

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, April 24, 2024, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public ----- 7 Reporters ----- 0

Remote Attendance: Public ----- 6 Reporters ----- 1

The Meeting was called to order by Council President McDermott.

<u>Roll call:</u>	Council President McDermott	Present
	Councilwoman Coskey	Present
	Councilman Johnson	Present
	Councilwoman Juzaitis	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 a public auction of abandoned or unclaimed property

Chief Christopher noted the Avalon Police Department intakes various items of property throughout the year. When that property is obtained by the Police Department, the Detectives employ various investigative methods to locate the rightful owners of the property so that it can be returned. All remaining property not reunited with the owner is held for a minimum of six months, and then is readied for an annual auction. A list of items to be auctioned this year has been provided to Council.

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

Discussion regarding Resolution authorizing the relocation and installation of stormwater infrastructure and authorizing payment at Block 7.07, Lot 138 (576 7th Street) and Block 7.08, Lot 140.01 (606 7th Street).

Danielle Nollett announced this item has been deferred until further notice.

April 24, 2024

Discussion regarding Resolution authorizing Change Order No. 1 in connection with Contract M-130, 22nd Street Water Main Replacement.

Thomas Thornton explained this Change Order consists of three items; the first of which was required to extend the water main replacement to include the replacement of the cast iron main on Harbor Avenue. The second item included additional valves, pipes, and fittings required and requested by Middlesex Water Company to improve the ability to operate the system in that area. The final item was to replace an old lateral with PVC.

Council agreed to proceed with a Resolution to be prepared for the May 8, 2024 Council Meeting.

Discussion regarding Resolution authorizing construction phase engineering services in connection with 2024 Backpassing Project.

Thomas Thornton noted this proposal is to provide construction phase engineering services required for the upcoming beach renourishment project, which will include the typical inspection services in addition to monitoring services required by the state and federal agencies for such a project. The permit held by the Borough of Avalon for these types of projects has very strict requirements for the monitoring of piping plover, which includes required monitoring for four days prior to the start of the project as well as daily monitoring during the project. This year, there is an added requirement to monitor for red knots during those observations. It is proposed to hire a subcontractor with a certified biologist on staff to meet the requirements of the agencies to perform those observations.

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

Discussion regarding Resolution declaring an emergency and authorizing the purchase of materials in addition to an award of contract to make certain repairs at the Avalon Sport Fishing Center.

James Waldron reported Code Enforcement conducted an investigation of the Avalon Sport Fishing Center on April 9, at which point it was determined that the public pier providing ingress and egress to the Miss Avalon and Avalon Lady was substantially deteriorated and in imminent danger of collapse. At that time, the pier was condemned, hence denying public access. The Engineer conducted an investigation within 24 hours, arriving at the same conclusion as Code Enforcement. These circumstances give rise to the award of a contract without competitive bidding to repair or replace the pier. The Qualified Purchasing Agent and Chief Financial Officer both concur the emergency elements are present to justify the emergency award of a contract under these circumstances. The Engineer has provided a certification as to the estimate of the cost to replace or repair the pier. The Resolution presented to Council today authorizes a contract award at either the Engineer's estimate or the sum of \$100,000.00, whichever is less.

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

Discussion regarding bids received for Contract No. M-137, 2024 Beach Replenishment.

Thomas Thornton indicated the bids received for this project were submitted at a wide range in cost. The apparent lowest bidder was contacted to discuss the demands of the contract as well as the project scope. During that conversation, the contractor expressed their full commitment to conducting the work properly with the appropriate equipment, and provided a list of references and experience. Those references were confirmed with positive feedback; therefore, it is recommended to award the contract to the lowest bidder.

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

Discussion regarding request to reduce the size of an easement retained by the Borough of Avalon pursuant to Ordinance 34-80 pertaining to 576 7th Street

Danielle Nollett announced this item has been deferred until further notice.

Minutes:

Council Meeting – April 10, 2024

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

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

Public comments regarding Resolutions:

Danielle Nollett noted Resolution 90-2024 is not being presented to Council for official consideration at this time due to discussion regarding same being deferred.

Paul Morrissey, 263 8th Street, inquired as to why Resolution 90-2024 has been deferred, and further asked why this agenda had this item being both discussed by Council with official action being considered in the same meeting.

Nicole Curio indicated an issue arose within one hour of the start of the meeting that needs to be researched further. As to the scheduling of the discussion and official action, there are times when Council deems it appropriate to discuss and potentially act on items within the same meeting, this being one of those times.

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. 85-2024: A RESOLUTION APPOINTING CLASS I AND CLASS II SPECIAL OFFICERS FOR THE BOROUGH OF AVALON
- Resolution No. 86-2024: A RESOLUTION AUTHORIZING THE BOROUGH OF AVALON TO UTILIZE THE SERVICES OF COASTAL BROADCASTING SYSTEM, INC. AND THE CAPE MAY COUNTY HERALD TO PROVIDE CERTAIN PUBLIC SERVICE ANNOUNCEMENTS, INCLUDING EMERGENCY AND OTHER NOTIFICATIONS FROM THE LOCAL AND COUNTY OFFICE OF EMERGENCY MANAGEMENT FOR THE PERIOD COVERING JANUARY 1, 2024 THROUGH DECEMBER 31, 2024
- Resolution No. 87-2024: A RESOLUTION AUTHORIZING THE PARTIAL RELEASE OF A PERFORMANCE GUARANTY IN THE AMOUNT OF TWENTY-FIVE THOUSAND NINE HUNDRED TWENTY-EIGHT DOLLARS AND FORTY-NINE CENTS (\$25,928.49) AND A PARTIAL SAFETY AND STABILIZATION GUARANTY RELEASE IN THE AMOUNT OF THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) SUBMITTED BY 25 DUNE DRIVE, LLC FOR 2538 DUNE DRIVE
- Resolution No. 88-2024: A RESOLUTION AUTHORIZING BUDGETARY AMENDMENT REQUEST RECEIVED FROM MOTT MACDONALD FOR ADDITIONAL PERMITTING SERVICES IN CONNECTION WITH BAY PARK MARINA FOR AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND SIX HUNDRED DOLLARS (\$32,600.00).
- Resolution No. 89-2024: A RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND UNCLAIMED PROPERTY ON SATURDAY, MAY 11, 2024

Resolution No. 90-2024:

A RESOLUTION AUTHORIZING THE FOLLOWING: THE RELOCATION AND INSTALLATION OF A STORMWATER OUTFALL PIPE AND INFRASTRUCTURE AT OR ABOUT SEVENTH STREET AT SIXTH AVENUE [AS VACATED BY ORDINANCE 34-80]; THE REMOVAL OF THE EXISTING STORMWATER OUTFALL PIPE LOCATED ON BLOCK 7.07 Lot 38 AND OTHERWISE KNOWN AS 576 7TH STREET AND RELEASING THE EXISTING EASEMENT COVERING THE LOCATION OF THE STORMWATER OUTFALL BEING REMOVED; AND THE AUTHORIZATION OF PAYMENT TO UTILITY SERVICE AFFILIATES, INC. (A SUBSIDIARY OF MIDDLESEX WATER COMPANY) AND ITS DESIGNATED CONTRACTOR IN AN AMOUNT NOT TO EXCEED FIFTY-THREE THOUSAND DOLLARS (\$53,000.00)

Resolution No. 91-2024:

A RESOLUTION AUTHORIZING THE AWARD OF AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6 WITHOUT PUBLIC ADVERTISING FOR BIDS AND BIDDING THEREFOR, NOTWITHSTANDING THAT THE CONTRACT PRICE WILL EXCEED THE BID THRESHOLD DUE TO AN EMERGENCY AFFECTING THE PUBLIC HEALTH, SAFETY OR WELFARE WHICH REQUIRES THE IMMEDIATE DELIVERY OF GOODS OR THE PERFORMANCE OF SERVICES AND PERTAINING TO THE REPLACEMENT OF PILINGS AND THE RECONSTRUCTION OF A PUBLIC PIER AT THE AVALON SPORT FISHING CENTER IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

Resolution No. 92-2024:

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH YANNUZZI GROUP, INC. FOR CONTRACT NO M-137, 2024 BEACH RENOURISHMENT PROJECT IN THE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00)

Resolution No. 93-2024:

A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING AND ENVIRONMENTAL COMPLIANCE SERVICES FOR CONTRACT NO. M-137, 2024 BEACH RENOURISHMENT PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED SEVENTY-ONE THOUSAND SEVEN HUNDRED DOLLARS (\$71,700.00)

Resolution No. 94-2024:

A RESOLUTION AUTHORIZING PAYMENT OF BILLS

Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolutions 85-2024 through 89-2024 and Resolutions 91-2024 through 94-2024 as listed on the consent agenda be adopted.

ROLL CALL VOTE:

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

Introduction and first reading by title only of Ordinance No. 879-2024:

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 879-2024 be brought on for first reading by title only.

ROLL CALL VOTE:

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

Borough Clerk read aloud Ordinance No. 879-2024:

Ordinance No. 879-2024:

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE BOROUGH CODE TO CREATE THE DIVISION OF INFORMATION TECHNOLOGY AND CYBER SECURITY AND TO SPECIFY THE DUTIES AND RESPONSIBILITY OF SUCH DIVISION AND TO DESIGNATE AN INDIVIDUAL TO DIRECT SUCH OFFICE AND SPECIFY THE DUTIES AND RESPONSIBILITIES OF SUCH INDIVIDUAL AND TO DESIGNATE THE APPOINTMENT PROCESS

Motion made by Councilman Johnson, seconded by Councilwoman Juzaitis that Ordinance No. 879-2024 be passed on first reading and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 877-2024:

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 877-2024 be brought on for first reading by title only.

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

Borough Clerk read aloud Ordinance No. 877-2024:

Ordinance No. 877-2024:

AN ORDINANCE AMENDING CHAPTER 14 (WATER & SEWER) OF THE BOROUGH CODE TO IMPOSE A QUARTERLY SURCHARGE ON ALL WATER AND SEWER METERS

Council President McDermott opened the meeting for public hearing on Ordinance No. 874-2024 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that the public hearing be closed.

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

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis that Ordinance No. 877-2024 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Second reading, public hearing and final action on Ordinance No. 878-2024:

Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson that Ordinance No. 878-2024 be brought on for first reading by title only.

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

Borough Clerk read aloud Ordinance No. 878-2024:

Ordinance No. 878-2024:

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS OF THE BOROUGH CODE, SPECIFICALLY CHAPTERS 12 (ANIMAL CONTROL), 14 (WATER & SEWER), 20 (BUILDING & CONSTRUCTION); AND 30 (STORMWATER REGULATIONS); REPEALING ALL CONFLICTING AND INCONSISTENT ORDINANCES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

Council President McDermott opened the meeting for public hearing on Ordinance No. 874-2024 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson that the public hearing be closed.

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

Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson that Ordinance No. 878-2024 be finally adopted, submitted to the Mayor for approval and advertised according to law.

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

Reports and Recommendations by Mayor and Officials:

Reports of Officials:

Thomas Thornton reported the contractor has finished installation of the top slab for the 78th Street pump station project. Additionally, the grates that function as both the means of accessing the pumps as well as the inlets for stormwater flow have been installed. All paving is complete, and the electrical control panel work is completed. At this time, Atlantic City Electric is being asked to provide power to the control panel. Mott MacDonald will be involved in the startup of the pump station to ensure proper operation, which is expected to occur within the next two weeks.

Scott Wahl announced the new HVAC units at Community Hall have been installed much sooner than anticipated, and will be powered up and functional tomorrow morning.

Monthly Departmental Reports:

Month of March 2024 – submitted by respective Department/Division Heads

Borough Clerk and Registrar

Bureau of Fire Prevention, Bureau of Licensing, Miscellaneous Construction Collection,
Construction Water and Sewer, Uniform Construction Code & Taxicab Reports Code
Enforcement

Municipal Court

Municipal Engineering

Police Department

Public Works Department

Recreation Revenue

Tax Collector & Water Sewer Control Account

Zoning

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

ROLL CALL VOTE:

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

Pending Business:

None.

New Business:

None.

Public Comments:

None.


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

ROLL CALL VOTE:

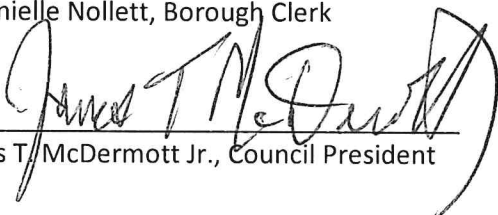
Councilwoman Coskey	Aye
Councilman Johnson	Aye
Councilwoman Juzaitis	Aye
Councilman Wierman	Aye
Council President McDermott	Aye

Council Meeting adjourned at 4:12 pm

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



James T. McDermott Jr., Council President