

September 13, 2017

Council President McCorristin announced Borough Council will now entertain comments from the public regarding this specific issue due to increased public interest and asked that anyone wishing to comment at this time, please step forward and state your name and address for the record.

Michael Stanton, Esq. spoke on behalf of Mr. Pearson, the owner of the eastern property in question. He explained an Ordinance was passed by Borough Council in 1980 encumbered the entire 70 feet of the vacated street in an easement. In order for a subdivision to be possible, Borough Council would need to amend the 1980 Ordinance to not encumber the entirety of the vacated street as an easement. It has been relayed that approximately 20 feet is necessary to maintain the outflow pipe, rather than the full 70 feet.

Council President McCorristin asked Mr. Stanton to clarify that the easterly property owner, Mr. Pearson, would be selling 5 feet of his property to the westerly property owner, Mr. Flynn, in the event the Borough amends the Ordinance.

Michael Stanton verified Council President McCorristin's statement and added the request for subdivisions cannot be submitted to the Planning Board until Borough Council amends the Ordinance.

Gary Thomas spoke as the surveyor of the properties and stated he has located the outflow pipe and confirmed its location as approximately one foot from Mr. Pearson's shower. He reiterated that the goal is to reduce the easement size and noted there are easements throughout the Borough that are only 15 feet. He expressed the opinion that a 20 foot easement would be more than sufficient to maintain the pipe. If the easement is moved, that would allow two subdivisions of the creation of three 50 foot lots, which are in compliance with Zoning regulations.

Michael Stanton added the lots would be conforming lots and should not pose any detriment to the public good.

Martha Wright, 632 7th Street, spoke in opposition of this proposal. She noted this situation is unique and explained that 7th Street is bisected by 6th Avenue. There is a history of a chronic and consistent flooding problem during rainfall of any kind and during any tidal event. Townsend's Inlet adds to the unique nature of this location within the Borough, which aggravates the flooding issue, as water rushes in 6th Avenue from the inlet with every tide. She explained there are four storm sewers located on the four corners of where 6th Avenue bisects 7th Street, and there is water in those on the driest day. She announced there were additional property owners from the 7th Street area that were unable to attend the meeting, however they sent correspondence to Council objecting to this proposal. She pointed out the current size of the outfall pipe is not sufficient to offset the flooding on 7th Street, and suggested the pipe be upgraded to 36 inches. She suggested a thorough study be conducted of the area during rain and tidal to determine the rate of flooding prior to considering the realignment of this easement. She referenced Mr. Stanton's belief that there would be no detriment to the public in realigning this easement and expressed the opinion that the storm water runoff from three houses where there once was one would be considered detrimental to the neighbors on 7th Street. She added the addition of driveway aprons would also negatively impact the parking availability in the area. She encouraged Council not to consider realigning the easement.

Ted Volz, 631 7th Street, spoke in opposition of this proposal and supported comments made by Martha Wright. He also expressed the belief that the construction of two additional homes on 7th Street would worsen the flooding issue in the area. He also supported Martha Wright's suggestion of a study being conducted to determine if the outflow pipe should be upgraded.

Elaine Scattergood, 75 30th Street, spoke in opposition of this proposal and expressed the opinion that this realignment would create a hardship for the property owners on 7th Street in terms of flooding and parking.

Elaine Watson, 46 West 30th Street, spoke in opposition of this proposal.

Davis Pearson, 576 7th Street, spoke in full support of the construction of three houses and added he has given much thought to the character of the neighborhood before agreeing to the contingent sale of a portion of his property. He referenced flooding and stated the outflow pipe cannot handle the drainage when flooding is a result of the rise of water that comes over the bulkhead. However, the pipe is sufficient when the flooding on the street is not caused by the bay on the north side.

Betty Shoemaker, 465 20th Street, read the following letter sent to Council:

We are concerned about the plans on 606 7th Street! And hope an easement is not granted to permit additional housing units on a property that is zoned single family. Higher density housing will erode the quality of life not just on 7th Street, but impacts all Avalon residents. There are other such easements in Avalon and it would set a precedent for more and more density. Permeable space is lessened with more houses and all the pools being built, causing flooding with lack of drainage! Single houses are rented to 2 & 3 couples at a time which means more cars at one house. Parking is a serious problem and will only get worse. Thank you for your work on behalf of Avalon and thank you for your thoughtful consideration of this matter.

Councilman Covington asked if this situation is unique to Council.

Jeff Hesley responded no and explained there have been many street ends accessing the bay vacated in the past. By law, the area of the street is divided in half, and half of the area of the vacated street goes to each abutting property owner. The only street ends accessing the bay that have not been vacated are streets with utilities that are in the middle of the street.

Councilman Covington inquired if there are other situations in the Borough where property owners could ask for a change in easement that would allow additional building to go on.

Jeff Hesley noted he would need a further study to evaluate those possibilities. He noted an important fact in this case is that the utilities are located on the far eastern side of the vacated street with a 16 inch pipe. The Borough has 70 feet of easement to maintain it, however it seems 70 feet is superfluous for maintenance of a 16 inch pipe, which is the only unique factor in this case.

Councilwoman Hudanich asked how much street frontage the westerly property owner currently owns as a result of the 35 feet given to him due to the street vacation.

Jeff Hesley responded that property owner currently has 145 feet of frontage on the street. That property owner is only 5 feet of frontage short from having three buildable lots according to the Zoning Ordinance.

Councilwoman Hudanich clarified that the request of an additional five feet from the neighboring property owner would take the street vacation to a new level for that property owner, as the movement of an easement would merit a third buildable lot.

Jeff Hesley confirmed Councilwoman Hudanich's statement.

Councilwoman Hudanich added this proposal has many layers to be considered, such as the request of an additional five feet of property from the contiguous neighbor that is not contested, as well as the implications of the comments of a potential negative impact from other neighbors.

Council agreed to take this matter under advisement.

Discussion regarding 2016 Best Practices Inventory.

Jim Craft reported the 2016 Best Practices Inventory consisted of 25 questions, which is five less questions than last year. The Borough maintained a score of 80%.

Councilwoman Hudanich asked about the rubric in connection with the change of structure of the Best Practices Inventory.

Jim Craft explained the process is identical except for the removal of five questions.

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Councilwoman Hudanich expressed confusion as to the trigger of the removal of those questions and expressed the opinion that municipalities should be better notified prior to coming up with a new assessment.

Jim Craft noted if the Borough were to receive state aid, there would be a reduction in state aid based on the score.

Councilwoman Hudanich suggested raising these concerns at the League Conference in November.

Discussion regarding amendment to Chapter 19, Flood Damage Prevention.

Jim Waldron reported this amendment has been necessitated by reason of changes at the FEMA level, which compels the state to enforce different regulations. FEMA will be releasing a single map which will be adopted as of October 5, 2017, which is the deadline for the enactment of this Ordinance. This proposed amendment clarifies matters from the standpoint that one map will now be used for construction purposes as well as the flood rating system. The system will now be streamlined at the FEMA level. The proposed Ordinance has gone through multiple changes and has received approval from the State. In order to comply with the October 5, 2017 deadline, this Ordinance needs to be introduced today with second reading at the September 27, 2017 meeting. This is a condition for Avalon continuing its participation in the Federal Flood Insurance Program as well as maintaining the favored status the Borough receives in terms of the discount for flood insurance. In order to qualify for that discount, certain requirements must be met or exceeded. For example, development in Avalon is mandated at base flood plus three feet, which is the design flood elevation, which is a very favorable position in terms of FEMA and is being maintained in this Ordinance. What is also being maintained is the amendments made in 2016 pertaining to construction of accessory buildings.

Council President McCorristin asked if a true map will be received in October.

Tom Thornton responded yes.

Councilman Covington asked if this Ordinance defines the position of Flood Manager.

Jim Waldron responded yes and explained the State prefers that the Construction Official be the designated Flood Plain Manager. There is also a provision for an Assistant Flood Plain Administrator, which is currently vacant. Mr. Tracy holds the Administrator position and does not have a designated Assistant. It's a critical Ordinance for more than flood insurance rates, as it touches all building and development in the community.

After further brief discussion Council agreed to proceed an Ordinance to be prepared for introduction at today's Regular Meeting.

Further discussion regarding Ordinance amending Chapter 10 Licenses and Permits concerning Section 10-4 Peddlers and Hawkers.

Jim Waldron reported this proposed Ordinance amendment is still pending legal review. This amendment is the recommendation of the Administration in terms of what should be done with respect to food trucks, hawking and peddling. Current ordinance permits hawking, which is defined by state statute as selling by outcry. The consensus seems to be that hawking should not occur under any circumstances, and this Ordinance would prohibit that entirely. It would also prohibit peddling and vending from trucks or any other means of conveyance with two exemptions: exempt firemen and veterans, which is protected by State Statute. Licenses for these exemptions are issued by the County Clerk. The Borough has the right to designate areas where that vending would be permitted for those license holders. The State Statute prohibits exempt firemen and veteran's licenses from peddling on the beach and this is maintained in this proposed Ordinance. This Ordinance would also terminate all existing licenses as of December 31 of this year, which is when they are slated for expiration. It also contains specific language that they can't be extended or renewed.

Councilman Covington questioned language in the proposed amendments pertaining to home delivery.

Jim Waldron explained the intent of that language is to make clear that the Ordinance does not intend to interfere with existing home deliveries from restaurants.

After brief discussion, Council agreed to proceed with further discussion as well as an Ordinance to be introduced at the September 27, 2017 Regular Meeting.

Discussion regarding Disaster Recovery Services.

Paul Short reported the Borough has contracted with Phillips & Jordan in previous years for disaster recovery services through the bidding process. Phillips & Jordan participates in the Houston Galveston Area Council (HGAC) Cooperative Purchasing Program. It is proposed that the Borough become a member of this Cooperative Purchasing Program to continue contracting with this vendor. He reminded Council that this contract is no cost to the Borough unless services of the vendor are actually needed, at which point FEMA's regulations and pricing recommendations would be followed.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the October 11, 2017 Regular Meeting to comply with the required public comment period.

Discussion regarding Resolution requesting approval of items of revenue and appropriations for 2017 Cops in Shops College Summer Shore Initiative.

Captain Christopher explained the 2017 Cops in Shops College Summer Shore Initiative is a grant by the Division of Alcoholic Beverage Control. Avalon was awarded \$2,200.00 this summer and a Resolution is being requested to accept those funds for reimbursement.

Council agreed to proceed with a Resolution to be prepared for the September 27, 2017 Regular Meeting.

Discussion regarding Changer Order No. 14 in the amount of Eighteen Thousand Eight Hundred Dollars and Ninety-Three Cents (\$18,800.93) to Fifth Avenue & 60th Street Water & Sewer System Improvements, Contract M-54.

Tom Thornton reported this project was originally the replacement of the 5th Avenue water main, and the reconstruction of 60th Street was added to the project scope following Atlantic City Electric's work on that street. It was agreed that Atlantic City Electric would compensate the Borough for all costs associated with the reconstruction of that street related to the base cores and the asphalt base and surface cores. In the process of that work and preparation for paving, it was found that in order to achieve the designed slopes to improve the drainage in the street, the level of the surface cores of the asphalt in certain cases would be below what had been the face of the curb in certain areas. At that point, it was agreed that the Borough would replace the curb at that time, which necessitated this Change Order. There is also some additional areas of the curb which weren't revealed until later where the contractor had to remobilize due to South Jersey Gas being in the area. South Jersey Gas has agreed to reimburse the Borough for the remobilization that was required due to their presence, which would account for \$35,000.00 of the total Change Order.

Councilman Covington asked if these projects are finished.

Tom Thornton responded yes.

Council agreed to proceed with a Resolution to be prepared for the September 27, 2017 Regular Meeting.

Public Comments:

Elaine Watson, 46 West 30th Street, stated Zoning regulations determine the character of each town, and urged Council not to change Zoning regulations or allow variances.

Councilman Covington stated for the record that the proposition on 7th Street is not associated with any change in Zoning regulations.

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Dick Shoemaker, 465 20th Street, commended Council for doing a great job in representing the public's interests and urged Council to delay its decision on the 7th Street issue so that the decision made can be based on the best interests of Avalon in the future.

Napoleon Monroe, 75 East 23rd Street, thanked Council for authorizing a study of some improvements to the drainage systems around 23rd Street. He asked that Council publicize the activities being undertaken in connection with that study to keep the neighbors informed.

Jeff Gloss, 55 East 23rd Street, suggested the construction of pools and the lack of permeable space in the area of 23rd Street could be aggravating flooding conditions. He expressed concerns regarding the overall flood issue in his area and asked that a study also be done of the number of pools constructed in the last 15 years to calculate the loss of permeable space.

Council President McCorristin noted the topography of the north end is rather unique, with other areas to the west and south being a little higher in elevation, creating a "bowl" effect. This may be exacerbated by the installation of pools and old pipes, which is why the study is being conducted to determine the cause of the flooding as well as possible solutions.

Martha Wright, 623 7th Street, urged Council to consider the neighbors that will be staying in their homes on 7th Street after the development of these properties prior to making a decision relating to the easement realignment. She spoke in support of maintaining a 70 foot easement to allow for more area where the pipe can be relocated in the event it needs to be replaced. She inquired about the Resolution being considered by Council at the end of the Regular Meeting this evening regarding this issue.

Council President McCorristin explained it is a resolution to conduct a closed session for further discussion on this matter, not to develop a litigation. At this point there will be no action on that matter.

Martha Wright asked when this matter may be discussed again publicly.

Council President McCorristin was unable to give an exact date, however indicated it will not be discussed publicly prior to the September 27, 2017 meeting.

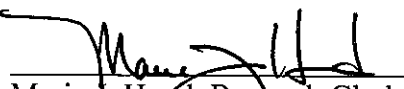
Napoleon Monroe added that flooding in the area of 23rd Street has gotten exponentially worse since July of this year.

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

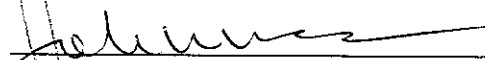
<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Aye
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Work Session adjourned at 5:04 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President