

September 27, 2023

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, September 27, 2023, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public - - - - - 3 Reporters - - - - - 0

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

The Meeting was called to order by Council President McDermott.

<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
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
Scott Taylor, Taylor Design Group

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 Taylor Design Group to provide bidding services for Maintenance of Borough Owned Grounds Contract

Scott Taylor explained this is an annual contract, which will be put to bid for the contract beginning in 2024, with the intent to solicit said bids in the fall or winter of 2023. The contract is typically structured to cover all Borough and school-owned grounds for lawn maintenance. Throughout the evolution of this contract, many departments have helped to fine-tune the contract to best serve the Borough. As done in the past, this contract will be renewable for up to two one-year terms, with a built-in price escalation in accordance with the Consumer Price Index.

Scott Wahl added this bid will be issued by Joseph Clark, the Qualified Purchasing Agent. This contract will again include a contingency fund to allow for unforeseen circumstances as they relate to grounds maintenance. No contingency funds have been spent during the current contract's term.

Council agreed to proceed with a Resolution to be prepared for the October 11, 2023 Council Meeting.

Discussion regarding Resolution authorizing Shared Services Agreement with Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services.

Scott Wahl announced the Cape May County MUA has offered a two-year renewal of this long-standing agreement, with no changes to the terms. A two-percent annual price increase has been included in the contract.

Council agreed to proceed with a Resolution to be prepared for the October 11, 2023 Council Meeting.

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Discussion regarding Resolution authorizing Shared Services Agreement with the County of Cape May for Maintenance and Repair of Certain Traffic Signals within the Borough of Avalon.

Scott Wahl indicated the proposed renewal for this Shared Services Agreement has been reviewed and approved in form by the Borough Solicitor. This Agreement includes the maintenance and repair of three traffic signals located at 25th Street and Dune Drive; 30th Street and Dune Drive; and 32nd Street and Dune Drive. This renewal is proposed for a period of six years, with a three-percent annual increase included. No changes to the terms are recommended at this time, as they have been agreeable in the past.

Council agreed to proceed with a Resolution to be prepared for the October 11, 2023 Council Meeting.

Discussion regarding Resolution authorizing receipt of funds from Brian Blair to the Environmental Trust Fund.

Scott Wahl explained in the past, the Department of Environmental Protection (DEP) has had a program which insists on public access on both private and public property. When circumstances arise where the developer of a private property wishes to make a financial contribution to a public access only project within the community, the developer must work with the DEP to coordinate participation within the program. In this case, the Borough will be in receipt of a contribution in the amount of \$6,895, which will be directed to the total expense of a Borough project recently completed to reconstruct the 23rd Street pier with the inclusion of handicapped access.

Council President McDermott commended the Department of Public Works for a job well done with that project.

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

Discussion regarding Resolution authorizing the transfer of ownership of unused Borough vehicles to Meadowview Auto Salvage.

William McCormick reported the vehicles in relation to this matter have been listed for sale multiple times through an online auction service, with no successful sales attempts. During that time, the vehicles have fallen into a state of severe disrepair. It is recommended to transfer ownership of these vehicles to Meadowview Auto Salvage, who has offered to pay the Borough a fee of \$500 per vehicle for said transfer.

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

Discussion regarding Resolution declaring October 6, 2023 as Knock Out Opioid Abuse Day.

Scott Wahl noted Cape Assist has asked for support from all municipalities within Cape May County in designating October 6, 2023 as Knock Out Opioid Abuse Day to raise awareness for opioid abuse and heroin addiction, which is a very important issue that can impact anyone.

Councilwoman Juzaitis spoke in support of this annual initiative, and stressed the importance to bring light to those who are addicted, those who have lost their lives to addiction, and the families of those impacted by addiction.

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

Discussion regarding Resolution authorizing the creation of a handicapped parking space at 401 22nd Street.

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

Discussion regarding Resolution authorizing a grant application to the Boardwalk Preservation Fund.

Scott Wahl informed Council of this program offered by the state, which has \$100 million allocated for the preservation of boardwalks and similar spaces. Discussions have taken place with the Borough Engineer and Director of Public Works to identify how Avalon could best benefit from this program. Thanks to the diligence of the Department of Public Works in maintaining the boardwalk, the surface of the boardwalk is in great condition; however, five boardwalk access ramps have been identified as not fully complying with ADA access requirements, those being at 21st, 22nd, 23rd, 24th and 26th Streets. The Borough Engineer has worked with the Borough in preparing a construction cost estimate to accompany this grant application.

Thomas Thornton expressed optimism that this grant application would be looked upon favorably, as ADA compliance is one of the stated objectives of this grant program.

Council President McDermott advocated for ADA compliance at all boardwalk access points, with a specific emphasis on the access ramp located at 26th Street, noting its proximity to the Helen L. Diller Vacation Home for Blind Children.

Scott Wahl added the three main criteria of this grant are increased storm resiliency, improvement of ADA access, and safer and longer-lasting infrastructure.

Councilwoman Coskey recommended also exploring the potentiality of upgrading the curb cuts at the boardwalk access points to further comply with ADA regulations.

Councilman Johnson inquired if the Borough would be required to comply with ADA regulations at these locations, now that they have been identified as lacking, even if the grant funds are not awarded.

Scott Wahl noted while the Borough would not be forced to comply, it is in the Borough's best interest to be as compliant as possible. If grant funds are not awarded as a result of this application, the Borough could explore options in future budgets for undertaking the reconstruction of those access points.

Thomas Thornton noted there are typically areas of non-compliance in every municipality; however, as a community develops, there are certain obligations to bring those newly developed areas to ADA standards. It is best to take advantage of any and all opportunities to achieve compliance.

Councilwoman Juzaitis advocated for submitting this grant application to maintain the Borough's commitment to consistently improving the boardwalk.

Thomas Thornton mentioned this grant application will also seek funding for materials for the general maintenance of the boardwalk, as well, to help offset the costs of future repairs.

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

Discussion regarding Resolution authorizing budgetary amendment to professional engineering services in connection with 22nd Street Water Main Replacement project.

Thomas Thornton reported the original scope of this project included replacing an undersized water main on 22nd Street between Fourth Avenue and Sixth Avenue, which was based on a review of the existing Borough mapping. That mapping indicated the water main on Harbor Avenue between 21st and 22nd Streets was appropriately sized; however, once work began, it was determined the water meter was undersized. Considering the primary objective of this project was to provide adequate water pressures, the contractor was directed to replace the undersized water main on Harbor Avenue, as well. This change in project scope required additional design phase services, and will require additional inspection services moving forward. Council is being asked to consider a budgetary amendment to the authorizations given to Mott MacDonald to allow for these additional services.

Council agreed to proceed with a Resolution to be prepared for the October 11, 2023 Council Meeting.

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

Scott Wahl overviewed the appointments made by the Mayor to the Planning/Zoning Board, which included Greg Kiziek, Charles O'Hara, and Eric Dechert. He explained all appointments fill unexpired terms.

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

Discussion regarding potential amendment to Ordinance No. 809-2020, establishing a procedure for release and discharge of certain deed restrictions.

Nicole Curio explained the Borough is frequently asked to release deed restrictions which have been ruled as unenforceable. In recent years, Borough Council has made certain strides to simplify this process, namely adopting Ordinance No. 809-202, which eliminated a portion of the release requirements, that being a public hearing per application. Council is now being asked to review the existing procedures to simplify this process even further, as the procedure still requires extensive work behind the scenes after Council takes its action in relation to drafting and recording a Quit Claim Deed. After some research, it has been determined that these void and unenforceable restrictions would not impair any property title moving forward. It is now recommended that a new Ordinance be adopted stating the Borough does not intend to enforce the deed restriction, with no impairment to the title. This language would waive any legal claim to enforce such a deed restriction in an attempt to settle this once and for all. Council is being asked to grant consent and permission to draft an Ordinance to this effect for review and further discussion.

Councilman Johnson asked if there is any indication as to how many of these deed restrictions exist.

Nicole Curio replied no, and mentioned a higher volume of these requests in the last five years. The deed restrictions were originally imposed in the 1950s, which were never enforced. Once the Borough adopted Zoning rules, those took precedent over any existing deed restrictions.

After brief discussion, Council agreed to proceed with an Ordinance to be prepared and discussed at a future Council Meeting.

Minutes:

Council Meeting, Closed Session – September 13, 2023

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

<u>ROLL CALL VOTE:</u>	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.

<u>Resolution No. 172-2023:</u>	A RESOLUTION AUTHORIZING CME ENGINEERING TO PROVIDE PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES IN CONNECTION WITH 8 TH STREET SPORTS COMPLEX IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED OF EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00)
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<u>Resolution No. 173-2023:</u>	A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ASPHALT PAVING SYSTEMS, INC. OF HAMMONTON, NJ FOR 2023 RECONSTRUCTION OF VARIOUS STREETS CONTRACT NO. M-134 IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED EIGHTY-ONE THOUSAND FOUR HUNDRED DOLLARS (\$1,881,400.00)
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- Resolution No. 174-2023:

A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR 2023 RECONSTRUCTION OF VARIOUS STREETS, CONTRACT M-134 ON A REIMBURSABLE BASIS FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$174,500.00)
- Resolution No. 175-2023:

A RESOLUTION AUTHORIZING THE RECEIPT OF FUNDS FROM BRIAN BLAIR TO THE BOROUGH ENVIRONMENTAL TRUST FUND IN THE AMOUNT OF 6,895.00 TO BE HELD IN TRUST FOR A SPECIFIC BOROUGH PROJECT AND CONSENTING TO THE TERMS AND CONDITIONS CONTAINED IN A DECLARATION OF TRUST
- Resolution No. 176-2023:

A RESOLUTION AUTHORIZING THE RECEIPT OF FUNDS FROM BRIAN BLAIR TO THE BOROUGH ENVIRONMENTAL TRUST FUND IN THE AMOUNT OF 6,895.00 TO BE HELD IN TRUST FOR A SPECIFIC BOROUGH PROJECT AND CONSENTING TO THE TERMS AND CONDITIONS CONTAINED IN A DECLARATION OF TRUST
- Resolution No. 177-2023:

A RESOLUTION DECLARING OCTOBER 6, 2023 AS KNOCK OUT OPIOID ABUSE DAY
- Resolution No. 178-2023:

A RESOLUTION AUTHORIZING THE CREATION OF A CERTAIN PARKING SPACE RESERVED FOR HANDICAPPED ONLY
- Resolution No. 179-2023:

A RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO APPLY TO THE STATE OF NEW JERSEY FOR A BOARDWALK PRESERVATION FUND GRANT
- Resolution No. 180-2023:

A RESOLUTION RECOGNIZING VARIOUS APPOINTMENTS MADE BY THE MAYOR TO THE AVALON PLANNING AND ZONING BOARD EFFECTIVE AUGUST 30, 2023
- Resolution No. 181-2023:

A RESOLUTION AUTHORIZING PAYMENT OF BILLS.

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolution Nos. 172-2023 through 181-2023 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

Introduction and first reading by title only of Ordinance No. 867-2023:

Motion made by Councilman Wierman, seconded by Councilman Johnson that Ordinance No. 867-2023 be 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. 867-2023:

Ordinance No. 867-2023:

AN ORDINANCE AMENDING CHAPTER 14 (WATER AND SEWER) TO ELIMINATE ALL SEWER AND WATER BILLING ADJUSTMENTS

September 27, 2023

Motion made by Councilman Wierman, seconded by Councilman Johnson that Ordinance No. 867-2023 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

Introduction and first reading by title only of Ordinance No. 868-2023:

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Ordinance No. 868-2023 be 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. 868-2023:

Ordinance No. 868-2023:

AN ORDINANCE AMENDING CHAPTER 14 (WATER AND SEWER) TO ELIMINATE ALL SEWER AND WATER BILLING ADJUSTMENTS

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Ordinance No. 868-2023 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

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

None.

Monthly Reports:

Month of August 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 Councilman Wierman that the reports be received and filed.

<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:

Mark Papineau, 189 34th Street, referenced the Maintenance of Borough Owned Grounds Contract going out to bid and suggested the Borough switch to using stone around planted trees instead of mulch, which has a tendency to wash into the street and block storm drains. He also requested Borough Council consider prohibiting the use of gas-powered lawn equipment on Saturdays and Sundays during the summer season.

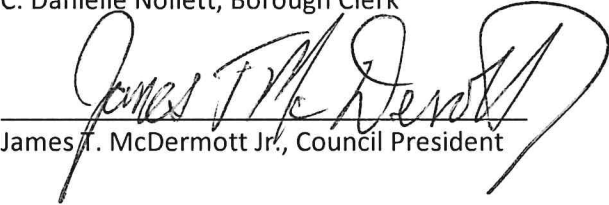
Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson to adjourn the Council Meeting.

<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 4:32 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


James J. McDermott Jr., Council President