**7498**

February 24, 2016

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

Wednesday, February 24, 2016 at 7:08 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 1 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 Present

Councilman McCorristin Present

Also present:

Mayor Martin L. Pagliughi

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Steven Fabietti, Esquire, Gruccio, Pepper, DeSanto & Ruth

Paul Short, Code Enforcement Official

James V. Craft, Chief Financial Officer

William Macomber, Director of Public Works/Utilities

William McCormick, Chief of Police

Chuck McDonnell, Recreation Director

Ed Dean, Fire Chief

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

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.

**Mayor Martin L. Pagliughi swore in Matthew Ardelean as Probationary Police Officer for the Borough of Avalon.**

Discussion regarding Resolution appointing Deputy Municipal Clerk.

Scott Wahl, Business Administrator, gave an overview of the extensive interview process for this position. He said along with the Municipal Clerk, Marie Hood interviews were conducted of fully certified candidates for the position and the interview process proceeded to second interviews with guidance from Council President Dean and Council Vice President Hudanich. He gave a brief overview of the Danielle’s qualifications and experience. He added Danielle will enter a highly organized and proficient office under the direction of Municipal Clerk, Marie Hood which provides a tremendous level of customer service to our community. He said if Council approves our recommendation this evening, she will be officially sworn in on Monday, February 29th.

Danielle Nollett, thanked Council for the opportunity and looks forward to contributing to Avalon’s success and serving the citizens of Avalon.

Council welcomed Danielle and a Resolution approving her appointment will be voted upon this evening.

**7499**

February 24, 2016

Discussion regarding Groeller Property – Improvements to Fourth Avenue.

Scott Wahl, gave the following outline to Council:

Overview: For Council’s consideration tonight is a discussion on a potential resolution that would grant permission to Ken’s Shore Thing, LLC to make specific improvements to an unimproved section of Fourth Avenue in Avalon, at the intersection of 24th Street. These improvements would be made at the sole cost of the applicant under specific and clear terms set by Borough Council. The result of the improvements to this street would allow the applicant to construct two residential home at 404 24th Street on Block 24.06, Lot 113.01, and at 2420 Fourth Avenue on Block 24.06, Lots 113.02, 113.03, 114.07, and 114.08. Currently Ken’s Shore Thing, LLC can construct a residential home at 404 24th Street; if the street improvements are approved by Council, a second home would be permitted to be constructed at 2420 Fourth Avenue. The improvements of this street and the construction of this home are wholly dependent on each other. Included in these discussions have been Ed Dean, Jeff Hesley, Jim Waldron, Bill Macomber, Paul Short, Dean Marcolongo, Joe Maffei, and John Tracy.

Current situation: The applicant cannot obtain a construction permit from the Borough for the proposed property at 2420 Fourth Avenue because the home has no frontage on an improved street. The applicant must also obtain permit or permits from the NJDEP pursuant to CAFRA regulations. Thusly, the applicant has expressed interest to the Borough in obtaining the necessary permits and for making the improvements to the street that would allow the property at 2420 Fourth Avenue to be developed. The NJDEP will not issue a permit for the construction of improvements to Fourth Avenue for the entire portion of the unimproved portion due to encroachment on the wetlands. The improvements will still need a variation under the New Jersey Uniform Construction Code to be issued at the discretion of the Borough’s Fire Subcode Official.

Action to be taken by Developer: The following actions will have to be taken by the Developer:

-Developer establishes an escrow fee of $3500 and agrees to incur professional fees that include but are not limited to legal and engineering; escrow account must be replenished if the fund is depleted.

-Developer must make improvements that include a 20-foot paved cart out of a total right of way of 70 feet;

-Install a sidewalk on the west side of the street

-Install curbs on both sides of the street, and potentially may include gutters if the Borough Engineer recommends it, along with ADA compliant curb ramps

-Install a street light and a fire hydrant

-Install all utilities including water, sewer, natural gas, storm sewer pipes, inlets, and utility poles before paving

-Follow an engineering design concept plan prepared by Borough Engineer Mott MacDonald

-Receive approvals on an engineering plan prepared by the applicant to be reviewed and approved by Mott MacDonald

-Provide a Performance Guarantee of 120% of the engineer’s cost estimate, approved by Mott MacDonald

-Deposit a Maintenance Bond with the Borough in effect for two years from the completion of the improvements

-Pay for any engineering inspection fees

**7500**

February 24, 2016

Outline: Continued:

Items Incumbent on the Developer: Safety and regulatory standards to be met by these improvements include:

-Road and driveway area must be capable of bearing the weight of fire apparatus

-Sprinkler installation to code

-Release of all construction drawings by all UCC sub codes including zoning approvals

-Approval by the Fire Subcode Official that deviations will meet or exceed the UCC requirements in terms of life safety.

-Applicant will have 12 months from the date of the adoption of the ordinance to secure final approvals from the NJDEP and filed with the Borough Clerk

-Applicant will have an additional 12 months to construct all improvements; however, no improvements are to be made between June 15th and September 30th; a construction schedule must be filed with the Borough

If any of these conditions or timelines are not met, the resolution is null and void.

Council Vice President Hudanich, said the process was extremely thorough; covers every possible exposure and maintains the standards of the Borough.

James A. Waldron, Assistant Business Administrator, said the original application was in 2014, and was not approved by the DEP so the applicant re-filed an application in July of 2015. He indicated a working committee consisting of Mr. Hesley, Paul Short, Bill Macomber and Middlesex Water was assembled of whom met several times within the last 6 months. He said there was a solution at one point but unfortunately it was not acceptable and that plan fell apart and the developer submitted new plans reviewed by Mr. Thornton which was acceptable. He added at that point the plan went through Fire Official review to see where it would fit under the State Fire Code and the Uniform Construction Code and it will require the principal structure have sprinkler systems installed. He indicated everyone who has jurisdiction has been involved in the planning process and the draft Resolution before Council is a culmination of the work of that study group.

Councilman Covington said as he recalls, the two issues in the past were the infringement of wetlands and whether that street end was large enough for fire safety.

Ed Dean, Fire Chief said under the 2006 International Fire Code, the road specifications that the applicant proposed do not meet the requirements; however the 2015 International Fire Code gives leeway as far as design and shape of a fire apparatus access road. He said that Code assumes adoption of the 2015 International Building and Residential Codes which both without NJ amendments requires sprinkler systems in the buildings.

Mr. Waldron indicated the attorney for the applicant could not attend the meeting this evening but reviewed the draft Resolution and it does not pose any problems from the developer’s standpoint. He added if Council tentatively approves it tonight, the recommendation is to notice property owners within 200 ft to advise them of the project.

Councilman Burns, said property owners will be notified before Council formally votes on the Resolution.

Mr. Waldron, responded yes.

Council agreed to proceed with a Resolution to be prepared for the March 23, 2016 Regular Meeting.

**7501**

February 24, 2016

Discussion regarding Resolution authorizing the Chief of Police to apply for a grant through the County Prosecutors Office for Body Worn Cameras.

William McCormick, Chief of Police, explained the Police Department is eligible to receive $10,000 in grant money toward Body Worn Cameras from the Attorney General’s Office and distributed through the Cape May County Prosecutor’s Office. He said there is no cost to the Borough up front; there may be a cost on the back end as far as storage for the video.

Councilman Burns asked how many cameras the police department will receive for the $10,000.00.

Chief McCormick responded $500.00 for each camera; which will equip every officer in the Borough.

Councilwoman Hudanich asked if the technology is compatible.

Chief McCormick, responded it will be, they are looking to use a current server to store the video to cut down on video storage and compliance with retention schedules.

Councilman Covington asked for the retention time period.

Chief McCormick explained it is back and forth right now and at this point it is a lot longer than car video storage; possibly up to 10 years but is still unsure at this time. He added all Police Departments in the County are working together to reduce the retention period.

Councilman Burns, will there be a policy of when to turn on the camera?

Chief McCormick responded there will be a Standard Operating Procedure (SOP) that will come forth for the body worn cameras as was done for the car cameras.

Council agreed to proceed with a Resolution to be prepared for the March 9, 2016 Regular Meeting.

Discussion regarding Resolution authorizing the execution of 2016 contracts for various sports and educational camps.

Chuck McDonnell, Recreation Director explained all camps are the same as last year.

Council agreed to proceed with a Resolution to be prepared for the March 9, 2016 Regular Meeting.

Discussion regarding establishing change funds for operation of various summer functions for the 2016 season.

Council briefly discussed this annual item as there were no changes from last year and agreed to proceed with a Resolution to be prepared for the March 9, 2016 Regular Meeting.

Discussion regarding Resolution approving membership of Jonathon Conway in the New Jersey State Firemen's Relief Association.

Ed Dean, explained Mr. Conway is a resident of Avalon and joined the Fire Department in

January, 2016 and he is very optimistic he will be a good firefighter for the Borough.

Council agreed to proceed with a Resolution this evening.

**7502**

February 24, 2016

Further discussion regarding Ordinance amending Chapter 9 concerning kayak park regulations.

Chuck McDonnell, gave a brief overview of the approved changes as discussed by Borough Council at the Work Session on February 10, 2016.

James A. Waldron, added the lottery application date was changed from March 1st to March 31st and the lottery will be in April as Council discussed at the last Work Session. He said all of the other changes approved have been incorporated in the Ordinance before Council tonight.

Councilman Covington, commented the definition of property was changed.

Mr. Waldron, said it was corrected. He said commercial has been deleted; it’s strictly a residential property program.

Councilman Burns believes Council agrees there is a need for more kayak racks.

Councilman McCorristin commented on vertical racks he had seen in North Carolina. He said this concept may allow for the ability to add more racks but will not solve the problem this year.

Brief discussion followed. Council agreed to proceed with Introduction of the Ordinance this evening.

Discussion regarding Ordinance amending Chapter 27, (Zoning) regarding re-zoning Block 18.05, Lots 69 through 73.01 inclusive from (M-B) Marine Business to (R-2A) Residential Zone.

Councilman Burns, explained this amendment is simply to correct an error made from the last map update.

Council agreed to proceed with an Ordinance amendment to be introduced at the March 9, 2016 Regular Meeting.

Public Comments:

None.

Motion made by Councilman McCorristin, seconded by Council Vice President to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Work Session adjourned at 7:40 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President