, which requires replacement under certain Federal and State regulations. The reconstruction of 78th Street is included in the road reconstruction project plan for 2024; therefore, it is recommended to replace the water main prior to that project beginning. The sewer main on 29th Street has been identified as a sewer main in deplorable condition and in dire need of replacement.

Council agreed to proceed with a Resolution to be prepared for the September 13, 2023 meeting.

**Discussion regarding Resolution authorizing Change Order No. 1 in connection with Contract M-133, Pennsylvania Harbor Emergency Dredging Project.**

Scott Wahl mentioned the recently completed emergency dredging project in Pennsylvania Harbor, which was triggered as a result of unsafe navigable conditions caused by shoaling. Upon completion of the project, the Borough Engineer worked with the contractor to ensure the contract specifications were met. Upon that inspection, a small quantity of material was discovered to remain in the project area. That material, amounting to 33 cubic yards, was removed by the contractor; however, additional costs were incurred to remove said material, triggering the need for a Change Order.

Council agreed to proceed with a Resolution to be prepared for the September 13, 2023 meeting.

**Discussion regarding Resolution authorizing Change Order No. 3 in connection with Contract M-128, 2022 Reconstruction of Various Streets.**

Thomas Thornton stated as is typically done when projects are completed and closed out, all final quantities of materials was reconciled for this project. In this instance, the final quantities amounted to less than what was estimated within the contract, causing the need for a Change Order to reduce the project cost.

Council agreed to proceed with a Resolution to be prepared for the September 13, 2023 meeting.

**Discussion regarding Resolution authorizing release of deed restrictions previously imposed upon the property known as Block 15.02, Lot 18, 1559 First Avenue.**

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

**Discussion regarding Resolution authorizing renewal of a Shared Services Agreement with North Wildwood for shared plan review and inspection services.**

Scott Wahl explained this Shared Services Agreement is with the City of North Wildwood, at no cost for either party. The Shared Services Agreement includes plan review and inspection services for those situations where a conflict within the municipality may arise.

Council agreed to proceed with a Resolution to be prepared for the September 13, 2023 meeting.

**Discussion regarding Resolution recognizing various appointments made by the Mayor to the Avalon Planning/Zoning Board.**

Scott Wahl indicated appointments to the Avalon Planning/Zoning Board lie exclusively under the purview of Mayor. Recently, Mayor McCorristin made certain appointments and reappointments to the Planning/Zoning Board. Council is being asked to show their support of these appointments by adopting a Resolution to that effect.

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

Minutes:

 Council Meeting – August 9, 2023

 Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson 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:

None.

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. 155-2023: A RESOLUTION AUTHORIZING THE PURCHASE OF A JOHN DEERE 6110M CAB TRACTOR FROM DEERE & COMPANY OF CARY, NC THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING AGREEMENT

Resolution No. 156-2023: A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE ON BEHALF OF AVE, INC., LICENSE NO. 0501-36-011-003 FOR LICENSE TERM JULY 1, 2023 THROUGH JUNE 30, 2024 IN ACCORDANCE WITH A 12.39 SPECIAL RULING

Resolution No. 157-2023: A RESOLUTION AUTHORIZINGTHE BOROUGH TO EXECUTE A QUITCLAIM DEED FOR BLOCK 15.02 LOT 18, 1559 FIRST AVENUE IN ORDER TO RELEASE AND DISCHARGE ONE OR MORE DEED RESTRICTIONS IMPACTING SUCH PROPERTY

Resolution No. 158-2023: A RESOLUTION RECOGNIZING VARIOUS APPOINTMENTS MADE BY THE MAYOR TO THE AVALON PLANNING AND ZONING BOARD EFFECTIVE AUGUST 8, 2023

Resolution No. 159-2023: A RESOLUTION AUTHORIZING PAYMENT OF BILLS.

Motion made by Council President McDermott, seconded by Councilman Wierman that Resolutions 155-2023 through 159-2023 as listed on the consent agenda be adopted.

ROLL CALL VOTE: 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 read the following report:

Pickleball/Tennis: There are some individuals who participate in pickleball and tennis opportunities in the Borough who are interested in the plans for the 8th Street Tennis and Pickleball complex which was discussed by Mayor McCorristin at the August 13th AHLOA meeting. As we are aware, the Association for Pickleball Professionals will be holding the SunMed New Jersey Open in Avalon at the pickleball complex Wednesday through Sunday, September 6th through the 10th. The mayor has decided on a course that will both accommodate the APP tournament and rising interest in pickleball while preserving the tennis opportunities at 8th Street. There have been questions about the commitment to preserve tennis at the facility, so for the record, I offer the following:

-Weather permitting, as early as tomorrow, a vendor will convert the three existing tennis courts at 8th Street to pickleball courts, creating a total of 18 pickleball courts for use for the tournament and the public beyond. Temporarily, those interested in playing tennis are accommodated at the 39th Street Tennis Complex where ten courts exist. The APP is providing $10,000 in funding to the Borough for the conversion of the tennis courts to pickleball.

-At the September 13th meeting, we will receive a proposal from CME Engineering to go out to bid for three brand new tennis courts at the 8th Street Complex. They will be located immediately to the south of the existing three tennis courts. The engineer provided me with a conservative estimate of $350,000 for three brand new tennis courts. The 2023 Avalon municipal budget has $280,000 for improvements to the complex. Earlier this year, the Borough secured a $77,000 state grant for improvements to the complex. The availability of funds totals $357,000, more than the conservative engineer’s estimate. Funding is in place for these improvements.

-The engineer states tennis courts can be constructed at any time; they must be painted during temperatures above 45 degrees. We can think of no practical reason why new tennis courts would not exist at 8th Street in time for spring weather.

-This schedule reflects funds in place, the commitment by the mayor to not preserve three existing tennis courts but add three brand new tennis courts to the complex, and expanding pickleball opportunities due to demand and the upcoming tournament.

Avalon was selected to host this tournament due in part to our outstanding facilities which will expand, and Avalon’s commitment to a tennis presence at the 8th Street complex is supported by three brand new tennis courts for the public to enjoy, with funding in place to provide both.

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 Coskey, seconded by Councilman Johnson that the reports be approved.

ROLL CALL VOTE: Councilwoman Coskey Aye

Councilwoman Juzaitis Aye

Councilman Johnson Aye

Councilman Wierman Aye

Council President McDermott Aye

Pending Business:

None.

New Business:

None.

Public Comments:

Shane McGrath, member of Avalon Beach Patrol, asked Borough Council to voice their opinions regarding the stalled negotiations concerning creating pensions for lifeguards, while noting only 5 out of 15 municipalities do not offer pensions to this class of employee, Avalon being one of those municipalities.

Nicole Curio noted this matter is subject to contract negotiations, which is a confidential matter. As an update, the last mediation session with the bargaining unit mentioned was on June 20, 2023. At that time, the mediator advised they will be in further contact with both parties in the future. No updates have been received from the mediator to the Borough or to the Teamsters in connection with this matter.

Laura Barrett, 55 West 10th Street, referenced the report made by Scott Wahl during his report today, and inquired if new tennis courts will be constructed at the 8th Street sports complex if the bids are received at higher prices than the estimate.

Scott Wahl responded if bids come in higher than estimate and certification of funds for this item, a budgetary transfer could be done to fund the project, or the additional costs could be included in the 2024 temporary budget.

Katie Simone, 391 20th Street, thanked the Borough for its transparency surrounding the 8th Street sports complex and the plans for improvement in connection with the tennis and pickleball courts. She spoke passionately about the tennis players that utilize the 8th Street sports complex, and expressed excitement for the popularity of both pickleball and tennis.

John Gianelli, 2878 Avalon Avenue, thanked the Mayor, Borough Council, and Borough Administration for working towards a solution that accommodates the growth in pickleball, while still providing adequate accommodations for the tennis playing community, as well.

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis 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 4:33 p.m.

 Respectfully submitted,

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 C. Danielle Nollett, Borough Clerk

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 James T. McDermott Jr., Council President