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

Wednesday, September 23, 2015 at 7:00 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 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:

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

William McCormick, Chief of Police

Dean R. Marcolongo, Esq. Planning/Zoning Solicitor

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.

Further Discussion Ordinance Amending Chapter 20 Building and Construction concerning swimming pools.

James Waldron, Assistant Business Administrator explained the current draft of the Swimming Pool Ordinance distributed to Council. He said construction standards were discussed at the most recent working group 9/15/15. He explained the proposed permitting process. He said when pool contractors apply for a DPW permit, they have to designate which type of device they are going to use, specify the size and type of the sediment control bags. He said in order to eliminate construction site problems that impact the neighborhood, there is a requirement in the proposed Ordinance that contractors must take precautions to make sure that there is no sand, gravel, dirt or debris that escapes the sediment bag. He reiterated, if the sediment bag is not sufficient to handle the problem then there are other devices that the department has the right and authority to implement under this proposed Ordinance. He said one of the things that was discussed was a dewatering tank which are very large and would have to be placed on the street. He said they are not readily available and the cost is high for a tank with the capacity to do the job. He said if they chose to use that tank they have to provide the specifications to the department as part of the permit application and the department would review and included the Township Engineer and Middlesex Water Company if necessary to make certain that it is adequate. He added, in addition to the onsite activity, contractors must provide precautions at each potential inlet where the dewater product may enter the storm water collection system. He recommended to Council a 60 day permit from beginning to end with an extension if necessary for up to 7 days, to do the final finish phase, touch up, clean up and vacate the construction site for a maximum of 67 days for the process. He explained the contractor must clean up daily, not at the end of the project and if the contractor doesn’t clean up daily, Public Works and Code Enforcement has the authority to issue a stop work order and shut down the job. He also said, if anyone visits the site from the Borough to do the contractors’ work, the contractor will be charged the rate of time and materials with a minimum of $250.00 for cleanup that will be payable to the Borough on demand.

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James A. Waldron (continued) further outlined, if a contractor has an outstanding charge they will not be able to obtain permits unless all prior assessment have been paid to the Borough.

Councilman Burns asked what happens if the contractor cannot finish within the 67 days because of weather.

James Waldron said they may have to come in and apply for a second permit.

Councilman Covington summarized the contractors will still have to dewater into the street over a sediment bag instead of hay, but there is a time limit of 60 days which will be enforced to make sure no accumulation of sand or debris remain in the street. He asked about the size of the tank and why the tank, although impractical, was in the Ordinance.

William Macomber, Director of Public Works/Utilities said the smallest tank is the size of a dumpster and they are difficult to find.

Council Vice President Hudanich asked who suggested the tank.

William Macomber said Middlesex Water Company recommended the tank, not realizing the size of the equipment, which is the size of a dumpster. He said they didn’t want to take it out because it may be technology we are not aware of and didn’t want to remove it from scope.

James A. Waldron explained that is why tank size is vague with no specifications. He said if a contractor wants to use a dewater tank, the onus is on them to describe how it is to be used, size, dimensions and all other information. He said if needed, the contractor can contact Hatch Mott or get other technical assistance. Hatch Mott has the option to deny the tank as a means of dewatering. He said the working group has attempted to limit issues by dividing the responsibilities between the construction office, code enforcement and Public Works, where they each have singular responsibilities and each have concurrent abilities to stop this project should it provide a nuisance to the neighborhood. He said that provision was not in the current Ordinance and Mr. Macomber’s Department has been getting the complaints but has had no means to answer the complaints.

Councilman Covington said he sees enforcement is going to fall on Public Works with assistance from Code Enforcement Officer and little on the Construction office.

Council Vice President Hudanich asked if a burden in being placed on Public Works and stated they need good communication amongst the departments.

William Macomber confirmed Public Works will check the site as best they can. He said since Public Works has to clean up the mess at the site, they now have the ability to fine the contractor.

James Waldron said they ran the proposed violations past the Borough Solicitor and he approved. He also spoke of the offenses and fines. He distinguished between initial fines and repeat offenders. He said if a contractor has an offense within one year of an earlier penalty, they pay the enhanced fine.

Council Vice President Hudanich summarized the fine is per diem, not per project.

James A. Waldron said there was a question as to if the Public Works had the resources to perform the inspections. He stressed they were the ones getting the complaints and now they will have the tools to take action with the contractors where they were ignored by the contractors in the past.

Councilman Burns asked for clarification as to whether this only applies to ground water and not emptying out a pool to paint it.

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James A. Waldron said if the pool is emptied, a zoning permit that is required with a fee. He said that water goes into the sanitary sewer system once a permit is obtained.

Council Vice President Hudanich asked if the location of the tank should be defined similar to the location for pods, stating contractors must locate tanks in front of the worksite.

James A. Waldron said the Ordinance expressly states the contractor must specify the device, its location and size and the Public Works Director will tell the contractor where the tank may be placed.

Council Vice President Hudanich said she wants to make sure the language is covered and consistent with other similar verbiage and the device can be placed ‘only’ in a specific location.

James A. Waldron asked if he had Council’s permission to invite the pool contractors to another meeting to present the Ordinance.

Council agreed.

Discussion regarding Ordinance amending Chapter 27 concerning porches and decks.

James A. Waldron, explained the Planning Board conducted a hearing and recommended a change to the Ordinance to permit enclosures over third floor decks, provided the roof enclosure does not exceed the floor area ratio. He said if the enclosure exceeds the floor area ratio, the Ordinance will require a variance.

Councilman Burns summarized his understanding of the proposed changes. He said it means in the proposed area, to allow cover on the deck, a room could be built. He explained, instead of the room, a deck is allowed, but not a cover on it and the Planning Board is proposing a homeowner is allowed to have a cover over the area that they could instead have built a room.

Councilman Covington asked if that deck is included in the floor to area ratio.

Council Vice President Hudanich had a question about the process if someone builds the room, do they need to go back to Planning Zoning to get a deck.

Councilman McCorristin explained a regular deck is not part of the floor area ratio and once a deck is covered, it is part of floor area ratio.

Councilman Covington asked if you put a roof over a dwelling on the third floor and becomes part of the floor to area ratio, isn’t it possible for the first and second floor decks to have roofs over them as well?

Dean R. Marcolongo, Esq. Planning/Zoning Solicitor confirmed they do have roofs over them. He said they would fall under the allowable porch element which he believes is 11% even if they have a roof over them (the deck above them).

Brief discussion followed. An Ordinance to be prepared for the October 14, 2015 Regular Meeting.

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Discussion regarding Resolution amending Resolution 234-1998 – Uniform Policy concerning requests to purchase Borough owned property.

James Waldron, Assistant Business Administrator said a review of appraisal fees was triggered by the request to purchase Borough property. He stressed the current fees for an appraisal are below the cost of the actual appraisal. He added those fees only cover the legal and legal advertising cost but not the engineer, survey and/or metes and bounds required by the title company. He said Mr. Wahl and he agree that the recommendations from the Tax Assessor should be revised to reflect the current cost. He said additionally, the recommendation is that the Clerk’s office, particularly in light of the OPRA requirements, be the custodian of these requests and that they be maintained by lot and block number so future requests can readily be identified and the history can be determined. He described the past method of having an auction twice a year is no longer practical because the number of requests has diminished over time and currently requests are being treated on an ad hoc basis.

Councilman Covington said he agrees and is fine with it.

Council agreed.

Council Vice President Hudanich asked if the CPI (Consumer Price Index) should be added.

Stephen D. Barse, Esquire, Borough Solicitor said the fee is set by Resolution and it is really an adjustment of the fee.

Mr. Waldron explained each year fees would be adjusted by the CPI using 2015 as the base year.

Discussion followed and Council agreed to proceed with a Resolution to be prepared for the October 14, 2015 Regular Meeting.

Discussion regarding request by the adjoining property owner to purchase Borough property at Block 82, Lot 8 (4112 4th Avenue).

James Waldron, Assistant Business Administrator said an adjoining owner contacted Mr. Wahl and expressed interest in purchasing a portion of a lot that is owned by the Borough. He explained the lot is a buildable lot with a 60 feet frontage. He said the owner only wants 40 feet and would require a minor sub-division. He said the sub-division would create a non-conforming lot retained by the Borough of 20 feet. He said the Borough would be taking a buildable lot and be left with an unbuildable lot. He said he included the recommendation from the Tax Assessor/Zoning Officer that if Council were inclined to sell the property, his recommendation would be to sell it as a buildable lot and market conditions are such that it probably would be favorable to sell.

Council President Dean said he agreed with Mr. Waldron’s assessment and said the lot should only be sold as a buildable lot.

Council agreed.

Councilman Covington asked if Council is not considering a sale, does Council have to respond to this request by Resolution.

James A. Waldron said under the current Resolution, yes. He said under the proposed changes that would be handled by a written notification from the Business Administrator to the individual indicating that the Borough is not inclined to sell the property. He continued if the proposed resolution is approved at the next meeting, Mr. Wahl will send a letter saying Council reviewed the matter and are not interested in selling a portion of the property.

Council agreed they were not interested in sub-dividing the lot.

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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 Aye Councilman McCorristin Aye

Council President Dean Aye

Work Session adjourned at 8:01 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President