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

Wednesday, April 13, 2016 at 4:04 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 Absent

Councilman McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

Police Captain Jeffrey Christopher

Paul E. Short, Sr., Code Enforcement Officer

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

Council President Dean read the Open Public Meetings Act Announcement.

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.

Discussion regarding Resolution authorizing sale of abandoned and unclaimed property on Saturday, May 7, 2016.

Scott Wahl reported this is the annual surplus property auction, the majority of which is bicycles found in the community during the prior year. He noted the auction has been very successful in past years.

Captain Christopher reviewed the items on the list of items to be auctioned on May 7, 2016.

Council agreed to proceed with a Resolution to be voted upon this evening.

Discussion regarding Resolution appointing Class I and Class II Special Officers.

Captain Christopher explained the Police Training Commission requires a Resolution be adopted by Council each year for all Class I and Class II Special Officers hired by the Borough of Avalon.

Council agreed to proceed with a Resolution to be voted upon this evening.

Discussion regarding Ordinance amending Chapter 10 (Jitneys) pertaining to elimination of annual license fee and to include additional rules and regulations concerning security cameras.

Scott Wahl reported the jitneys have been operating on the island since the summer of 2013, and were implemented with the assistance of the Avalon Chamber of Commerce to help provide better and safer transportation for residents and visitors. The intended goal was to help rotate visitors and residents between Avalon and Stone Harbor as well as help with the evening travel for patrons of the bars and night clubs that generate a healthy business. The jitney service ensures people are not drinking and driving and helps disburse larger crowds in a shorter period of time. The Avalon Chamber of Commerce has been paying the $10.00 application fee as well Scott Wahl, continued as the $85.00 annual license fee per jitney. All jitneys are independent contractors operated under an association that delegates the locations for each jitney. It is possible one jitney may only work in Avalon for a short period of time, which may not offer much opportunity to generate enough income to offset the annual license fee. The Chamber of Commerce is unable to continue paying the annual licensing fees. After discussion, it was proposed to waive the $85.00 annual license fee per jitney. Discussions with Avalon Police Department have taken place to determine the affect the jitney program has had on the public safety of the Borough since its implementation in the summer of 2013.

Captain Christopher presented the following data regarding arrests made within the Borough in connection with Driving While Intoxicated:

Year Arrests

2009 41

2010 50

2011 41

2012 48

2013 26

2014 18

2015 5

He noted in 2013, the year jitneys were implemented, there was approximately a 50% decrease in arrests. He stated the jitneys have had a positive impact and explained there is a large crowd at the Princeton at bar break, and patrols flood the area during that time to help ensure crowds dissipate in a timely manner and no one is driving while intoxicated. The jitneys help to disburse crowds in half the time as previous years, which helps decrease the number of fights that occur.

Scott Wahl reported in addition to waiving the annual license fee, the proposed Ordinance would require all jitneys be equipped with operating security cameras. This practice is already in place, however the language was not previously included in the Ordinance.

Council President Dean and Councilman McCorristin spoke in support of the jitney service and the positive impact they have had.

Councilman Covington noted the purpose of the license fee is to cover administrative costs, and questioned how administrative costs will be covered without collecting a license fee.

Scott Wahl stated absorbing the costs would be a consideration of the Borough to continue having the advantage of dropping the DWI arrests by nearly 90%. He commended Paul Short for streamlining the approval process associated with the jitney licenses.

Paul Short noted the Jitney Association is now submitting applications for all jitneys to be operated within the Borough at one time, rather than submitting applications in smaller numbers over an extended period of time. There have been 87 jitney applications submitted this year. Receiving the applications during the months of March and April is more advantageous, as there is a smaller workload for the Code Enforcement Office and Police Department during those months, rather than the busy summer months.

Councilman Covington asked what the processing time is for the jitney applications.

Paul Short explained the processing time is approximately one work day for the Code Enforcement Office.

Captain Christopher noted the processing time is approximately one work day for the Police Department as well.

Paul Short noted since the process has been streamlined, the administrative costs are now at a minimum.

Councilman Burns inquired if applicants are still going to be required to pay for background checks.

Paul Short responded yes, and explained the cost for full background checks are $41.00, and the cost for a computer background check is $20.00. A full background check is required by the Borough the first year the applicant applies, and every fifth application year thereafter. A computer background check is required during all other application years.

Councilman McCorristin explained the funding used previously by the Chamber of Commerce to pay the annual licensing fees for the jitneys is no longer being received, which is why the Chamber of Commerce is unable to pay the annual licensing fee for the jitneys at this time.

Councilman Covington spoke in support of continuing the jitney service. He inquired if the Borough should be considering regulating Uber services.

Scott Wahl explained the enforcement of Uber would be difficult, as the vehicles associated with Uber are not clearly identified.

Stephen Barse noted other municipalities have attempted to regulate Uber, however there is a lot of controversy surrounding these regulations and most municipalities attempting to regulate the service are still struggling with the regulations as well as enforcement.

Scott Wahl reported it has been communicated with the public that taxis and jitneys authorized to operate within the Borough are clearly identified by registration stickers which indicate background checks have been done to help ensure the safety of residents and visitors.

Council agreed to proceed with an Ordinance to be prepared for introduction at the April 27, 2016 Regular Meeting.

Discussion regarding Resolution approving 2016 Jitney Licenses.

Paul Short reported 87 applications for jitney licenses have been received and approved by Code Enforcement as well as the Police Department for the 2016 summer season.

Council agreed to proceed with a Resolution to be prepared for the April 27, 2016 Regular Meeting.

Discussion regarding Ordinances amending Chapters 9 & 10 concerning Peddlers and Hawkers.

Scott Wahl reported the proposed Ordinance amendment originates from requests received in the Business Administrator’s office. Recently, there has been increased interest in individuals attempting to gain commercial profit that would utilize the beachfront or boardwalk. They argue merchandise is not being sold, but rather a service is being provided. The ordinance as it is currently written primarily addresses the sale of goods and merchandise. Examples of services businesses want to provide are massages on the beach and a courtesy service to help people carry their things onto the beach. This proposed amendment will clarify the language in connection with the types of goods, merchandise and services permitted or not permitted on the beaches and boardwalk.

Jim Waldron explained the definition in the proposed Ordinance amendment mirrors a definition from State Statute and expands the definition of what includes a sale and what includes merchandise.

Councilman Covington questioned if these chapters will need to be revisited since there has been a trademark issued for our logo.

Scott Wahl agreed that something should be developed in relation to the trademark in the event a request is received to use the logo in a manner the Borough is not approving of, there would be documentation to allow for the denial of such use.

Council President Dean inquired if this Ordinance amendment will affect businesses who deliver onto the beach.

Councilman Burns clarified that a purchase would be made at a Borough business and the goods would be delivered to a patron on the beach.

Jim Waldron explained this Ordinance will not affect those types of transactions.

Further discussion took place regarding the types of activities currently allowed on the beaches and boardwalk.

Council agreed to proceed with an Ordinance to be prepared for introduction at the April 27, 2016 Regular Meeting.

Discussion regarding Resolution authorizing the temporary rental of equipment for the purpose of re-establishing public beaches at the North end.

Scott Wahl explained the Public Works department as well as Tom Thornton and his office have been working together to coordinate the rental of heavy equipment and obtaining the proper permits to complete the project to re-establish the public beaches at the North end in advance of the summer and hurricane seasons. Bill Macomber has been able to secure the necessary equipment through the Middlesex Regional Educational Services Commission Cooperative Pricing System.

Bill Macomber reported the equipment will be obtained through the Middlesex Regional Educational Services Commission Cooperative Pricing System from JESCO for approximately $57,000.00. The price allows for the rental of five pieces of equipment for a thirty day period, and allotting 160 hours per machine. Additional hours logged will be charged at a rate of 10% per hour. The equipment is scheduled to be delivered on April 27, 2016, and as long as all permits are in place at that time, work would begin on April 28, 2016. The project is estimated to take approximately 29 days. If the necessary permits are obtained prior to the delivery of the equipment, the Public Works Department has some machinery that could be used to start working on the project until the heavy equipment is delivered.

Councilman Covington asked if the tides and weather will affect the work schedule.

Bill Macomber explained Public Works employees will need to work the tides, which may require them to work during night hours. If night hours are required, lighting will be kept to a minimum to avoid disturbing the neighbors.

Councilman McCorristin expressed hope that neighboring property owners would be understanding and not pose a problem for the project.

Tom Thornton stated the Borough is utilizing two permits that currently exist to complete this project from the Army Corp and the DEP which were obtained for a backpassing project in 2011. The modified DEP permit was received last week, and close contact is in place with the Army Corp of Engineers for the modification to the additional permit. A draft copy of the modified permit was received from the Army Corp of Engineers for review and comment. A response was given to the Army Corp of Engineers today. Authorization from the US Fish and Wildlife still needs to be obtained prior to the issuing of the modified permit. There have been discussions about the southerly border of the borrow area and Piping Plover activity concerns. The Army Corp and Fish and Wildlife are aware the southerly border can be changed if necessary and all parties have verbally agreed, however written confirmation of the agreement has not been obtained. He noted he will follow up with the US Fish and Wildlife to ensure the modification is issued in a timely manner. Hatch Mott MacDonald will not be providing construction engineering phase services, so the payment application process or daily inspections are not necessary. However, Hatch Mott MacDonald will stake out the project so Public Works knows how much material can be scraped. The project will require the presence of the surveyor for the majority of the project.

Bill Macomber reported discussions with Hatch Mott MacDonald have taken place and he has been assured that once the permits are obtained a surveyor will be available to be on-site to place stakes to aid in the project.

Councilman Burns asked if any additional sand will be necessary to complete the project.

Bill Macomber stated some additional sand may be needed to repair the beach paths. Hatch Mott MacDonald is still evaluating how much additional sand would be needed. The additional sand would be purchased through State Contract and would not need to be bid.

Council agreed to proceed with a Resolution to be voted upon this evening.

Public Comments:

None.

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 4:43 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Nancy M. Hudanich, Council Vice President