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

Wednesday, July 27, 2016 at 7:03 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ---------- 3 Reporters --------- 2

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

Roll call: Council President Hudanich Present

Councilman Burns Absent

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

James V. Craft, Chief Financial Officer

William Macomber, Director of Public Works/Utilities

William McCormick, Chief of Police

Edward Dean, Fire Chief

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

David Knoche, Member, Planning Board

Dr. Brian Reynolds, Chairman, Environmental Commission

Council President Hudanich read the Open Public Meetings Act Announcement.

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.

Discussion regarding Resolution concerning the 2015 Audit.

Jim Craft reported the audit has been received and a meeting will be held with the auditors to discuss the audit in the near future. There are no comments or recommendations in the audit, and it has been approximately eight years since comments or recommendations have been included in an audit report.

Council President Hudanich commended the Finance Department for a job well done.

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

Discussion regarding staffing at the Avalon Volunteer Fire Department.

Scott Wahl reported discussions have been held with Chief Dean regarding the challenges facing the Avalon Volunteer Fire Department relating specifically to the number of firefighters available for overnight responses. There have been occasions when only one or two members have responded to an overnight call. The Avalon Volunteer Fire Department has 34 active members, of which 27 are firefighters and seven are Fire Police. Ten of those active members live in Avalon, and only eight are able to respond to fire calls, as of those members is active military, and the other is in college. Six members are over the age of 50, four are over the age of 60, and two are 70 or older. Many of the remainder of the firefighters live offshore, which increases response time. While many fire calls received are for alarms, the lack of response available for overnight calls is a public safety concern. All firefighters currently receive LOSAP. The suggested solution to the problem is the implementation of a stipend system to incentivize volunteers to staff the firehouse from 7:00 p.m. to 5:00 a.m. as many nights as possible. During Scott Wahl, continued, the time the firehouse is staffed, mandatory training, drills, and equipment maintenance will be taking place to help improve training and response by the Fire Department. Chief Dean and the Fire Department have conducted a trial of this program by using LOSAP points as a reward with no cash expended by the Borough, and it has proven to be a very big success.

Ed Dean added the number of resident volunteer firefighters has been decreasing by one every year for the last 20 years due to economics and lack of population. The call volume of the Avalon Fire Department has risen steadily over the past 20 years. In 2015, 254 fire calls were received. This year, approximately 300 calls are expected if the current trend continues. During 12 calls in the last two years, the fire apparatus did not leave the station, or left the station without the sufficient staff to operate the apparatus. During eight of those calls, the Fire Chief either responded alone or only had the assistance of the Assistant Fire Chief. All of those calls took place during the overnight hours. Daytime response is healthy, because most of our non-resident firefighters work in Avalon. However, when these firefighters leave Avalon at the end of the day and go home, almost none return for nighttime calls. Not because they don’t want to respond to a call, but because it doesn’t make sense for them to. By the time the non-residents get to Avalon, it is possible the event could be over. Due to increased call volume and the 30% minimum required fire call attendance in accordance with LOSAP, members can make the required fire call attendance percentage without ever taking a nighttime call. Since so many firefighters live off-shore, adjusting this percentage requirement upward at this time would not produce the desired results, and it is possible volunteers would resign. The proposed stipend system is a system of volunteer compensation permitted under federal labor laws. Stipends may be used to compensate volunteers in most any way the local authority sees need, as long as the total compensation for any one person within the system does not exceed 20% of what a full-time career worker would receive for performing the same function, and the rules for the system are not based upon productivity. Within such a system, the participants are still volunteers that are being compensated nominally for spending their nights in the firehouse instead of at home. Meetings and discussions have taken place with the Mayor to develop the rules and guidance to setting up such a compensation system. Based upon the current number of available firefighters, the system would cost the Borough approximately $150,000.00 per year. Costs include the cost of compensation only based upon 4 shifts per firefighter per month, at average compensation of $10.00 per hour for full firefighter, with a maximum receipt of $4,800.00 per firefighter per year. The Fire Department will fund unbudgeted costs such as administration of the program, uniforms, food, and any program costs outside of the budget allowance, within its ability to do so. The primary target of this program is the readiness of off-shore firefighters. Trials of this program have been taking place since early July and have shown resident firefighters will participate also. However, the primary concern is the commitment of time from those members who are unable to respond in a timely manner to Avalon during the overnight hours. To be prepared for a large event, every effort will take place to staff every night, however it’s unlikely that goal will be accomplished in the short term. There are also hopes to get better support for the membership. Built into the proposed program plan is required training. As part of the tour of duty, some fire service related training is provided. Despite the steady increase in fire calls over the past 20 years, the occurrence of actual building fires has decreased. Avalon still needs a well-trained core of firefighters with the skills to handle any emergency, and the training requirement will greatly improve readiness. This system will allow Avalon to augment the resident volunteer force with volunteers who reside off the island at night, and continue to provide a volunteer firefighting service for as long as possible. With the implementation of this program, there will be quicker response times at night. With the firehouse staffed for a one engine response from 7:00 p.m. to 5:00 a.m., there will be less time between the time of the call and fire apparatus arrival on scene. The equipment will also be better maintained and ready to use. The program will require the crew to inspect the apparatus and equipment, document their findings and corrections, and ensure everything is in working order. Since the trials began, the firehouse has been staffed 2-3 nights per week. Available LOSAP points for the program are limited and will run out at the end of August. The trials have already proven the worth of overnight staffing. Last weekend, the fire engine responded to a night club during an alarm that was secondary to a lightning strike in the area and the engine arrived while Avalon's siren was sounding. He mentioned there is an overnight crew staffed in the firehouse this evening and encouraged all to visit the firehouse to experience what happens during the overnight staffing. He expressed hope that Council will agree this is the best thing that can be done to maintain an adequate fire response in Avalon.

Council Vice President McCorristin inquired if the stipend of $10.00 per hour would be enough incentive to encourage continued participation in the program and how the figure came to be.

Ed Dean explained the stipend amount is in line with other stipend systems in the area, such as Stone Harbor and Sea Isle, who have had great success in their programs. It is the intent to continue the LOSAP program and use the program to vet firefighters into the system, so participating firefighters will also be receiving $1,500.00 per year into their LOSAP account.

Council President Hudanich asked if there would also be a method in place to ensure the 20% threshold is not exceeded.

Ed Dean responded the projected cost is well below the 20% threshold put in place by LOSAP and stated the primary goal is to maintain a volunteer firefighting force.

Councilman Covington inquired if Sea Isle City is experiencing success with their similar project.

Ed Dean noted the system in Sea Isle City is still new, however Stone Harbor has been utilizing a similar system for approximately five years with great success. Stone Harbor has also recently proposed to expand the system to EMS Response as well. The focus of the project within Avalon is to increase response during the overnight areas and ensuring the fire apparatus is ready to be used and staffed if the need arises.

Councilman Covington questioned if the crew to be staffed during the overnight hours would be the minimum crew capable of operating a fire engine if needed.

Ed Dean responded yes, the intent is to have one officer, one driver, and a minimum of two full firefighters with firefighter 1 experience. There are also two seats on the engine available for probationary members going through fire school to give them more hands-on training.

Council President Hudanich inquired if the probationary firefighters are entitled to a stipend.

Ed Dean explained probationary firefighters are entitled to a half stipend until they have obtained all certifications and are vetted in the LOSAP system.

Councilman Covington asked if the fire house will still be staffed on nights it is not possible to staff the minimum crew to operate a fire engine.

Ed Dean stated the goal of the program is to staff the firehouse as many nights as possible, and it is possible to operate a fire engine with only three individuals.

Councilman Covington inquired if there has been any feedback from firefighters in regards to this program.

Ed Dean noted the firefighters have expressed excitement about the program, and the off-shore firefighters are happy to be able to respond during the overnight hours. Fortunately, Avalon experiences a high volume of false alarms, however, those false alarms are usually resolved before the off-shore responders can make it to the site.

Council President Hudanich asked if there will be a certification of funds in order to implement the program.

Jim Craft explained a transfer will need to be done in November to cover the costs.

After further discussion, Council agreed to discuss the matter in more detail at a later time.

Discussion regarding Ordinance amending Chapter 16 (Property Maintenance) regarding Landscaping which is the companion Ordinance to the current amendment to Chapter 27 (Zoning) concerning Landscaping.

Jim Waldron reported the proposed changes to the Ordinance come as a recommendation of a subcommittee of the Planning Board comprised of Martha Wright, Planning Board member David Knoche, Planning Board Chairman Neil Hensel, and Environmental Commission Chairman Dr. Brian Reynolds. During the meetings held by the subcommittee, it was discovered that there were certain provisions in the landscaping ordinance that had borough-wide applicability even to properties that were not subject to a development application as that’s defined in the Municipal Land Use Law, which prompted a review of the ordinance in its entirety. Chapter 32 is a standalone chapter in which it deals solely with the pruning, removal or trimming of trees, shrubbery or vegetation on borough property. There is no justification for having a separate chapter when it would more appropriately be incorporated into other provisions in the code. For that reason, the committee has recommended that Chapter 32 be repealed and its provisions transferred to Chapter 16, where it would fall under property maintenance. In this proposed revision to chapter 16, there’s a strong statement of public policy. This public policy statement is consistent with what is in the zoning ordinance which will be introduced on first reading at tonight’s Regular Meeting. Through educational programs, property owners will be encouraged to devote 15% of their property to green space as that term is defined. It is the intention of the committee that any property that does not have 15% of green space will not be forced to create additional green space within their property. However, it will be encouraged to change the amount of green space on the property, consistent with the goals. The goal of the new ordinance is to educate residents as to the ecological benefits of green space and encourage them to devote some portion of their property whenever possible. A landscape plan will be required to be submitted when changes are made to a property, such as an addition or the construction of a pool. The proposal includes prohibitive actions that apply to all vacant lots in town, regardless of if it is the subject of a zoning application. Furthermore, no vegetation can be removed from public property without it being part of the Dune Vegetation Management Plan or otherwise with permission from the borough. The factual findings and goals is an extension of the public policy, which mirrors the exact language of the ordinance to be introduced tonight. In recognition that many properties are not subject to the zoning ordinance, the owners of such property are nonetheless encouraged whenever possible to devote a portion of their property to greenspace. The irrigation requirements in the zoning ordinance are carried forward through the proposed ordinance as well. Any new or retrofitted irrigation system must meet the standards imposed in Chapter 27, and rather than have multiple references in the code, the committee’s recommendation is to reference Chapter 27 to avoid any inconsistencies from developing. Landscape plans would be required when clearing any lots for either new construction or demolition purposes. A modified landscape plan indicates the identification of mature trees and vegetation that will be preserved. A permit is also required to clear a vacant lot or clean cut a vacant lot. The mandatory requirements state that if a zoning permit is obtained and there is a requirement to include green space, that work must be completed prior to obtaining a certificate of occupancy if possible. If it is not possible to do so before a certificate of occupancy being granted, that work must be complete within 180 days following the issuance of the certificate of occupancy

Council Vice President McCorristin inquired if the prohibitive actions included within the proposed ordinance apply to both private and public properties.

Jim Waldron responded yes.

Council Vice President McCorristin questioned if tree topping with the intent of regular maintenance to a tree is permitted.

Jim Waldron explained regular maintenance is permitted and encouraged.

Council President Hudanich suggested including specific language within the ordinance when referencing private and public property.

Jim Waldron agreed and noted the changes will be made.

Councilman Covington expressed concerns about cross-referencing ordinances and stressed the importance of ensuring all ordinances are updated when amendments are amended. He also inquired which ordinance would be enforced if one were to change without another being amended.

Jim Waldron stated the zoning ordinance is a more enforceable ordinance, and if that ordinance changes, those provisions will be followed. He agreed with Councilman Covington that vigilance should be practiced in the future when amending ordinances to ensure uniform policies.

Council President Hudanich agreed with Councilman Covington and Mr. Waldron and thanked the committee and all involved for their hard work in redrafting the ordinance.

Jim Waldron commended the committee for their hard work and dedication.

Council agreed to proceed with an Ordinance to be considered on first reading at the August 10, 2016 Regular Meeting.

Public Comments:

None.

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

ROLL CALL VOTE: Councilman Burns Absent

Councilman Covington Aye

Councilman Dean Aye

Council Vice President McCorristin Aye Council President Hudanich Aye

Work Session adjourned at 7:47 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Nancy M. Hudanich, Council President