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

Wednesday, December 14, 2016 at 4:04 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 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 A. Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William McCormick, Chief of Police

Paul E. Short, Sr., Code Enforcement Official

William Macomber, Director of Public Works & Utilities

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

Neil Hensel, Chairman, Planning/Zoning Board

 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.

Council President Hudanich presented Certificates of Achievement for years of Service.

 **5 year:** James Bailey, Bonita Risley

**10 year:** Elizabeth Hogan, John Hogan

**15 year:** Ann DeGennaro

**20 year:** James Craft

**25 year:** Charles Covington, David Garofalo, James Larkin

Discussion regarding Resolution authorizing the Mayor to enter into a State Aid Agreement for beachfill involving Avalon and Stone Harbor.

Scott Wahl reported the Borough has been working diligently with the Department of Environmental Protection, the Army Corp of Engineers, and Stone Harbor to present a beach fill project that will benefit both communities. As has been discussed at prior Council meetings, an obstacle surfaced for the Stone Harbor portion of the beach fill due to an interpretation of the Coastal Barrier Resources Act which recommended that Stone Harbor not be allowed to exercise the use of federal funding for their portion of the beach fill. That act would not impact the Avalon potion of the beach fill, however, a joint beach fill is strongly advocated to allocate substantial savings to both municipalities as well as higher efficiency within the project. Through many discussions with the Department of Environmental Protection, Army Corp of Engineers, and Stone Harbor, a solution was found to the problem by using non-federal funding to move the sand out of Hereford Inlet for the benefit of Stone Harbor. On December 7th, the Borough was notified by Chris Constantino from the New Jersey DEP that both NJDEP Commissioner Bob Martin and Assistant Commissioner Dave Rosenblatt approved the modified scope of payment to the Army Corps that allows the Avalon and Stone Harbor beach fill to move Scott Wahl (continued) forward. Thanks to the leadership from Mayor and Council, Avalon will enjoy one of, or possibly the largest, beach fills in the Borough’s recent history at a very affordable price. Work still to be done before the beach fill is to analyze how much additional volume we can obtain at the low rate of $5.15 per cubic yard. Currently, the Borough is set to receive more than 500,000 cubic yards of sand for under $790,000.00.

Council agreed to proceed with a Resolution for consideration at tonight’s Regular Meeting.

Discussion regarding Resolutions authorizing submission of 2016 Recertification Plan in compliance with the Borough’s Floodplain Management Plan.

Tom Thornton reported the recertification confirmation has been received from the Community Rating System, and the proposed Resolution will be moving forward with the program as well as the evaluation report previously discussed by Council.

Scott Wahl added there are many advantages to having a Class 5 rating in the Community Rating System program which currently provides a 25% discount on flood insurance premiums for property owners in Avalon. Another benefit was derived yesterday. Avalon and a few other local communities were invited to a meeting at the Cape May County Emergency Management Office to meet with State and Federal officials regarding a large grant that will be provided to our community that will assist property owners with elevating their homes. The funding amount will be in the neighborhood of $1 million and can provide up to 100% funding for Severe Repetitive Loss properties, 90% funding and 75% funding for other properties. We will learn the funding amount in January and begin to disseminate the information during the first quarter. The team working on this for Avalon includes myself, John Tracy, Ed Dean, and Frank Bruton.

Council agreed to proceed with Resolutions for consideration at tonight’s Regular Meeting.

Discussion regarding Resolution 170-2016 establishing a policy for video and slide presentations to Borough Council.

Jim Waldron explained when Council originally adopted Resolution 170-2016 on October 26, 2016, there were questions about certain aspects of the Resolution being open to interpretation and also questions that asked the exact intent of the regulation set forth by the Resolution. The proposed Resolution does not include any substantive changes to the original Resolution and will now include statutory authority. The proposed Resolution sets up categories of requirements individuals must meet if they wish to make a presentation to Council by using their own video equipment or using Borough equipment. The Resolution does not interfere with anyone’s right to make a presentation. The proposed Resolution clarifies that presentations should be considered agenda items, and not matters of public comment. Public comment should be brief and to the point.

Councilman Covington asked if Resolution 170-2016 will be rescinded and replaced with the new Resolution if adopted.

Jim Waldron responded yes.

Councilman Covington questioned if an individual wishes to make a presentation without the use of electronic equipment, if it would be considered public comment.

Jim Waldron explained it would depend upon the length. He mentioned members of the public have handed out material to Council in the past during public comment, and clarified that this Resolution will not hinder or impair that right, which is encouraged. He noted if there is to be the use of the video equipment and the topic is a matter of community-wide interest, the Resolution asks that the safeguards be addressed and the item be placed on the agenda.

Council President Hudanich stressed the importance of the safeguards to protect the Borough’s systems from having viruses or malware introduced to them. She added that public comment is typically referred to as spontaneous comment about an issue previously discussed. Presentations bring on a different aura of needing approval and should be placed on the agenda.

Jim Waldron further added that the statute states public comment should be part of every public meeting, but subject to whatever reasonable restraints and controls the governing body chooses to place upon it.

Council agreed to proceed with a Resolution to be prepared for the January 11, 2017 Regular Meeting.

Discussion regarding possible release of deed restriction for property located at 154 67th Street (Narrigan).

Steve Barse reported Block 67.03 was created from the merging of two deeds or a series of lots. The current owner has retained counsel and asked that certain restrictions imposed on the property when these deeds were conveyed be removed. They have further requested that only the appropriate zoning restrictions be put in place for the property. Some questions have been raised since receiving the correspondence, and he will be contacting the counsel of the requestor for clarification.

Council President Hudanich stressed the importance of researching the property and the request in depth.

After brief discussion, Council asked Mr. Barse to research the matter further and discuss the request with the requestor and their counsel, and agreed to discuss this matter further at a Work Session in the future.

Discussion regarding Resolution approving three-year contract for the Captain of Police.

Scott Wahl explained the current contract with the Captain of Police expires on December 31, 2016. The new proposed contract includes the same benefits afforded to the Captain as well as the same pay scale adjustment schedule that has been in place and memorialized for years. He recommended Council approve the contract.

Council agreed to proceed with a Resolution to be prepared for the January 11, 2017 Regular Meeting.

Discussion regarding Resolution authorizing renewal of the following agreements:

1. Senior Travel Services
2. Ransome Rental Company – Portable Generator

Scott Wahl explained these contracts are used on an as-needed basis, and both vendors have performed admirably when needed in the past.

Council President Hudanich added the rates have remained the same.

Council agreed to proceed with Resolutions to be prepared for the January 11, 2017 Regular Meeting.

Discussion regarding amending Resolution No. 174-2016 for Professional Services with Blaney & Karavan, P.C.

Jim Waldron explained the proposed Resolution includes the addition of an additional category, which outlines a fixed fee payment and expands upon the services covered to include additional items. All items would be capped at 85 hours charged at the normal rate, and after 85 hours would be charged at an hourly rate, which would be paid on a quarterly basis. In this category, the fee would remain constant notwithstanding the time expended or the complexity of the matter.

Council President Hudanich asked who will be keeping track of the hours used and how frequently reports will be provided.

Jim Waldron responded the tracking will be done in-house and reports will be completed quarterly.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 11, 2017 Regular Meeting.

Discussion regarding the following annual Resolutions:

* Designate Borough Clerk/Deputy Borough Clerk to issue Municipal Improvement Certificates
* Scott Wahl as Public Compliance Officer
* Scott Wahl as Fund Commissioner/Jim Waldron as Alternate Fund Commissioner for Atlantic County Municipal Joint Insurance Fund
* Trustee of the Free Public Library – Jim Thatcher (5 year term)
* Cash Management Plan
* Michael Sorensen, Esquire, Municipal Public Defender
* Frank Guaracini, Municipal Prosecutor/Emily Buonadonna, Assist. Municipal Prosecutor

Council briefly discussed these annual items and agreed to proceed with Resolutions to be prepared for the January 11, 2017 Regular Meeting.

Discussion regarding Resolutions authorizing Professional Services for 2017.

 Non-fair and open (contracts anticipated to exceed $17,500.00):

* Michael S. Garcia, Auditing Services (Ford, Scott & Associates)
* Thomas R. Thornton, P.E., Borough Engineer (Mott Macdonald)
* Thomas G. Smith, Esquire, Tax Appeal Counsel
* Howard Marlowe, Government Affairs Consultant and Lobbyist (Warwick Group)
* Scott D. Taylor, Professional Planner and Landscape Architect (Taylor Design)
* Clarke, Caton Hintz, Affordable Housing Planner for the Planning/Zoning Board
* Joseph H. Maffei, Engineer Planning/Zoning Board (Engineering Design)
* Dean R. Marcolongo, Esquire, Solicitor Planning/Zoning Board (Nathan Van Embden)
* V-COMM, LLC, Telecommunications Technical Consulting Services
* Lomax Consulting Group for Environmental Consulting Services
* Neil Yoskin, Esquire, Special Litigation & Environmental Counsel (Cullen & Dykman)

Under the non-fair and open threshold (contract anticipated to fall below $17,500.00):

* Alan I. Gould, Esquire, Special Conflict Counsel/Administrative Hearing Officer
* Animal Control Services
* Marsh & McLennan Agency Associates, LLC, Risk Management

Over $17,500.00 but exempt from the pay-to-play non-fair and open requirement because vendor is the college:

* Dr. Stewart C. Farrell, Director, Coastal Research Center, The Richard Stockton College of NJ, Beach Monitoring Services

Council briefly discussed these items and agreed to proceed with Resolutions to be prepared for the January 11, 2017 Regular Meeting.

Discussion regarding transfer of 2016 Appropriations.

After brief discussion, Council agreed to proceed with Resolutions for consideration at tonight’s 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 4:35 p.m.

 Respectfully submitted,

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 Marie J. Hood, Borough Clerk

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 Nancy M. Hudanich, Council President