**7449**

December 22, 2015

A Work Session of the Borough Council of the Borough of Avalon was held on

Tuesday, December 22, 2015 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 4 Reporters ----------------------- 2

The Meeting was called to order by Council President Dean.

Pledge of allegiance.

Roll call: Council President Dean Present

Councilman Burns Present

Councilman Covington Present

Council Vice President Hudanich Absent

Councilman McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Paul Short, Code Enforcement Official

James V. Craft, Chief Financial Officer

William Macomber, Director of Public Works/Utilities

William McCormick, Chief of Police

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Ed Dean, Emergency Management Safety Coordinator

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 24, 2015. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Dean read the Open Public Meetings Act Announcement.

Discussion regarding Resolution expressing support of Senate Bill S2615 and Assembly Bill A3932 regarding diamondback terrapins as non-game species.

Scott Wahl, Business Administrator provided a brief explanation. He said that Mayor Pagliughi was contacted by Dr. Tedesco about pending legislation in Trenton concerning diamondback terrapin turtles. He said the Mayor sent out letters in support of the legislation. He introduced Dr. Lisa Ferguson from the Wetlands Institute to explain the pending legislation.

Dr. Lisa Ferguson, the Director of Research and Conservation at the Wetlands Institute thanked the Borough for inviting her to speak about the pending legislation that has been introduced to the Senate and Assembly to de-list the diamondback terrapins as a game species in the State of New Jersey. She explained the terrapins play an important role in keeping the marshes healthy and are the only reptile that lives in the marshes and can endure its environment. She said the Wetlands Institute is supporting these two bills to make the terrapin non-game species.

Councilman Burns asked if the passing of these bills would make the terrapin endangered species.

Dr. Ferguson said not necessarily, only a declining population would list them as endangered.

Councilman Burns pointed out current difficulties with endangered species surrounding dredging. He expressed concern for new challenges if the terrapins were classified as endangered.

A brief discussion ensued.

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Council agreed to proceed with a Resolution to be adopted at the Regular Meeting on January 13, 2016.

Discussion regarding Resolution authorizing a Shared Services Agreement with the Trustees of the Free Public Library for Qualified Purchasing Agent Services.

James V. Craft, Chief Financial Officer explained the Library wishes to increase their bid threshold and quote threshold. He said the library will have a Shared Services Agreement with the Borough of Avalon appointing him as the QPA which will increase the bid threshold from $34,000 to $40,000 and the quote threshold to $6,000.00.

Council agreed to proceed with a Resolution to be adopted at the Regular Meeting on January 13, 2016.

Discussion regarding amending Resolution 33-2015 concerning the cancellation of unexpended balance in Ordinance 629-2010.

James V. Craft, Chief Financial Officer explained there was an open encumbrance balance on the account which made the balance artificially low. He said the encumbrance has been cancelled and he needs to cancel the remaining balance to clean up the books for the year.

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

Discussion regarding Resolution authorizing transfer of appropriations.

James V. Craft, Chief Financial Officer explained this Resolution is to authorize covering the last pay for Public Works. He said DPW had a lot of overtime this year and additional projects and the Borough needs to have the funds available to cover the last pay in December.

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

Discussion regarding Resolution regarding rate of pay for Off Duty Employment-Avalon Police Department.

Scott Wahl, Business Administrator explained Chief McCormick informed him that Middle Township Police were providing services to Atlantic City Electric on Avalon Boulevard while installing poles. He said he called Ronnie Towne from ACE and she said she thought the boulevard up to Ocean Drive was Middle Township. She said she would correct that and offered remaining work to Avalon. He said there were subsequent discussion with Mr. Waldron and Marie Hood to create a Resolution to have rates of pay for services including the use of vehicles. He said Chief McCormick has a standard operating procedure for overtime.

Chief McCormick said they get calls from time to time asking the cost for officers to do traffic detail.

Mr. Wahl said the entity who ask for the work would pay the Borough and Finance would pay the officer the pay rate and the remainder would pay for the use of the vehicle. He said the Borough’s insurance policy would prevail for accidents. He said the Chief and the Borough’s solicitor endorsed the plan.

Councilman Burns commented that he has used this service in other towns and it works well paying for the car and the patrolman and confirmed it was an acceptable practice throughout South Jersey.

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

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Discussion regarding Animal Control Services for 2016.

Scott Wahl, Business Administrator said the Borough received a proposal from Steve Serwatka, our Animal Control Officer with no increase in cost. He said his performance level has been exemplary and recommended the contract be awarded for 2016.

Council agreed to proceed with a Resolution to be adopted at the Regular Meeting on January 13, 2016.

Discussion regarding Resolution concerning Appointment of Class II Member and Class IV Alternate Members to the Planning Board.

Scott Wahl, Business Administrator said the Mayor has appointed three members to the Planning Board and is asking Council’s approval for 2016.

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

Discussion regarding 2016 professional services proposals:

Non-fair and open (contracts anticipated to exceed $17,500.00):

Michael S. Garcia, Ford, Scott & Associates, LLC, Auditing Services

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald

Howard Marlowe, Warwick Group Consultants, Government Affairs Consultant and Lobbyist

Scott D. Taylor, Taylor Design Group, Inc., Professional Planner and Landscape Architect

Michael F. Sullivan, Clarke, Caton, Hintz Professional Planner for the Planning/Zoning Board

Joseph H. Maffei, Engineering Design Associates, Engineer for the Planning/Zoning Board

Dean R. Marcolongo, Esquire, Office of Nathan Van Embden, Solicitor for the Planning/Zoning Board

V-COMM, LLC, Telecommunications Technical Consultant

Lomax Consulting Group for Environmental Consulting Services

Neil Yoskin, Esquire, Sokol, Behot & Fiorenzo as Special Litigation Counsel and Special Environmental Counsel

Under the non-fair and open threshold (contract anticipated to fall below $17,500.00):

Alan I. Gould, Esquire, Special Conflict Counsel/Administrative Hearing Officer

Thomas G. Smith, Esquire, Tax Appeal Counsel

Bay Atlantic Symphony for July 3, 2016 performance

Marsh & McLennan, Agency, Associates, LLC, Risk Management Consultant to perform various professional services relative to the Atlantic County Municipal Joint Insurance Fund and Municipal Excess Liability Joint Insurance Fund

Over $17,500.00 but exempt from the pay-to-play non-fair and open requirement because vendor is the college:

Dr. Stewart C. Farrell, Director, Coastal Research Center, The Richard Stockton College of NJ, Beach Monitoring Services, Task 1 and Contingency and 2016 Bathymetric Survey of Townsends Inlet.

Scott Wahl, Business Administrator thanked Marie Hood for her work on organizing the proposals. He gave a summary of the Professional Services Contracts. He said the Borough was able to keep the same rates and explained increases.

Councilman Covington said he would like to have more discussion of the proposed 2016 increases of Lomax and Taylor Design contracts before the next meeting when Dr. Hudanich returns.

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Council agreed to proceed with Resolutions to be adopted at the Regular Meeting on January 13, 2016.

Further Discussion regarding Resolution awarding Contract for Lease of Structure of Cellular Antenna Base on the 13th Street Water Tower.

Stephen D. Barse, Esquire, Borough Solicitor reminded Council that he issued a letter reviewing the bid saying it was in conformity with one exception concerning the liability insurance. He said the insurance issue has been resolved and the insurance company is providing the coverage the Borough requires. He said the Borough will have certification that we will receive notice in the event of any cancellation. He recommended awarding the bid.

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

Further Discussion regarding Resolution authorizing Release of Performance Guarantee for New Cingular Wireless PCS.

Stephen D. Barse, Esquire, Borough Solicitor said he reviewed the documentation and spoke with Dominic Villecco and the work has been completed. He said everything is in order and the performance guarantee can be released.

Council agreed to proceed with a Resolution to be adopted at the Regular Meeting on January 13, 2016.

Discussion regarding Resolution authorizing refund for pre and post dredge surveys for property located at 3168 Ocean Drive Unit C-1.

Scott Wahl, Business Administrator said this was a routine dredging escrow. He said the home owner decides they don’t want to dredge and ask for their deposit to be returned.

Councilman Burns asked for clarification that these refunds are being done before the pre-dredge survey and the Borough is not being charged.

Mr. Wahl confirmed that is correct. He said the owner gets a quote and they decide they don’t want to get the work done.

Council agreed to proceed with a Resolution to be adopted at the Regular Meeting on January 13, 2016.

Public Comments:

Councilman Burns asked where the Borough stands with Atlantic City Electric resolving the poles in the sidewalks at the five locations.

Scott Wahl, Business Administrator said last week the Borough did a pole by pole walk through and survey. He said they discussed potential resolutions. He said Ed Dean attended the meeting in his place but ACE is close to resolving.

Richard **E. Dean, Sr. Fire Official/Fire Inspector** said ACE are still working through their issues so they can come up with a plan of action. He said ACE needs to contact the home owners.

Mr. Wahl said wanted to go on the record to acknowledge and compliment the work of our flood plain program and thanked Miriam Quarterman. He also complemented Tom Thornton for leading the team. He said the volunteer committee did an extraordinary job.

Councilman Burns agreed the report was very well done in a very short time. He said they have done excellent work.

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Motion made by Councilman Covington, seconded by Councilman McCorristin to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Absent Councilman McCorristin Aye

Council President Dean Aye

Work Session adjourned at 4:33 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President