

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, June 14, 2017 at 4:06 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.

<u>Roll call:</u>	Council President Hudanich	Present
	Councilman Covington	Present
	Councilman Dean	Present
	Councilman Deever	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
 Jeffrey Christopher, Captain of Police
 Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC
 John Cuthbert, Representative, AHLOA

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 Professional Services Contract Resolutions for the following:

Stephen D. Barse, Esquire – Borough Solicitor
 Lawrence Pepper, Esquire – Labor Attorney
 McManimon & Scotland – Bond Counsel
 Marsh McLennan Agency – Healthcare Consultants

Scott Wahl explained it is proposed to extend the contract terms for each of the above through December 31, 2017 so that all Professional Service Contracts are approved at the same time of the year.

Council agreed to proceed with Resolutions to be prepared for the June 28, 2017 Regular Meeting.

Discussion regarding Shared Services Agreement with the City of Sea Isle City for back up and conflict Construction Official Services.

Scott Wahl explained the Borough currently has a Shared Services Agreement that comes at no cost with Stone Harbor for backup Construction Official services to be utilized when a Construction Official is out of the office or has a conflict. Sea Isle City is interested in having a similar agreement with the Borough of Avalon.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

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Discussion regarding Resolution approving a refund for pre-post dredge survey for 3418 Ocean Drive.

Scott Wahl reported this should be the last refund in connection with this project. The dredging project has been successfully completed and the contractor will be removing some of the pipes and the trailer that are on Avalon Boulevard.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

Discussion regarding Resolutions authorizing renewal of Liquor Licenses for the license term commencing July 1, 2017 through June 30, 2018.

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

Discussion regarding Resolution establishing meeting times for the Governing Body for the period July 1, 2017 through June 30, 2018.

Council President Hudanich explained Council Vice President McCorristin will be taking on the position of Council President in July, and has worked with the Borough Clerk to suggest a new meeting schedule. She noted the date for the reorganization meeting is still being decided based on the Mayor's availability, but the reorganization meeting must be held within seven days of July 1.

Council Vice President McCorristin reported that public attendance at meetings has been tracked during the last year, and that analysis shows a higher public turnout during meetings held at 4:00 p.m. over 7:00 p.m. He suggested changing all Borough Council meetings to be held at 4:00 p.m. in the upcoming year.

Council President Hudanich noted correspondence has been received from the Mayor endorsing Council Vice President McCorristin's suggestion.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

Discussion regarding Resolution requesting approval of items of revenue and appropriations for a 2017 Municipal Aid Program Grant for Reconstruction of 39th Street in the amount of (\$180,343.00) and 2017 Clean Communities Grant in the amount of (\$25,596.42).

Scott Wahl extended compliments and appreciation to both Bill Macomber and Tom Thornton for submitting successful grant applications to the State for the 2017 Clean Communities Grant and the 2017 Municipal Aid Program Grant.

Council President Hudanich added the grant application for the reconstruction of Dune Drive between 78th & 80th Streets was not approved by the State.

Tom Thornton responded that the State had denied that application more than once, and this year it was decided to submit two applications for the grant in the hopes that one of the two would be awarded. 39th Street was in such poor condition, that the NJ DOT decided to award that grant application instead of the application for Dune Drive.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

Discussion regarding Resolution approving a membership in the New Jersey State Firemen's Relief Association

Council President Hudanich noted it is nice to welcome new firemen.

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

Discussion regarding Resolution imposing a tax lien upon the premises of 6128 Ocean Drive.

Jim Waldron reported this property has been abandoned and was in violation of the property maintenance code. Notices to the owner and the agent went unheeded, and in response to complaints from neighbors, the Code Enforcement Official directed a third party to perform the necessary cleanup of the property at a cost of \$650.00. Payment demands have also went unheeded. Under the statute, it is now being requested the Borough Council place a tax lien on the property in that amount.

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

Discussion regarding Ordinance amending Chapter 8 (Traffic) pertaining to truck route for trucks over 4 tons.

Jim Waldron explained the Police Department has found an error in the Municipal Code, which improperly designates the truck route. Instead of naming the truck route as Ocean Drive, the code designates it as Dune Drive. The purpose of this proposed amendment is to correctly designate the truck route properly as well as to clarify the exception in the statute that it does not apply to trucks making local deliveries. However, the proposed amendment further clarifies that trucks making local deliveries are required to return to the truck route for subsequent deliveries whenever possible. This problem has come to light as a result of the construction on Ocean Drive, with more trucks travelling Dune Drive to avoid the rough road. Unfortunately, as the code is currently written, the Police Department is unable to issue citations for this offense. If Council agrees with making this amendment, it is also suggested to make the Ordinance effective immediately so that it can be enforced as soon as possible.

Councilman Covington inquired if signage would be an issue with this amendment.

Jim Waldron responded that the signage is already in place and marks the truck route properly, however the code contained the clerical error.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

Discussion regarding Change Order No. 5 to Fifth Avenue & 60th Street Water and Sewer System Improvements, Contract M-54.

Scott Wahl reported during the project the Borough is completing on Ocean Drive a problem at an intersection with a two inch water pipe that was in the street where a six inch water pipe would provide adequate service. When the problem was discovered, Mathis Construction was working towards the last month of their work before the Memorial Day break. Due to the looming deadline, Mathis Construction was unable to perform the work. Tom Thornton suggested approaching Perna Finnigan, the contractor working on the Fifth Avenue & 60th Street Water and Sewer System Improvements about completing the work, to which Perna Finnigan agreed.

Tom Thornton added that the two inch pipe in question was also leaking, creating the emergent condition that needed to be addressed at the time. The purpose of the change order was not only to fix the leak and improve water flow by replacing it with a six inch pipe, but also to extend the six inch water main stub to the west side of Ocean Drive to avoid the County paving area.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

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Discussion regarding In Rem Tax Foreclosure of liens held by the Borough.

Jim Waldron explained if a taxpayer ceases to pay taxes for one year, a property is subject to a tax sale. If a third party does not buy it at tax sale, it is struck off to the Borough which then becomes the holder of the tax lien. After six months, the Borough may institute foreclosure proceedings to acquire title to that property. The Tax Collector has identified three tax title liens eligible for the foreclosure process, also known as In Rem Tax Foreclosure. The Tax Collector is seeking permission to do so. Mr. Karavan is obligated under the scope of services with his Professional Service Contract to perform this service. Council is being asked to verbally authorize a title search tonight to proceed with the in rem foreclosure. Once title search is complete, it is expected to have a Resolution before Council in July. There are hopes that the properties will be off the books by the end of the year.

Council agreed to authorize the Tax Collector to perform a title search on each of the properties and agreed to proceed with a Resolution to be prepared for a future Regular Meeting.

Discussion regarding Order of Superior Court requiring municipalities with pending Declaratory Judgment Actions to pay additional assessment.

Jim Waldron explained Judge Johnson originally assessed all municipalities in Atlantic and Cape May Counties \$1,000.00. Judge Johnson is now assessing each of those municipalities an additional \$1,000.00 to be paid within 60 days of May 9, 2017.

Councilman Covington asked if a resolution to this issue is in sight.

Jim Waldron responded immunity has been extended through July. The court has indicated that the immunity will not automatically expire in July, but will depend on the ongoing discussions with Judge Persky and the court-appointed Planner. It is possible to have a solution to this in a year.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

Discussion regarding Resolution creating a handicapped parking space at 176 15th Street.

Captain Christopher reported the applicant is in need and meets all requirements.

Council agreed to proceed with a Resolution to be prepared for the June 28, 2017 Regular Meeting.

Discussion regarding Resolution authorizing Special Counsel to file a petition for certification with the Supreme Court of New Jersey in the matter of Avalon vs The Marina at Avalon Anchorage, LLC et als.

Jim Waldron reported on June 9 the Appellate Division ruled in the matter of Avalon vs The Marina at Avalon Anchorage. The decision was not favorable to Avalon. Special Counsel has inferred that there is a basis for an appeal due to a constitutional issue addressed by the Appellate Division that has not previously been addressed with the Supreme Court and is recommending alternatively that Council petition for certification. A petition for certification is required to be filed within 20 days of the decision, which is a deadline of June 26, 2017. An appeal must to be filed within 45 days of the decision. Mr. Yoskin's office is prepared to file both applications simultaneously on June 26, 2017 with Council's approval.

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

Public Comments:

Travis Marshall, owner, The Marina at Avalon Anchorage, 885 21st Street, asked Borough Council not to approve the Resolution authorizing the filing of a petition for certification or appeal with the Supreme Court of New Jersey in the matter of Avalon vs. The Marina at Avalon Anchorage, LLC. He noted that two lower courts have ruled against the Borough of Avalon and gave a history of his purchase of the property and the litigation associated with the property. He also noted the Borough was unable to respond with an exact figure of taxpayer dollars spent on this specific litigation.

Elaine Scattergood, 75 30th Street, spoke in opposition of changing the meeting schedule to include all meetings held by Borough Council to be held starting at 4:00 pm, as it may be difficult for some property owners to attend meetings at that time. She suggested that Avalon apply for a grant through Deborah Hospital that would provide physicals for firefighters. She also stressed the importance of avoiding litigation at all costs and to not spend tax dollars frivolously.

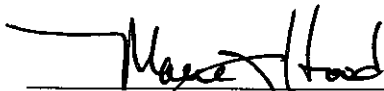
Travis Marshall, owner, The Marina at Avalon Anchorage, 885 21st Street, spoke in opposition of changing the meeting times to 4:00 p.m. for all Borough Council meetings.

Motion made by Councilman Deever, seconded by Councilman Dean to adjourn the Work Session.

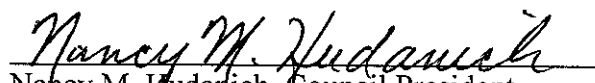
<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Aye
	Councilman Deever	Aye
	Council President Hudanich	Aye
	Council Vice President McCorristin	Aye

Work Session adjourned at 4:45 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



Nancy M. Hudanich, Council President