

January 9, 2019

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, January 9, 2019 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 6

Reporters ----- 2

The Meeting was called to order by Council President Deever.

Pledge of allegiance.

<u>Roll call:</u>	Council President Deever	Present
	Council Vice President Covington	Absent
	Councilwoman Hudanich	Present
	Councilwoman Juzaitis	Present
	Councilman McCorristin	Present

Also present:

James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
Paul E. Short, Sr., Code Enforcement Officer
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
John Roscoe, Police Captain
Steven Camp, Assistant Director of Public Works/Utilities
Steven Morey, Mott MacDonald

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 27, 2018. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Resolution from the Avalon Planning/Zoning Board recommending adoption of Ordinance 781-2018 (Prohibiting Sale of Marijuana).

Jim Waldron explained Ordinance 781-2018 was introduced on November 20, 2018 and referred to the Planning Board for their review as the Municipal Land Use Law requires. The Planning Board reviewed the Ordinance and adopted a formal Resolution indicating that, in their view, the Ordinance is consistent with the Master Plan and Zoning Ordinance, and formally recommended the adoption of the Ordinance by Borough Council. A public hearing would need to be scheduled by Council if it is Council's desire to proceed with this Ordinance. He reported the legislation is moving forward throughout the legislature, however a final form has not yet been released. There are some disputes between the Governor, the Legislature, and the Conference of Mayors as to the allocation of certain tax revenues on such products. It is expected that this Ordinance would be allowable under the legislation, if adopted, based upon the current version which has been released.

Councilwoman Hudanich spoke in support of moving forward.

Council President Deever agreed and asked when it would be possible to hold a public hearing on the Ordinance.

Marie Hood explained the Ordinance would need to be advertised, and the Ordinance would need to be sent to adjoining Municipalities. To allow for such notice, the earliest this item could be scheduled for public hearing would be February 13, 2019.

Council agreed to proceed with an Ordinance on final reading and the scheduling of a public hearing of same at the February 13, 2019 Regular Meeting.

Discussion regarding Resolution authorizing the purchase of Wetland Mitigation Credits as required by the United States Army Corps of Engineers and the New Jersey Department of Environmental Protection.

Jim Waldron reported Avalon has a Confined Disposal Facility located in Graven's Island, which connects with Avalon Boulevard by means of a temporary access road that was constructed by virtue of permits from the US Army Corps of Engineers and the New Jersey Department of Environmental Protection. The concept was that both of those agencies wanted that road to be ultimately removed, with the Borough consistently maintaining that the road serves a public purpose and should remain in place. Tom Thornton and the office of Mott MacDonald have been negotiating to keep that road on a permanent basis. The State recently agreed, along with the Army Corps. Permits have been issued from both agencies. Both permits identify the source of a Wetlands Mitigation Bank, which is the Stipson's Island Federal Mitigation Bank. The Stipson's Island Bank is the only approved Mitigation Bank. In 2016, the Borough reserved credits in anticipation of these permits being granted. Due to the negotiation efforts of Scott Wahl, the 2018 price is being honored with the condition that the purchase contract be authorized by Resolution of Borough Council no later than today, January 9, 2019, with the sale being consummated by February 12, 2019 at the cost of \$1,068,375.00 for 2.035 Wetlands Credits.

Councilwoman Hudanich agreed with moving forward quickly with this purchase contract.

Jim Waldron also mentioned the contract is being executed as an Extraordinarily Unspecifiable Service simply because there is no opportunity under the Local Contracts Law to solicit bids for this service. The Purchasing Agent, Joe Clark, has approved this contract, sanctioned the purchase, and has recommended the contract be approved by Council.

Councilman McCorristin inquired about the number of credits being purchased.

Jim Waldron explained it was originally expected of the Borough to purchase 2.2 mitigation credits. As negotiated by Tom Thornton, the final amount of 2.035 credits to be purchased was agreed upon.

Tom Thornton explained the original calculation of 2.2 credits was based on the outermost potential limit of disturbance, however when the project was completed, it was verified that the area of disturbance was less than originally calculated. Therefore, that created the opportunity for negotiations to reduce the number of credits to be purchased.

Councilman McCorristin noted having this facility enhances what the Borough can do with their waterways, and also allows for the State and neighboring municipalities to do the same, and mentioned the opportunity to recapture some of the funds expended in the future.

Tom Thornton added the alternative would have been to remove the road, and re-create the road on an as-needed basis, which would be counter-intuitive.

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

Discussion regarding Resolution amending Resolution No. 114-2018 establishing standing committees and designating appointments of Borough Council.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 23, 2019 Regular Meeting.

Discussion regarding appointment of Borough Clerk and Deputy Borough Clerk for the Borough of Avalon effective February 1, 2019.

Jim Waldron explained these Resolutions would be necessary due to the impending retirement of the Borough Clerk, Marie Hood, which will be effective February 1, 2019.

Councilwoman Hudanich clarified that the Deputy Borough Clerk term is three years.

Marie Hood confirmed that the Deputy Borough Clerk would be appointed every three years.

Council agreed to proceed with Resolutions to be prepared for the January 23, 2019 Regular Meeting.

Discussion regarding designation of Municipal Warming Center.

Jim Waldron explained the County of Cape May has previously fulfilled this function. Under recent legislation, municipalities are responsible and obligated to provide such Warming Centers. From this point forward, the County will declare a Code Blue that would be dependent upon specific weather conditions of 25 degrees or below with no precipitation and 32 degrees or below with precipitation. The Warming Center would be open from 6:30 p.m. to 6:30 a.m. The designation of the Senior Center was considered because of several reasons. Those reasons being the inclusion of lavatory facilities and the close proximity to the Public Safety Complex. The Police Chief and Captain have confirmed that the Warming Center will be added to the routine patrols to allow for periodic checks when open. The Warming Center requirements primarily impact communities with 10 or more homeless individuals. While Avalon may not meet that criteria, there are times when localized power outages affect a small population of the town. If such a power outage were to take place during a County declared "Code Blue" situation, the Senior Center would be available to those without power and heat.

Councilwoman Juzaitis inquired if Stone Harbor currently has a Warming Center designated.

Jim Waldron explained Stone Harbor does not, and Stone Harbor has approached the Borough of Avalon regarding a joint center, which is in preliminary discussions. During the discussions, it has been indicated that Stone Harbor does not have a facility that is similar to Avalon's Senior Center, which is a secure building that would provide the basic necessities without the opening of a public building that would require security.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 23, 2019 Regular Meeting.

Discussion regarding Health & Wellness Policy and Workplace Wellness in accordance with Atlantic County Joint Insurance Fund.

Jim Waldron reported due to Avalon's membership in the Atlantic County Joint Insurance Fund, there are certain benefits that come to member communities. The Health and Wellness Policy is part of that program and it is strongly recommended by the JIF that each of the constituent municipalities endorse a program of this nature, and it comes with the Administration's recommendation for favorable Council consideration.

Councilwoman Hudanich noted this program is parallel to the NJWELL program through the health benefits, where each employee is eligible to receive up to \$250 in Visa Gift Cards by following up on certain medical checkups. She expressed hope that employees are participating in this program and asked that it be researched as to how many individuals are participating. She further mentioned if there is a certain percentage of participation, the Borough is eligible to receive discounted health insurance premiums.

Council agreed to proceed with a Resolution to be prepared for the January 23, 2019 Regular Meeting.

Discussion regarding Resolution approving the certified list of 2018 Length of Service Program Credits.

Jim Waldron explained this is an annual Resolution that comes before Council. The names are generated by the Fire Department for those eligible for this credit. The requirement is that it be certified by the governing body on an annual basis.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 23, 2019 Regular Meeting.

Public Comments:

Napoleon Monroe, 75 East 23rd Street, advocated for forward action on the North End Flood Study Mitigation and requested that Council make a commitment to moving forward with this project and accelerate the timeline.

Jim Waldron explained Council had previously approved the beginning of a design study, which Mott MacDonald is currently undertaking.

Martha Wright, 632 7th Street, spoke about the pending Ordinance amending construction regulations and requested clarification about whether pile driving or the cutting of hardscape materials such as marble and granite are to be included in the work to be prohibited on Saturdays during the summer season. She referenced previous conversations which alluded to the intent of reducing noise, and noted these activities are very noisy and disruptive. She further inquired if she is correct in her understanding that this proposed Ordinance would prohibit the overnight parking of trailers outside of the construction zone.

Jim Waldron confirmed there will be no overnight parking of trailers outside of the construction zone permitted in-season if this proposed Ordinance is adopted. And explained during the off-season, there is a provision which may trigger the creation of a construction zone. If so, the same in-season rules will apply when that zone is created.

Martha Wright also expressed concern about a 200 linear feet parking restriction included in the Ordinance and asked that someone contact her with an explanation of this regulation and the purpose behind it. She also recommended that Council consider increasing the required height of required silt fences from two feet to three feet to further protect neighboring properties and water from trash being carried from a jobsite by the wind.

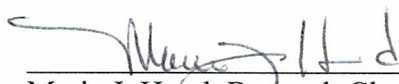
Motion made by Councilman McCorristin, seconded by Council President Deever to adjourn the Work Session.

ROLL CALL VOTE:

Council Vice President Covington	Absent
Councilwoman Hudanich	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Council President Deever	Aye

Work Session adjourned at 4:27 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



James Deever, Council President