A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, September 13, 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 - - - - - - - - - -    4         Reporters - - - - - - - - - -   0

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

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

Joseph Clark, Qualified Purchasing Agent

Lori Carlin, TRC Companies

Ronnie Town, Atlantic City Electric

Douglas Rohmeyer, P.E., CME Engineering Associates

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.”

**Swearing in by Mayor McCorristin of Shane Daino as Deputy Municipal Clerk.**

**Discussion regarding NJ Small Business Direct Install Program and a Resolution authorizing participation in the Camden County Educational Services Commission Cooperative Pricing System.**

Scott Wahl announced an opportunity for the Borough to address and replace failing HVAC units at the Police Department and Community Hall. The Borough had previously reserved approximately $485,000 in the 2023 budget for the replacement of those units. Through the Small Business Direct Install Program (SBDI), there is an opportunity to save 77.6% of the cost of this project. By entering into this program, the total anticipated cost for the replacement of these units would be $157,244. The SBDI Program is approved by the Board of Public Utilities and funded through the societal benefit surcharge found on residential electric billings.

Joseph Clark added there have been many discussions surrounding this program. The SBDI program allows for the cost savings, while the Cooperative Pricing System Agreement allows for the award of contract to a chosen contractor, independent of the public bidding process. The Resolution for consideration by Council tonight is to formally allow contracts through the Cooperative Pricing System Agreement. There is an upcoming bill advancing through the legislative process which encourages and mandates public bidding; therefore, utilizing this Cooperative Pricing System Agreement is advisable. In the future, Council will be asked to consider a Resolution to participate in the SBDI Program, which will provide the payments for the installation of these HVAC systems. As mentioned by Scott Wahl, the SBDI Program allows for significant cost savings to the Borough for these necessary services.

Lori Carlin explained TRC is the implementor for the SBDI Program, which allows for businesses or qualifying organizations to receive 70 to 80 cents of every dollar back that they’ve paid on page two of their electric bill, depending on the demand of that business. The money can be used for HVAC, lighting, controls, refrigeration, and similar projects.

Council agreed to proceed with a Resolution authorizing participation in the Cooperative Pricing System to be considered at today’s Regular Meeting, and Resolutions authorizing participation in the Small Business Direct Install Program and HVAC replacement units to be prepared for an upcoming Council Meeting.

**Discussion regarding Resolution authorizing professional engineering and land surveying services for 8th Street Sports Complex Improvements.**

Douglas Rohmeyer noted the recognized value of the recreational spaces offered by the 8th Street Sports Complex, and reported a new iteration of the conceptual plan of the space has been provided to Borough Council. The new iteration proposes the creation of two new, full-sized tennis courts directly adjacent to the existing basketball courts, the conversion of the easternmost basketball court into a full-size tennis court, and the appropriate perimeter fencing. Along Dune Drive, the proposed fence line aligns with the existing fence line of the pickleball courts with no impact to the street trees or telephone poles. The draining surface of the basketball courts plane from east to west. The proposed grading for the new tennis courts will include a grade break to allow drainage of the new courts toward Dune Drive. The fence line of the nearby baseball field will need to be taken into account when constructing the fence line for the tennis courts, as well. A small additional authorization is being requested at this time to supplement the existing survey, which would finalize the grading specifications and update all construction plans, bid documents, and plan certifications. Bid phase and construction management services have been previously authorized; therefore, no amendment to those services is requested at this time.

Council President McDermott commended all departments involved in the recent pickleball tournament and thanked all for their hard work and efforts in making the event a success.

Councilman Johnson mirrored Council President McDermott’s sentiments and complimented all involved for an event well done.

Council agreed to proceed with a Resolution to be prepared for the September 27, 2023 Council Meeting.

**Discussion regarding Resolution appointing Deputy Municipal Clerk.**

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

**Discussion regarding Resolution amending the Cash Management Plan.**

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

**Discussion regarding bids received for Contract M-134, 2023 Reconstruction of Various Streets.**

Thomas Thornton announced four bids were received on September 1, 2023 for this project, with the lowest bid being submitted by Asphalt Paving Systems, who has won many of the recent projects of this type with satisfying results. The bids were very competitive, with the lowest bid being within $5,000 of the Engineer’s estimate. The streets impacted by this project include the bay block of 62nd Street, 17th Street between Ocean Drive and Dune Drive, 6th Street west of Dune Drive, and the DOT funded project of southbound Dune Drive between 76th and 78th Streets. Provided Council agrees to proceed with the award of contract to Asphalt Paving Systems, this project would commence in the near future, with a projected completion date in April 2024. Mott MacDonald has also submitted their proposal for construction phase engineering services for Council’s consideration.

Scott Wahl inquired if there are any expected delays in terms of obtaining necessary materials.

Thomas Thornton replied there may be some supply chain issues related to some specialty items; however, no delays for typical materials are expected.

Council agreed to proceed with Resolutions to be prepared for the September 27, 2023 Council Meeting.

**Discussion regarding Resolution approving membership in the New Jersey State Firemen’s Relief Association.**

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

**Discussion regarding Resolution establishing rules and regulations in connection with a Tree Dedication Program.**

James Waldron reported the Environmental Commission has made a recommendation regarding implementing a tree dedication program within which certain existing trees would be selected and made available for a member of the public who wishes to dedicate a tree to memorialize someone. The program charges a recommended fee of $1,200 per tree, with $200 to be segregated and placed in an0 internal account within the Borough to be utilized for the use of an arborist to treat the trees within the program, when needed. Participants in the program would be required to sign an Acknowledgement of Participation when applying for the program, which represents that in the event their dedicated tree is diseased or damaged by accident, disaster, natural disaster, illness, or disease, the tree would be removed at the arborist’s recommendation and the dedication for that particular tree would end upon the removal of the tree. The term of the tree dedication is 7 years, commencing on first day of the month following the signing of the application.

Councilman Wierman noted the terms outline the requirement that the 7 year lease must be renewed within 30 days of expiration, otherwise the lease is forwarded. Considering the intention of dedicating these trees is to memorial to a loved one, he suggested longer renewal allowance.

James Waldron inquired if Council would prefer a 90-day renewal allowance while noting the plan and the acknowledgement indicates it can be amended by Council without notice, meaning the renewal period could be extended at any time.

Nicole Curio suggested notifying the holder of the lease at the start of the seventh year of the lease.

Councilwoman Juzaitis questioned if the dedication plaque will be returned to family upon termination of the lease?

James Waldron responded yes, and stated this program would be eligible to be approved by Borough Council by way of a Resolution upon approval from the Division of Local Government Services of the Dedication by Rider, which creates the separate fund for the arborist consulting services.

Council agreed to proceed with a Resolution to be prepared once the appropriate approvals are received.

**Discussion regarding Ordinance amending Chapter 14 (Water/Sewer) of the Avalon Borough Code regarding sewer adjustments.**

Scott Wahl indicated the current Borough Code provides relief to property owners by way of offering adjustments to sewer overages caused by undetected underground leaks. This section of the Borough Code was drafted and implemented when irrigation systems and underwater lines to boat docks were infrequent. Unfortunately, due to the increased frequency in these underground lines, allowing these adjustments is no longer feasible. As a result of many discussions and meetings, it is recommended Council consider amending and simplifying the code by way of an Ordinance amendment, which would repeal the section pertaining to sewer adjustments for underground leaks in its entirety and defines the responsibility for any and all leaks. Leaks from the water meter to the street would fall under the Borough’s responsibility, while leaks from the water meter to the property would fall under the responsibility of the property owner.

James Waldron added these proposed amendments would bring the policies into compliance with those municipalities regulated by the Board of Public Utilities, which does not allow adjustments.

Council agreed to proceed with an Ordinance to be prepared for first reading at the September 27, 2023 Council Meeting.

**Further discussion regarding Ordinance amending Chapter 8 (Traffic) of the Avalon Borough Code in connection with parking in publicly owned parking lots.**

James Waldron explained this proposed amendment impacts the parking lot directly behind Borough Hall. This Ordinance creates two additional handicapped parking spaces, restricts all public parking between the hours of 10:00 pm and 8:00 am, except for Borough owned vehicles and special permits, and aligns the current penalties of this code with the recent amendments to the New Jersey statutes. Special permits would be issued to employees of the Borough of Avalon’s municipal complex, including those in Borough Hall, the Fire Department, and the Rescue Squad.

Councilwoman Coskey mentioned school employees are required to report to work no later than 8:10 am, which may unintentionally cause violations if those employees arrive early.

James Waldron responded the special permit could be expanded to encompass those employees, as well.

Council agreed to proceed with an Ordinance to be prepared for first reading at the September 27, 2023 Council Meeting.

Minutes:

 Council Meeting – August 23, 2023

 Motion made by Council President McDermott, seconded by Councilwoman Coskey 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. 160-2023: A RESOLUTION AUTHORIZING THE BOROUGH’S QUALIFIED PURCHASING (QPA) TO AWARD CONTRACTS BELOW THE BIDDING THRESHOLD OF $44,000.00

Resolution No. 161-2023: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR NJDEP MS4 PERMIT PROGRAM MANAGEMENT FOR A LUMP SUM FEE OF TWENTY THOUSAND DOLLARS ($20,000.00)

Resolution No. 162-2023: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR 78TH STREET WATER MAIN AND 29TH STREET SEWER MAIN REPLACEMENT FOR A LUMP SUM FEE OF THIRTY-SIX THOUSAND EIGHT HUNDRED DOLLARS ($36,800.00)

Resolution No. 163-2023: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR PENNSYLVANIA HARBOR EMERGENCY DREDGING PROJECT, CONTRACT M-133

Resolution No. 164-2023: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 FOR 2022 RECONSTRUCTION OF VARIOUS STREETS, CONTRACT M-128

Resolution No. 165-2023: A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF AVALON AND THE CITY OF NORTH WILDWOOD FOR SHARED Plan Review and Inspections, as directed by the Uniform Construction Code WHENEVER A CONFLICT OCCURS REQUIRING THE RECUSAL OF EITHER AGENCY

Resolution No. 166-2023: A RESOLUTION AUTHORIZING THE USAGE OF CONTRACTS WITH THE CAMDEN COUNTY EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM #66CCEPS FOR THE 2023 CALENDAR YEAR

Resolution No. 167-2023: A RESOLUTION APPOINTING SHANE DAINO AS DEPUTY MUNICIPAL CLERK FOR A TERM OF THREE (3) YEARS COMMENCING SEPTEMBER 11, 2023 THROUGH SEPTEMBER 10, 2026

Resolution No. 168-2023: A RESOLUTION AMENDING THE CASH MANAGEMENT PLAN OF THE BOROUGH OF AVALON FOR THE YEAR 2023

Resolution No. 169-2023: A RESOLUTION APPROVING A MEMBERSHIP IN THE NEW JERSEY STATE FIREMEN'S RELIEF ASSOCIATION

Resolution No. 170-2023: A RESOLUTION AUTHORIZING PAYMENT OF BILLS

 Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolution 160-2023 through 170-2023 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

Second reading, public hearing and final action on Ordinance No. 860-2023:

Motion made by Council President McDermott, seconded by Councilman Wierman that Ordinance No. 860-2023 be brought on for second reading, public hearing, and final action.

ROLL CALL VOTE: 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 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. 860-2023 and asked if there were any questions or comments.

There were no questions or comments.

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

ROLL CALL VOTE: Councilwoman Coskey Aye

Councilwoman Juzaitis Aye

Councilman Johnson Aye

Councilman Wierman Aye

Council President McDermott Aye

Motion made by Council President McDermott, seconded by Council Wierman that Ordinance No. 860-2023 be finally adopted, submitted to the Mayor for approval and advertised according to law

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:

None.

Pending Business:

None.

New Business:

None.

Public Comments:

Barbara Stout, 406 20th Street, mentioned recent flooding issues near a construction site of two duplexes at the intersection of Fourth Avenue and 20th Street, which is getting progressively worse and requested the Borough evaluate the issue.

Scott Wahl volunteered to inspect the area with Thomas Thornton.

Martha Wright, 632 7th Street, spoke in support of Ms. Stout regarding the flooding issue on 20th Street at the intersection of Fourth Avenue, noting developer Thomas Welsh was granted an easement with an intent to reposition a drainage pipe on the property in question, which allowed for the construction of two conforming duplexes. Only one duplex has been built at this time, and the drainage pipe has not been relocated, which has attributed to a serious flooding problem. She encouraged the Borough to follow up. She then detailed a recent issue with an illegally parked truck and trailer, which blocked access to her property, and noted the necessity to call the Police to issue a parking citation to the illegally parked driver. She stressed the importance of proper parking rules and restrictions, and effective enforcement.

Resolution No. 171-2023: 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 EMPLOYMENT CONTRACT WITH THE BUSINESS ADMINISTRATOR

Motion made by Councilman Johnson, seconded by Councilman Wierman that the resolution be adopted.

ROLL CALL VOTE: Councilwoman Coskey Aye

Councilwoman Juzaitis Aye

Councilman Johnson Aye

Councilman Wierman Aye

Council President McDermott Aye

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

ROLL CALL VOTE: Councilwoman Coskey Aye

Councilwoman Juzaitis Aye

Councilman Johnson Aye

Councilman Wierman Aye

Council President McDermott Aye

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

Public portion of Council Meeting recessed at 4:56 p.m.

Public portion of Council Meeting reconvened at 5:10 p.m.

Present:

Council President McDermott

Councilwoman Coskey

Councilwoman Juzaitis
Councilman Johnson
Councilman Wierman

James A. Waldron, Assistant Business Administrator

Nicole Curio, Esquire, Borough Solicitor

Motion made by Councilwoman Coskey 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 5:10 p.m.

 Respectfully submitted,

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 C. Danielle Nollett, Borough Clerk

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 James T. McDermott Jr., Council President