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

Wednesday, July 13, 2016 at 4:08 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ------------------- 6 Reporters ------------------ 2

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

Roll call: Council President Hudanich Present

Councilman Burns Present

Councilman Covington Present

Councilman Dean Present

Council Vice President McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Paul Short, Code Enforcement Official

William Macomber, Director of Public Works/Utilities

Police Chief William McCormick

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

Jeffrey Hesley, Tax Assessor

Paul Miola, Atlantic County Municipal Joint Insurance Fund Administrator

Ed Dean, Safety Coordinator

Neil Hensel, Chairperson, Planning Board

David Knoche, Member, Planning Board

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 22, 2016. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Hudanich read the Open Public Meetings Act Announcement.

Discussion regarding Membership Renewal in the Atlantic County Municipal Joint Insurance Fund.

Paul Miola distributed and reviewed information with Council which provided the benefits to the Borough in membership renewal. He commended Scott Wahl, Fund Commissioner and Ed Dean, Safety Coordinator for their efforts and support with Risk Management.

After brief discussion, Council thanked Mr. Miola and agreed to proceed with a Resolution to be prepared for the July 27, 2016 Regular Meeting.

Discussion by Municipal Tax Assessor regarding potential property reassessment.

Jeff Hesley reported discussions have taken place with the Cape May County Board of Taxation after doing ratio studies in the last six months. After separating some of the sales into the classes of vacant lots, residential properties, and commercial properties, it became apparent that there are certain areas within the borough that are both too high and too low. During the sampling period, there were five vacant lot sales, and the ratio for those sales is 82%, while the coefficient of deviation is 8.6%. There were 185 residential sales during the sampling period with an average ratio of 87.92% and a coefficient of deviation of 15.4%. There were seven commercial property sales with a sales ratio of 102.91% and a coefficient of deviation of 20.76%. If an average ratio falls below 85% overall, the County Board of Taxation will ask for a revaluation to be completed. However, the coefficient of deviation is below 10% at 8.6%, which means the values are uniformly low. Coefficient of deviation measures the spread of the sales ratio percentages, and the County Board of Taxation guidelines state if a coefficient of deviation should be below 10%. If the coefficient of deviation is above 12%, it is marginal and a reassessment may be necessary in the near future. When the coefficient of deviation for a municipality exceeds 15%, Jeff Hesley (continued) a revaluation would be mandatory. The borough’s coefficient of deviation is rapidly rising and may reach 15% in the near future. The last reassessment was completed in 2011. The Division of Taxation recommends a reassessment be completed every five years. Research was conducted of other Cape May County Municipalities that have completed reassessments and revaluations and the costs involved. In 2014, Wildwood completed a 100% reassessment in-house. They spent $315,000 for 5,444 line items at $57 per line item. In 2015, North Wildwood did the same. They spent $300,000 for 7,893 line items at $38 per line item. Two municipalities within Cape May County have been ordered to conduct a revaluation recently, which were Stone Harbor and West Wildwood. Stone Harbor had a bid that was awarded for $176,000 for 3,378 line items at $52 per line item. West Wildwood received a bid of $118,000.00 for 940 line items at $126 per line item. If it is required for Avalon to complete a revaluation, the estimated cost would be $70 per line item, which would come to a total cost of approximately $400,000.00. He proposed the borough conduct a complete reassessment for approximately $125,000.00 at $22 per line item. A Resolution has been received from the Cape May County Board of Taxation allowing the borough to conduct a complete reassessment. A Resolution from the Avalon Borough Council would be required in order to conduct the reassessment. If Borough Council would support the reassessment, he recommended the reassessment be conducted in 2017 for the 2018 tax year.

Council Vice President McCorristin asked what staff will be completing the assessments and inspections.

Jeff Hesley explained the staff within the Tax Assessors office will be working on the reassessment and there are plans to hire three additional inspectors. All three individuals to be hired are Certified Tax Assessors and would require no training to complete the necessary inspections.

Councilman Covington question what time frame was within the sampling periods mentioned.

Jeff Hesley stated the sample period for the sales ratio quoted in the Resolution from the County Board of Taxation was July 1, 2014 through June 30, 2015. The sample period used by the Municipal Tax Assessor’s Office is the most recent data.

Councilman Covington inquired if there is any geographical relationship to the disparity.

Jeff Hesley responded no, and noted it was this finding that convinced him a total reassessment is necessary. Currently, the Borough’s average sales ratio is below 90% and is dropping quickly. He stressed the importance of taking care of the issue as soon as possible for the future and also to try to avoid the ratio dropping to 85%, at which point the County would require a revaluation.

Councilman Covington asked if construction change has any impact on the sales ratio.

Jeff Hesley responded yes and explained the assessment values stay the same, however values increase or decrease depending on the market.

Councilman Covington requested that Mr. Hesley review the reassessment process.

Jeff Hesley explained all property owners will be notified by mail that inspectors will be moving throughout the borough and inspecting properties. Each inspector will inspect properties with the property record card from the file and verify the information on the card. If possible, an interior inspection will also be conducted. Several attempts will be made in order to attempt to complete an interior inspection. For example, night and weekend appointment times will be available to homeowners. Once all of the inspections are completed, the file will be updated with any changes to be made. After all information has been input into the computer system, the sales numbers will be reviewed and a value control section will be completed as well by visiting each neighborhood and adjusting the computer system to calculate proper land and improvement values. When all figures are finalized, a letter will be mailed to each property owner that will depict the new assessed value for their property. If a property owner would like to contest the new figure, they may do so by contacting the Tax Assessor’s Office. After all property owners have had an opportunity to contest their assessments, the books are signed and the assessments are in place for the following tax year.

Councilman Covington inquired if an interior inspection is mandatory.

Jeff Hesley explained in accordance with the rules of the Division of Taxation, an attempt to make an interior inspection is mandatory. It is unrealistic to expect to complete 100% of the interior inspections, however every avenue will be explored to ensure as many inspections are completed as possible.

After further discussion, Council agreed to proceed with a Resolution to be prepared for the July 27, 2016 Regular Meeting.

Discussion regarding Ordinance amending Chapter 27 (Zoning) section 27-7.3 Landscaping.

Jim Waldron briefly reviewed the following proposed changes to the current Landscaping Ordinance:

**DEFINITIONS:** Definition of “Green Space” clarified to mean 15% of the buildable area of the lot. Also clarified to state that 15% requirement is inclusive of all required buffers: swimming pools, spas, storm water management and all others.

**PERMITTED**: grass or lawn, shrubs, vegetative ground cover or any combination PLUS not less than one tree. (Current standard is to require 1 tree per 1000 square feet of buildable area. This standard is due to a mistaken belief that the ordinance requires this when, in fact, no such provision exists in the current ordinance. It appeared in earlier drafts but did not get included in the final version now in effect.)

**EXCLUDED:** Decorative stone, pervious stone and pervious pavement and mulch-beds.

**LANDSCAPE PLAN REQUIREMENTS:** (1) Shall comply with the goals and objectives stated. 2) Must contain 15% dedicated “Green Space”. (3) “Green Space” must contain a minimum of 1 tree. (4) Must show location and size of any mature tree to be preserved as part of the development. (Mature Tree is one that measure 3 inches in diameter measured 3 feet above ground.)

**LANDSCAPE PLAN; TIME FOR COMPLETION**: Plan should be completed and “green space” installed prior to the issuance of a Certificate of Occupancy (CO) or within 180 days following issuance of CO.

**LIVING FENCES:** Only minor changes to the existing language. Modified to require that “[Living Fences] shall not be closer than 2 feet from the property line *measured to the base of the tree trunk* to ensure it does not encroach across property lines . . .”

**PROHIBITED ACTIONS:** (1) The removal, pruning or topping of any tree or vegetation from/on public property. (2) Topping of any tree except to comply with height limitations of “Living Fence” requirements. (Destruction or marring of tree or shrub to circumvent the provisions of this ordinance. (4) Planting anything plant on the invasive and nuisance plant species list.

**CLEARING OF LOTS:** The clearing or clean cutting of vacant lots is PROHIBITED except as follows:

(1) The clearing is accompanied by an application for development which has a Landscape Plan required by this Ordinance and such Plan is approved prior to any clearing or cutting.

(2) The clearing is accompanied by an application for a demolition permit which has a MODIFIED LANDSCAPE PLAN showing the vegetation to be removed and the reasons. In the case of the proposed removal of any mature tree or trees, such Modified Plan must indicate why it is not possible or feasible to retain such tree(s). The Modified Plan must also identify any tree proposed for sale or relocation off-site.

(3) The clearing is necessary to comply with mandatory provisions of Chapter 16 (Property Maintenance) for example, to remove threat to person or property; to remove invasive species; to remove dead or dying trees and stumps etc.

(4) In all other situations, a permit must be obtained before any clearing and must comply with the 7 conditions outlined in the Mayor’s Executive Order of 10/20/2014 which was subsequently ratified and confirmed by Borough Council.

(5) Any person aggrieved by the decision of the Zoning Official has the right to appeal to the PZB.

**IRRIGATION**: No changes. The original section is carried forward in its entirety but will receive a new section number.

**ACCEPTABLE PLANT SPECIES; INVASIVE AND PROHIBITED PLANT SPECIES.** The proposed ordinance now sanctions the various lists prepared by the Environmental Commission and establishes an approval process.

Councilman Covington suggested minor language changes and revisions to the wording of the proposed Ordinance.

Jim Waldron stated he will further review the current wording of the proposed Ordinance and take the suggested revisions under advisement.

Council Vice President McCorristin raised concerns about the prohibition of tree-topping and asked for a clarification of the intent of the proposed Ordinance.

Jim Waldron explained pruning, maintenance, and routine maintenance is sanctioned and encouraged. Tree-topping is defined as the severing off of the top of a tree with the express intention that it will terminate the tree.

Neil Hensel stated the intent of the proposed Ordinance is to prohibit tree-topping with the intent of killing the tree.

Scott Wahl suggested changing the wording of the Ordinance to more clearly state the intentions of the prohibition of tree-topping.

Council commended all involved in the process of redrafting the Ordinance for their hard work, dedication, and diligence.

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

Discussion regarding release of rental bond for property located at 354 41st Street Unit B.

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

Discussion regarding Resolution requesting approval of items of Revenue & Appropriations for Body Worn Camera Grant.

After brief discussion, Council agreed to proceed with a Resolution to be considered for adoption at tonight’s Regular Meeting.

Discussion regarding Resolution authorizing a handicapped parking space at 1748 Avalon Avenue.

Council agreed to proceed with a Resolution to be considered for adoption at tonight’s Regular Meeting.

Discussion regarding Resolution amending Resolution 75-2016 concerning the temporary rental of heavy equipment for the sand backpassing project.

Scott Wahl reviewed the process and scope of the sand backpassing project as discussed at previous Council meetings and explained the need for the contract modification is due to additional rental time needed for equipment as a result of high winds and high tides associated with full moons during the course of the project. He further noted the borough realized significant savings by completing the project in-house and commended the staff of the Department of Public Works and Mott MacDonald for their hard work.

Bill Macomber added the additional cost of the contract is $60,274.70. Of that amount, $7,279.38 was for repairs needed to a piece of borough owned equipment that failed during the project and needed to be repaired. Approximately $12,000.00 was also needed for an additional piece of equipment rented to help the Department of Public Works keep up with the pace of the project.

Council President Hudanich thanked the Department of Public Works for their hard work.

Council agreed to proceed with a Resolution to be considered for adoption at tonight’s Regular Meeting.

Public Comments:

Elaine Scattergood, 75 30th Street, asked if the proposed Landscape Ordinance outlines the type of trees to be planted on residential properties.

Jim Waldron explained there is a list of acceptable tree species within the proposed Ordinance, however it is the discretion of the property owner in terms of what tree is placed on a property.

Elaine Scattergood inquired if it is required for an Arborist to be hired for the pruning of trees on residential properties.

Jim Waldron responded it is not required.

Elaine Scattergood expressed concern about trees around town that are being pruned incorrectly and questioned why two flowering cherry trees were removed from the in front of the Recreation Department.

Bill Macomber explained the trees were encroaching on the building and the flagpoles and needed to be removed. There are plans to replace the trees with a species of tree that is more suitable for those locations.

James Schwarzwalder, 210 14th Street, raised concerns about the traffic pattern on Dune Drive between 20th Street and 33rd Street. He suggested a new traffic pattern of that area to help ensure the safe travel of pedestrians, bicyclists, and motorists.

Council President Hudanich thanked Mr. Schwarzwalder for his comments and suggestions and stated Council will take them under advisement.

Christa Kelly, 130 26th Street, distributed a pamphlet to Council outlining concerns of feral cats in her neighborhood and asked Council to take action to protect those within her neighborhood from the health concerns in connection with feral cats in the area.

Council President Hudanich thanked Ms. Kelly for the packet of information and noted her concerns will be forwarded to the proper officials to help resolve the issue.

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye

Council President Hudanich Aye

Work Session adjourned at 5:33 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Nancy M. Hudanich, Council President