

July 26, 2017

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, July 26, 2017 at 4:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 4

Reporters ----- 2

The Meeting was called to order by Council President McCorristin.

Pledge of allegiance.

<u>Roll call:</u>	Council President McCorristin	Present
	Councilman Covington	Present
	Councilman Dean	Present
	Council Vice President Deever	Present
	Councilwoman Hudanich	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
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC
Kimberly Mastriana, Planning/Zoning Board Secretary
John Cuthbert, Representative, AHLOA

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 28, 2017. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Ordinance amending Chapter 25 for revised Schedule of Application and Escrow fees.

Scott Wahl read the following report:

Summary: Kimberly Mastriana, the Planning and Zoning Board Secretary, is entering her second year in her position with the board. As part of her due diligence and review of Board matters, she learned that the Planning and Zoning Board fee schedule for applications and escrow have not been adjusted since 2000. Kimberly also found the fee schedule difficult to interpret, as did many applicants. She began an investigation into the schedule at the request of the Board.

Investigation: Kimberly surveyed five other local communities to examine their fee schedules and how items were broken out. During her investigation she also learned that one neighboring community was also in the process of adjusting its fee schedule.

Issues To be Addressed: Kimberly was not only tasked with reviewing and cleaning up the fee schedule, she also wanted to address some issues with applications that come to the board. Last year, the Board was subject to several applications that asked to get put on the Board's agenda in a timely fashion that is also concurrent with the Board Engineer's mandatory 45-day review of the application. It has recently been the norm, and not the exception, that once an application is received there are revised plans and additional items added to the application. This has, at times, exhausted escrow fee money and on more than one occasion has required her to send a notice of insufficient funds, much like a traditional bank.

Solution: Another community in Cape May County has also been subjected to these types of patterns and solved the issue which is included in Council's packet for consideration. Under Item 7 of the proposed fee schedule, Council will see a new item of "Submission of Revised

July 26, 2017

Plans” that would apply after the initial submission but prior to the hearing. This will provide the funding necessary for our team to review the plans before the hearing takes place.

Other Fees: Kimberly greatly cleaned up the fee schedule from 2000 to today and it provides an easy read for the applicants and for the Board.

New Fees: There are two new fees added. One is Item 8, for signs, and one is for Item 10, Special Meetings as these meetings require the Borough to incur the costs of our professionals for a review. Fee adjustments in the schedule are generally in the \$50-\$100 range which is not substantial.

The Avalon Planning and Zoning Board unanimously approved this new fee schedule on July 11th, 2017; if approved by Council it would result in a change to Chapter 25 with the revised schedule of fees effective January 1, 2018.

Kimberly Mastriana added it is also proposed that the transcribing fees be raised. According to the current schedule of fees, transcription services range from \$50 to \$100, however those fees have nearly doubled at this point in time. In the proposed schedule of fees, the transcription service fees have been raised to \$400, which was in line with quotes received from various transcriptionists.

Council President McCorristin asked if these fees are in line with other municipalities in the area.

Kimberly Mastriana responded yes.

Councilwoman Hudanich asked if there is ample time to adopt an Ordinance amending these fees to comply with the January 1, 2018 effective date if the Ordinance is introduced at the August 23, 2017 meeting.

Jim Waldron explained notice must be provided to all surrounding municipalities as well as the County Planning Board and noted that it is possible to provide all notices and comply with the effective date.

Councilwoman Hudanich suggested the transcription services in the fee schedule be listed as the “current rate”, rather than a flat fee that may need to be revisited as fees raise in the future.

Kimberly Mastriana agreed, and notified Council that transcriptions have not been ordered recently through the Planning Board. Recently, it has been the practice of interested parties to submit an OPRA Request for the audio of the Planning/Zoning Board meeting on a disc at the set fee of \$1.00 per disc. The interested party is then responsible for having the audio transcribed independently.

Council agreed to discuss this item further at the August 9, 2017 Regular Meeting with a tentative Ordinance introduction at the August 23, 2017 Regular Meeting.

Discussion regarding Resolution renewing Shared Services Agreement with the Borough of Stone Harbor for Chief Financial Officer Services.

Jim Craft reported it is being suggested to renew this Agreement for a term of three years with a 2% increase each year. The agreement will still contain a thirty day option for either municipality to end the agreement.

Council agreed to proceed with a Resolution to be prepared for the August 9, 2017 Regular Meeting.

Discussion regarding Resolution approving handicapped parking spaces at 3801 Ocean Drive and 121 23rd Street.

Council agreed to proceed with a Resolution to be prepared for the August 9, 2017 Regular Meeting.

Discussion regarding refund of permit fee to Channel Marine Construction in the amount of Four Hundred Thirty-Four Dollars (\$434.00) for 316 57th Street.

Council agreed to proceed with a Resolution to be prepared for the August 9, 2017 Regular Meeting.

Discussion regarding Change Order Nos. 12 & 13 for Fifth Avenue & 60th Street Water & Sewer System Improvements, Contract M-54 in the amount of Eleven Thousand Six Hundred Sixty-Seven Dollars and Eighty Cents (\$11,667.80)

Tom Thornton explained both Change Orders being discussed are resulting from work associated with Change Order No. 5, which was to extend a larger water main outside of the limits of the County project at the corner of 58th Street and Ocean Drive to the west. The contractor had made arrangements with the Borough's water and sewer contractor to shut down the valve to complete that work, however upon excavating the trenches, there was some difficulty in the ability to shut down the valves, and the work was not able to be completed. Change Order No. 12 is payment for downtime associated with that difficulty as well as work done assembling some of the water main above grade and other difficulties encountered. The costs submitted by the contractor have been reviewed and deemed legitimate. Change Order No. 13 is necessary due to encountered conflicts with the sewer force main on Ocean Drive, which pipe had to be routed around as well as conflict of a gas main that had to be worked around. Although there have been numerous change orders in connection with this project, they are not necessarily due to problems with the project, but rather revealing additional work that was convenient to have done at the time.

Councilman Covington inquired if the total cost of all change orders associated with this project are encroaching upon the 20% Change Order threshold.

Jim Craft reported if these Change Orders are approved by Council, all change orders associated with this project will total 12.5%.

Council agreed to proceed with a Resolution to be prepared for the August 9, 2017 Regular Meeting.

Public Comments:

Martha Wright, 632 7th Street, referenced the proposed water rate increase and questioned if residents with different size water meters will be seeing the same increase of \$50.00 per year as mentioned at the last meeting.

Jim Craft explained when the rate increase was mentioned at the last meeting, the fees associated with the smaller, more common water meter were discussed, which will be realizing an increase of \$50.00 per year, however all residents will be seeing an 8% increase in their water bill. Residents with larger meters will be charged an additional \$19.00 per quarter if the fees are approved by Council.

Martha Wright referenced the billing structure for water bills and expressed the opinion that there is not much incentive to conserve water. She suggested revisiting the billing structure to encourage water conservation.

Councilwoman Hudanich explained there are approximately 5,500 line items, including standalone homes, single family, or multiple family homes. There is a need for an infrastructure that will support the pipes for the sanitary and potable water to those 5,500 dwellings. Taking into consideration MUA charges as well as the self-liquidating budget for the utility of the water, the formula is believed to be equitable due to extracting the MUA fee as an exchange item. The current formula distributes the infrastructure responsibility evenly to all property owners. The quarterly water usage limit now is 10,000 gallons for small meters and 15,000 gallons for larger meters. If a property uses more than the water usage limit, an excess water fee is assessed in the third quarter and charged for the other three quarters of the year. To avoid excess water fees, property owners would need to conserve their water use.

July 26, 2017

Martha Wright thanked Jim Craft and Councilwoman Hudanich for their explanations. She referenced the ongoing litigation between the Borough of Avalon and The Marina at Avalon Anchorage, LLC and encouraged the Borough to settle this matter to avoid additional spending. She further advocated better bookkeeping to better track the spending of money in connection with litigations to encourage transparency.

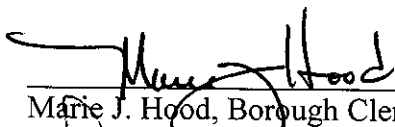
Jim Waldron reported an order has been entered for mediation with regards to this litigation. The mediator has been selected as retired Judge Raymond Batton, and the mediation session has been set for September 20, 2017. At this point, the litigation and the expenditure of funds, is in a holding pattern until the mediation session.

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

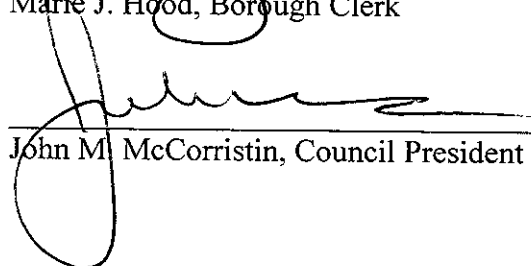
<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Aye
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Work Session adjourned at 4:27 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President