

September 27, 2017

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, September 27, 2017 at 4:02 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 McCorristin.

Pledge of allegiance.

<u>Roll call:</u>	Council President McCorristin	Present
	Councilman Covington	Present
	Councilman Dean	Present
	Council Vice President Deever	Present
	Councilwoman Hudanich	Absent

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
William McCormick, Chief of Police
Paul Short, Code Enforcement Officer
Ken Koches, Middlesex Water Company
John Cuthbert, Representative, AHLOA

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 28, 2017. It was given to the news media and posted on the Official Bulletin Board as required by law.

Presentation by Ken Koches, Middlesex Water Company regarding Borough of Avalon SCADA System.

Ken Koches explained the SCADA system operates the water, wastewater and soon to be two storm water pump stations on the beach. SCADA, is an abbreviation for Supervisory Control And Data Acquisition, which provides the capability of operating all stations connected to the SCADA system off of a computer. These operations include changing set points, getting alarms, and closely monitoring each station. This system is continuously monitored. Each station has a Remote Terminal Unit (RTU). The RTU reads all of the signals and alarms set for each station. For water wells, signals and alarms include low pressure, high pressure, low chlorine, high chlorine, and tank levels. Each station has specific set points which are read every ten seconds, with a signal being sent to 38th Street, which is the main unit that reads the SCADA system. If a signal sends a number that goes below or above the set point for that station, an alarm will be sent. If an alarm goes off, the pump will be shut off. If an alarm is triggered in the middle of the night, there is a redundancy system in place through the auto-dialer. The auto-dialer calls the on-call phone and the answering service, which also calls the on-call phone. If the on-call phone is not answered, the phone call automatically goes to the Supervisor. If the Supervisor does not answer, the call then goes to the Vice President. If the Vice President does not answer, the calls start all over again and continue until the call is answered. This redundancy is in place to ensure an alarm will not be missed. The SCADA system shows an overview of all water and wastewater pumps. It shows which pumps are running, and users can see when the pumps will shut off. Water system set points include low level and high level set points. When water levels reach the low level, the pump will automatically turn on and continuously run until the water level reaches the high level set point. Those set points can be changed throughout the year. For example, the set points are increased during summer months when there is a higher demand, and decreased in the off-season when there is a smaller demand so that the water does not become stagnant within the tanks. Users can see the volume of water being pumped, the psi, and the chlorine level. If any of those levels go above or below the set points, the well will shut off and an alarm will be sent. When viewing wastewater systems, users can see what pumps are running, as well as the set points. Transducers send signals to measure the levels of both potable

Ken Koches (continued) water and wastewater. Those signals are sent every three to four seconds. There are two pumps within each wastewater pump station. At any given time, only one pump runs when needed. The next time it is necessary for a pump to be run at that station, the other pump will turn on, and the alternation of pumps will continue. The purpose of this alternation is to avoid over-running pumps. The weather station at 38th Street has also been incorporated into the system. There are three computers that monitor the SCADA system. The location of the main computer is at 38th Street, and the secondary computers are located at 14th Street and 30th Street in the Emergency Operations Room. Users can also manually control the pumps in the event the transducers in the tanks fail. If a transducer is not measuring the tank levels, the pumps will not know to turn on and off, and must be manually operated. The SCADA system is now operating on a new auto-dialer system, which provides the information pertaining specific alarm that was triggered to avoid confusion as to how to fix the problem.

Council President McCorristin asked how this system operates in the event of loss of power.

Ken Koches responded in the event of a power outage, there are 48 hour backup batteries for the SCADA system in all locations that do not have generators.

Council President McCorristin asked if any street pumps in the bay area are monitored by this system.

Ken Koches noted at this point in time, there are no street pumps on the SCADA system. Two beach stations are expected to be fully connected to the SCADA system in December or January.

Councilman Dean asked about the 23rd Street Ocean Drive station.

Bill Macomber explained the electrical boxes at that station would need to be enlarged and raised to a higher elevation to keep the equipment out of the water when flooding events occur in order for it to be eligible to be connected to the SCADA system. That has not yet been done due to the necessity of a working platform to access the boxes when raised. Unfortunately, it would be difficult to install a work platform and the stairs necessary to access that platform with the current conditions.

Councilman Dean advocated the importance of connecting that station to the system.

Ken Koches added the SCADA system provides knowledge of what is happening to each pump station on the system without physically being in the area. This is particularly helpful during holidays, nights, and storm events. It has been considered to convert this system to an internet-based system, however there are cyber security concerns that have prevented that change. The likelihood of an internet-based system being hacked is significantly higher. Currently, there are certain logins and security measures users must go through to view the system, and there is separate logins to change levels. If the SCADA system is hacked into, levels and other changes can be made that could take some time to be discovered. As of right now, the system will continue to be maintained through Middlesex Water Company's IT department for cyber security.

Councilman Covington asked what areas need to be added to the SCADA system.

Ken Koches noted RTU panels are being built for two beach storm water pump stations, and those stations are expected to be operational on the SCADA system by December or January. He added the system has been compiling data that can be accessed as far back as July 1, 2012. This data includes the ability of looking at trends of each station to give an overview of pump operations, chlorine residuals, and tank levels. This data can be viewed daily, monthly, or yearly, back to 2012.

Council thanked Ken Koches for his presentation.

September 27, 2017

Discussion regarding Resolutions authorizing applications to be submitted for NJDOT Municipal Aid FY2018 for Reconstruction of 35th Street between Dune Drive & First Avenue and 68th Street between Ocean Drive & Dune Drive.

Scott Wahl read the following report:

Last year the Borough applied to the NJDOT for two separate projects even though we expected that only one would be awarded. Since the NJDOT had failed, in two subsequent years, to award the reconstruction of Dune Drive Southbound between 77th Street and 80th Street, we also applied for 39th Street between First Avenue and Dune Avenue. This approach paid off, as the NJDOT awarded a grant for our backup application – the reconstruction of 39th Street.

We are taking a similar approach this year. Based on discussions with the NJDOT, a less-traveled road in *very poor* condition has a greater chance of receiving funding than a highly-traveled roadway in "only" *poor* condition. Therefore, we are not including Dune Drive in this application, and instead are including two streets that are in very poor condition (see below). We expect that 35th Street is the stronger application, but we are also including 68th Street as a backup. There is also the possibility that the NJDOT could award both projects, as they are significantly increasing their budget for the FY2018 Municipal Aid program.

35th Street – First Avenue to Dune Drive

This street is in extremely poor condition. There are also drainage problems on the street that will be resolved with the reconstruction of the street. As with 39th Street, which received funding in FY2017, this street serves as a connector between the existing bike lanes on Dune Drive and the proposed bike route expansion on First Avenue. The funding for this reconstruction is estimated at \$175,000.00.

68th Street – Dune Drive to Ocean Drive

This street is also in very poor condition, and is a highly traveled street during the summer months. The funding for this reconstruction is estimated at \$240,000.00.

Scott Wahl recommended that Council approve the submission of these grant applications. The submission deadline is October 6, 2017, therefore if Council were to look favorably upon these applications, it is asked that Council consider Resolutions to approve them during tonight's Regular Meeting.

Council agreed to proceed with Resolutions to be considered at tonight's Regular Meeting.

Update on South Jersey Gas Construction Project.

Scott Wahl read the following project update:

Avalon officials held a pre-construction meeting with South Jersey Gas on Thursday, September 21st to plan the gas main improvement project to be conducted by South Jersey Gas. At the meeting was Lantier Construction, who was awarded the contract by South Jersey Gas to perform the upgrades throughout the Borough of Avalon. South Jersey Gas has submitted the necessary permits to conduct the work in the Borough.

This fall, South Jersey Gas will be replacing approximately 23,000 linear feet of their existing gas main and services on Ocean Drive between 27th Street and 42nd Street, as well as many of the side streets extending from Ocean Drive. The project will replace old steel gas pipes with new main and services to provide greater reliability and resiliency, and to meet current standards.

The project is scheduled to begin on October 9th. South Jersey Gas has retained Lantier Construction Company as the Contractor for the project. (Last spring, Lantier completed gas system improvements on Ocean Drive south of 42nd Street.) Lantier submitted a road opening permit, which has been approved by Bill Macomber. To ensure compliance with the backfilling and compaction requirements of the road opening permit, Mott MacDonald will be providing inspection services on the project. South Jersey Gas has posted funds in an escrow account to cover the cost of Mott MacDonald's inspection services.

Work will be conducted only Monday through Friday from 7:30am until 5:00pm, with no weekend work. Work will be suspended during the Thanksgiving break in Avalon as many property owners return, and use, their properties.

The project is expected to continue through December, and will likely extend into 2018 depending on the Contractor's success in communicating with property owners regarding their service connections. Most of the main and services will be installed by directional drilling, which will minimize open cuts; however, the law requires that the Contractor excavate holes at every known crossing of other utilities to avoid damage to those utilities. Proper backfilling and compaction of the excavations will be critical to avoid future settlement of the excavations. The initial pavement restoration consists of installation of a four-inch asphalt base course. Following a suitable period to allow for residual settlement of the trenches, the Contractor will mill out the top 1½ inches of this material and install a 1½-inch asphalt surface course. The final pavement restoration for some of the excavations may not occur until the fall of 2018.

Since both the Borough's sanitary sewer project and the County's Ocean Drive reconstruction project will be occurring during this period, coordination among the three Contractors is critical to maintaining proper traffic control. All three Contractors have agreed to coordinate closely to avoid conflicts and to maintain proper traffic control.

Councilman Covington asked about the one street on the project list announced by South Jersey Gas when the presentation was done before Council at a previous meeting.

Bill Macomber explained Fourth Avenue was on the project list proposed by South Jersey Gas, however that street was under moratorium and has since been removed from the project scope.

Councilman Covington stressed the importance of communication with the homeowners.

Scott Wahl agreed and explained South Jersey Gas has a comprehensive plan of communication. South Jersey Gas will be providing the Borough with copies of the door hanger that will be placed on affected properties, the press release, and the direct mailing that will be sent. Approximately 400 homes will be impacted by this project. When those documents are forwarded to the Borough, they will be placed on the website with further explanation to help better inform the public. This will also allow property owners that currently are not connected to the natural gas lines to connect during this project to provide natural gas services to those properties.

Further discussion regarding Ordinance amending Chapter 10 Licenses and Permits concerning Section 10-4 Peddlers and Hawkers.

Jim Waldron explained Chapter 10, which pertains to Hawking and Peddling within the Borough is being redrafted with a view toward elimination of certain activities by December 31 of this year. This particular version includes expanded definitions. There is a new definition for equipment, a definition of exempt firemen is included, and the definition of ware or wares has been expanded to include food and food products. This proposed amendment now prohibits hawking, which is selling by outcry, even though it was permitted under the previous ordinance. As of the effective date of this Ordinance, there will be no peddling or hawking permitted. Current licenses for ice cream trucks will expire on their scheduled expiration, which will be December 31 and will not be subject to further renewal or extension. Veterans and exempt firemen are permitted to vend, provided they have acquired the requisite the license from the County Clerk. The locations where that will be permitted to take place are on 12th Street at the recreation field and on the east side of 71st to 74th Street adjacent to Armacost Park. As indicated, hawking is prohibited, and no food or ice cream trucks will be permitted. The vending must take place from a cart or trailer or other non-motorized means of conveyance and it will be parked curbside in accordance with Title 39. The time restrictions for vending are 11 am to 5 pm, prevailing time, including Sundays and holidays. There is an exception included for established food businesses such as restaurants and pizza parlors to make clear that this does not interfere with their delivery services of prepared food products to businesses, homes, or other permanent structures in the Borough. The equipment is still subject to inspection by Cape May County Department of Health. The insurance requirements remain unchanged. The enforcement is authorized by the Police

September 27, 2017

Jim Waldron (continued) Department and the Borough Code Enforcement Officer. There are penalty provisions that are penal in nature if there is a violation of the Ordinance. There is a Municipal Court proceeding, however in Section b, the Ordinance states that the Municipal Judge retains the right to revoke a veteran or exempt firemen's vending license in the event that there is any sale of that license or any violation of the municipal Ordinance. If the license is revoked, it may be reapplied for after a period of one year. Chapter 9 also deals with hawking and peddling on the beaches and certain borough property. Chapter 9 is being conformed to comply with Chapter 10. There is an open issue pertaining to special permits for evening events. This provision is a remnant from the prior Ordinance when vending was permitted on a wholesale basis throughout the Borough. As a result of further thought and discussions, it is an opinion that these permits are unnecessary. During evening events, there are traditionally areas that realize highly congested areas within the Borough. There is a concern for health and safety by having vendors operate during these events. The recommendation is that Council give consideration to eliminating the night permit exception as being unnecessary.

Councilman Covington asked what the effective date of this Ordinance will be.

Jim Waldron explained this Ordinance would go into effect immediately upon adoption and publication as provided by law. It is suggested that if Council grants conceptual approval to this Ordinance, the proposed amendment should be sent to the Chief of Police, Code Enforcement, and the Municipal Prosecutor for their review to ensure that there are no oversights, and from a Municipal Court standpoint, the Ordinance is enforceable. If there's no substantive changes recommended by them, the Ordinance would be ready for introduction for first reading at the October 11, 2017 Regular Meeting. It is also recommended that, once introduced, the Ordinance as introduced be sent to those individuals and entities which currently have vending licenses to provide actual notice that the Borough is making a significant change in practice and procedure.

After brief discussion, Council agreed with all recommendations brought before them regarding this item and further agreed to proceed with an Ordinance to be prepared for introduction at the October 11, 2017 Regular Meeting.

Discussion regarding Resolution approving reappointment of Marie Hood as Municipal Clerk.

Scott Wahl accredited the high functionality of the Borough Clerk's Office to the efforts of Marie and fully recommended Marie Hood to be reappointed as Municipal Clerk.

Council President McCorristin agreed with Scott Wahl and noted her helpfulness to all who need it.

Council commended Marie for her hard work and dedication to the Borough and agreed to proceed with a Resolution to be prepared for the October 11, 2017 Regular Meeting.

Discussion regarding Resolution expressing opposition to legislative proposals regarding Senate Bills S-1045 Open Public Meetings Act and S-1046 Open Public Records Act.

Jim Waldron reported the New Jersey Association of Municipal Clerks has recommended that each of the constituent municipalities would oppose this legislation. There are two companion bills, S-1045 and S-1046. One bill deals with the Open Public Meetings Act, while the second deals with the Open Public Records Act. There are only two sponsors to this bill, Senator Weinberg being the chief sponsor. The Senator has tried to get this legislation passed multiple times. The committee has released this legislation for a vote without a recommendation. The proposed legislation claims that the bill is needed because of the risk of corruption and official misconduct on the part of local officials exempting the New Jersey Legislature. The public body definition has been extended beyond municipal government to now include the New Jersey League of Municipalities, the Association of Counties, the New Jersey State Interscholastic Athletic Association, the School Board Association, Educational Information and Resource Center, and the Joint Insurance Fund established by two or more public bodies into a public body subject to the Open Public Meetings Act. The addition of the Joint Insurance Fund to the

Jim Waldron (continued) definition of a public body could be troublesome due to a general discussion of litigation that's pending against constituent members, a discussion of strategy, and a discussion of settlement takes place at each meeting. To disclose that information publicly puts the defense of those actions and the public interest at peril. The legislation goes on to make significant changes to the agenda, as to how the agenda is prepared, and applies more restrictions to include very specific details on the agenda. The agenda will need to include a description of what is to be discussed, what individuals will be discussing each item, any documents pertaining to that discussion which must be attached to the agenda, or otherwise made available in advance of the meeting. There are stringent requirements for what must be published on the website and when these items are required to go live on the website, all of which without any state reimbursement or funding. Beyond that, this proposed legislation makes subcommittees public bodies. If a Planning Board subcommittee is reviewing certain things with the idea of coming back to the body, they now would be considered a public body that would be required to advertise their meetings and keep minutes of those meetings. The minutes would then have to be submitted to the Municipal Clerk, who becomes the Custodian of subcommittee records and must respond to OPRA Requests. Section 5 of the Act indicates that governing body members, cannot communicate with staff by telephone, email, or any other means, except for procedural or administrative matters. A public body other than the legislature shall permit all proceedings of any public meeting to be recorded, photographed and audio taped. The public may not be excluded from the public body's discussion of actual contracts or executed contracts, except that a public body may go into closed session for consultation with legal counsel only. The legislature shall keep reasonably comprehensive minutes of all meetings. The municipality, however, other than the legislature, shall keep comprehensive minutes. The minutes must identify who is speaking as well as the reasons for each cast vote. If there is a legitimate dispute over what should or should not be disclosed litigation can be brought against the municipality by any individual. If the complainant prevails, the municipality is responsible to pay the plaintiff's attorney fees, costs, and expenses. If the municipality prevails, there is no possible recourse. If it is determined that the Municipal Clerk or any public employee or official acts improperly with respect to the meeting or the disclosure, there are substantial penalties and that must be paid by that individual personally. The municipality may not pay those penalties on behalf of the individual. The second bill pertains to the Open Public Records Act. That legislation has a new provision that makes the Custodian of Records, in this case, the Municipal Clerk, liable to respond to commercial purpose inquiries. The Volunteer Fire Company will be subject to OPRA under this Act, and the Clerk is the Custodian of Records for the Volunteer Fire Company. Public agency has been expanded to mimic the definition of "public body" in the first bill. The penalties for non-compliance are substantial, however if the municipality is correct in denying a record, the municipality has no remedy to recover costs. On the basis of this, it is the recommendation to oppose this legislation strongly. In addition to forwarding an appropriate Resolution to the individuals that have been recommended by the New Jersey Association of Municipal Clerks, it is the recommendation of the Administration that a copy of the Resolution also be forwarded to Senator VanDrew and the Assemblymen to be made aware of what hopefully will be complete opposition to this.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the October 11, 2017 Regular Meeting.

Public Comments:

Council President McCorristin mentioned a recent incident that occurred where two Avalon Police Officers saved the life of a gentleman while putting their own lives at peril. He commended both officers involved, Officer Glassford and Officer Ardelean, as well as all Avalon Police Officers for their daily dedication to the safety of Borough residents and visitors.

September 27, 2017

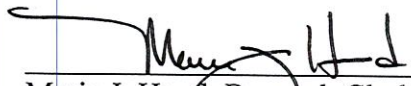
Motion made by Council Vice President Deever, seconded by Council President McCorristin to adjourn the Work Session.

ROLL CALL VOTE:

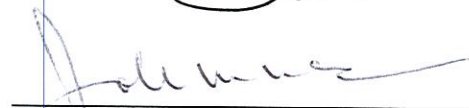
Councilman Covington	Aye
Councilman Dean	Aye
Council Vice President Deever	Aye
Councilwoman Hudanich	Absent
Council President McCorristin	Aye

Work Session adjourned at 4:55 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President