

February 27, 2019

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, February 27, 2019 at 4:00 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 Deever.

Pledge of allegiance.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Borough Solicitor
William Macomber, Public Works
Paul Short, Code Enforcement Official
James V. Craft, Chief Financial Officer
John Roscoe, Police Captain
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Monica Coskey, 7 Mile Publishing

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.

Council President Deever made the following statement: I would like everyone present to know that Ordinance 781-2018 pertaining to marijuana sales, which is scheduled for a further hearing later today, will be tabled and no action will be taken. On the recommendation of the Borough Administration and on the advice of our Borough Solicitor, the Ordinance will be amended and reintroduced, probably at the March 13, 2019 meeting. There will be no discussion or hearing today. Certainly, anyone interested is welcome to stay, but I want you to know the Ordinance will not be considered. I want to make this announcement now in order to avoid any inconvenience to anyone present who wants to speak on the Ordinance.

Discussion regarding Professional Services Contract with 7 Mile Publishing for Public Relations and Advertising Services

Scott Wahl introduced Monica Coskey and stated what a tremendous help she has been to the Borough of Avalon with regards to publications, advertisements, and campaigns.

Monica Coskey explained there are no changes from the 2018 proposal to the 2019 proposal. 7 Mile Publishing will be printing an Information and Recreation Guide, which will be mailed to every Avalon property owner as well as distributed throughout the town. This guide includes recreation, beach, and other various vacation information. 7 Mile Publishing issues two newsletters, one edition is issued in the Spring and one edition is issued in the Fall. This newsletter is also mailed to every Avalon property owner. A digital format of each newsletter is also available on the Borough of Avalon website. 7 Mile Publishing made one minor change, five-hundred dollars was moved from décor expenses for Snow Fest Saturday to the Recreation Department in anticipation for design work for Surfside Park.

Councilman McCorristin stated the Borough has a very successful relationship with 7 Mile Publishing and it has worked out admirably not only for the Borough, but also with the Library and the History Center.

Councilwoman Hudanich commended Monica Coskey and 7 Mile Publishing on their hard work and professionalism.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2019 Regular Meeting.

Discussion regarding Resolution scheduling public hearing for release of deed restriction for property located at 4718 Ocean Drive.

Jim Waldron explained this is simply to schedule a public hearing to determine whether Council would choose to release a deed restriction. The deed restriction requires the property to have a sixty-foot frontage. The Zoning Ordinance is now identical to the deed restriction. The property owner is asking if Council would consider releasing the deed restriction.

Councilman McCorristin wanted clarification that the property owner is strictly requesting the sixty-foot frontage be removed from the deed restriction. Item No. 3 states to accomplish those parameters, the property owner would have to come to the Borough for a variance, which has nothing to do with what Council is discussing this evening.

James Waldron stated the only item before Council is to relieve the sixty-foot deed restriction, which is already a requirement of the Ordinance.

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

Further discussion regarding Ordinance amending Chapter 10 (Licenses and Permits) Section 17 (Jitneys).

Scott Wahl explained the Jitney Association is interested in moving from a tiered rate of \$2.00 and \$4.00 trips to a \$3.00 flat rate fare. At the time it was presented to Council, the Jitney Service was interested in operating during the peak season from Thursday through Sunday operation; however, since that meeting, it has been decided it would be in the Jitney Services' best interest to reconsider and move to a 7-day service. A letter dated February 20, 2019 was received from the President of the Jitney Services stating "*the Board of Trustees and I have taken into consideration the number of years of work with Avalon and will continue to provide services in the Borough of Avalon.*" At the time of the of this discussion, the Borough recognized the fares were set via Ordinance, James Waldron and Scott have discussed making a few changes to the Ordinance with the help of Nicole Curio. One recommended change would be to have fees set by Resolution when needed, rather than having to change an Ordinance.

James Waldron stated there are a number of changes that are non-substantive, these changes are language clarifications. For example, the language is being changed to make it clear that Borough Council is the issuing authority. This would be done on the recommendation of the Licensing Clerk following the appropriate background investigation by the Avalon Police Department. To clarify, the Licensing Clerk is not the issuing authority. The other substantive change is to change the term. It is recommended that the license term commence on May 1, 2019 and carry through to April 30, 2020. This will allow sufficient time to handle the holidays off-season and allow the Borough to complete the necessary background investigations, so there is no lapse in coverage. Currently, the term is the calendar year. After much discussion internally, it was determined this is the best way to proceed and there will be no lapse in coverage. The next substantive change is the recommendation to delete the requirement to display a Jitney license card. It is a costly, time consuming process and it is not enforced. It is in the opinion of those who enforce the Ordinance that there are other adequate considerations that would replace the card and be equally effective. It is being recommended to amend the fares. Initially, the fares were a flat rate of \$3 per person, per trip regardless of the time. There is a provision that would allow the Jitney Association to offer discounts for multiple trips. For individual trips, the Ordinance would take effect. The rates are essentially the same as they are now. There is a provision in the current Ordinance that gives Council the ability to establish rules and regulations for the enforcement of the program, which is necessary. If an issue arises in July, this does not allow Council enough time to amend the Ordinance. Council should have the ability to adopt an appropriate regulation by Resolution that will take effect promptly and efficiently to address any problems that may arise.

Council President Deeever asked for clarification regarding the dates of service.

Scott Wahl stated weekend service will begin early June 2019 to the weekend before July 4, 2019. After July 4, 2019, the 7-day service will begin and run through Labor Day.

James Waldron explained in order to accommodate the approaching season, if Council is satisfied with the recommendations, we recommend an Introduction tonight, with a Public Hearing and Final Adoption on March 13, 2019 and there is a Resolution that accompanies this Ordinance. We would ask for Council's approval to be adopted March 13, 2019, so it is effective September 2019.

Council agreed to proceed with an Ordinance to be considered for introduction at today's Regular Meeting and a Resolution to be prepared for the March 13, 2019 Regular Meeting.

Discussion to amend Chapter 2 of the Avalon Borough Code to impose a fee for returned check and to impose fees pertaining to the redemption of Tax Title Liens.

James Waldron noted there are two statutory provisions which allow the Tax Collector to impose a fee for returned checks. We are recommending that Council consider the option to charge a \$20.00 fee for a returned check, together with the option requiring there be a certified check or money order for the future in the case of multiple returned checks. This is becoming an increasing problem.

Councilwoman Hudanich asked for clarification concerning the rate the bank charges for a returned check.

James Waldron explained the bank charges a \$25.00 fee for returned checks; however, the statute will only allow the Borough to charge a maximum fee of \$20.00. The other statutory provision for Council's consideration, again comes at the recommendation of the Tax Collector. There are two categories, one is an owner or individual who is entitled to be deemed by virtue of their relationship with the owner, such as an heir or a spouse. The second category is the investor who buys the tax lien, an individual who has interest in the property. There have been some abusive factors with asking the Tax Collector to calculate redemption figures through a particular date only to let the date expire, come back later and ask for another calculation. It is a complicated process and the Tax Collector is required to do some due diligence. The statute allows for a fee to be charged and the Borough is recommending the statutory revisions be made applicable, so the Tax Collector may be permitted to charge a \$50.00 fee. A third-party lienholder is entitled to two calculations per calendar year for free. This third-party does have the right to buy a lien, specify the date to be used for the calculation and pay a fee of \$50.00 for each calculation.

Councilwoman Hudanich asked for clarity concerning the guidelines that address how the family member must validate they are in fact a part of the family. There is a lot of paperwork concerning wills and the legality of an individual's right in line to be an heir. Is there a statute on this?

James Waldron responded there is a statutory provision and case law directing the Tax Collector as to what inclination he or she must require to determine whether or not this individual is a proper party with an absolute right to redeem. There is a checklist provided by the Division of Taxation that guides Tax Collectors with what evidence should be received and how they can manage the information.

Council agreed to proceed with an Ordinance to be considered for introduction at the March 13, 2019 Regular Meeting.

Discussion regarding technical amendment to Chapter 10 of Avalon Code to re-designate the “Division of Licenses and Inspections” as the “Bureau of Licenses”.

James Waldron stated this is merely bringing the code into compliance with another Ordinance Council previously adopted. There was a revision in this chapter that was never corrected, it is a technical amendment and we recommend this be corrected now.

After brief discussion, Council agreed to proceed with an Ordinance to be considered for introduction at the March 13, 2019 Regular Meeting.

— Discussion to amend Chapter 8 of the Avalon Borough Code to re-designate the Bicycle Route.

James Waldron stated that Chapter 8 has a bicycle route that has been rendered obsolete by reason of some recent amendments that have been made by the Borough. This proposed Ordinance started with Public Works, and has been reviewed by Thomas Thornton and his office has made specific recommendations, so the proposed amendments before Council contort with what is in existence now.

After brief discussion, Council agreed to proceed with an Ordinance to be considered for introduction at the March 13, 2019 Regular Meeting.

Discussion regarding Resolution designating Deputy Records Custodians for the Avalon Police Department.

James Waldron explained there have been some retirements within the Police Department and this would bring conformity with the Open Public Records Act for the designation of Custodian of Records. The Borough Clerk would be primarily responsible for the records of the Police Department. The Borough Clerk is the official custodian for OPRA requests, however Council has exercised its prerogative with respect to the Police Department to designate a separate custodian for those requests.

— Council Vice President Covington asked for clarification concerning the Clerk responsibilities regarding OPRA requests.

James Waldron stated there has been an overwhelming number of OPRA requests for Police Reports. The custodian remains ultimately responsible for these records, but the Municipality has the right to delegate some of that responsibility to a deputy custodian.

Nicole Curio stated the Borough Clerk remains the custodian, ultimately responsible for the records of the Police Department. It is the Clerk’s responsibility to oversee the Deputy and make sure the work is done correctly.

Councilwoman Hudanich asked what mechanisms are in place for checks and balances for our Clerk to ensure the office has the tools they need.

Danielle Nollett stated the Police Department provides a report to Borough Clerk’s office on a regular basis of the requests being reviewed and received.

— James Waldron explained the Clerk’s office keeps a detailed Excel spreadsheet with the date the request was received, the response deadline, requestor’s name and the documents being requested, it is given a file number, and forwarded to the corresponding department(s). The department will receive follow-up reminders from the Clerk’s office. The volume of work involved with responding to OPRA requests and coordinating with the various departments that have to respond in a timely manner is no small achievement and the Clerk’s Office does an excellent job.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2019 Regular Meeting.

Discussion regarding Resolution authorizing Change Order No. 3 for Surfside Park Improvements, Contract M-109 in the amount of \$4,937.70.

Thomas Thornton explained this is a change order to reflect the contractors request to replace the timber piles, which was included in Mott MacDonald’s original design, with helical piles. The reason this request was accepted is because it allows the Borough to avoid the cost of going to Atlantic City Electric to shut off the electric at the end of 29th Street, which extends to the arcade. The contractor is responsible for making the arrangements to shut the electric down. It was explained that if the contractor could get this change to reflect the same cost the Borough would have otherwise had to pay, it would be considered. They documented costs and it came in at \$4,937.70, which is the estimate provided by the contractor when we met to discuss the specifics from Atlantic City Electric.

Councilwoman Hudanich wanted confirmation that there is no delay in the project.

Thomas Thornton confirmed there is no delay.

Councilman McCorristin asked about the number of piles.

Thomas Thornton stated there are 24 piles. This brings up an issue, there were initially 24 piles that were required, since that time, the contractor has submitted a change to their design. It is required if a contractor is using helical piles, they would need an engineer’s approval. After reviewing their initial breakdown and design, we decided they needed better support. We didn’t want to charge the Borough for our design because this was a change they made. After reviewing their initial breakdown, based on the documented cost per pile, there is a total of 24 piles.

Council agreed to proceed with a Resolution to be prepared for the March 13, 2019 Regular Meeting.

Public Comments:

Hugh Giordano, Blackwood, NJ, spoke as a Union Representative for United Food and Commercial Workers, Local 152 and encouraged Council, Scott Wahl, and members of the Police Department to visit the Garden State Dispensary, take a full tour and speak with medical professionals prior to reintroducing Ordinance 781-2018.

Martha Wright, 632 7th Street, expressed her support regarding a fee to be charged for a returned check together with the option requiring there be a certified check or money order for the future in the case of multiple returned checks.

James Waldron clarified if a home owner bounces a check because of non-sufficient funds, there is an element of discretion. To require a certified check for future payments, is not automatic, it may be required. If there is a mistake that can be demonstrated by the property owner, the Tax Collector is expected to exercise discretion not require that in the absence of a pattern of bounced checks.

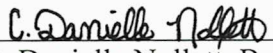
Motion made by Councilwoman Juzaitis, seconded by Councilman McCorristin to adjourn the Work Session.

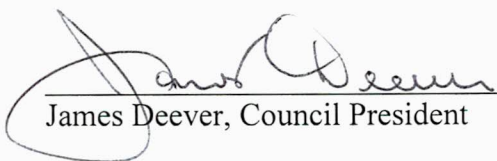
<u>ROLL CALL VOTE:</u>	Council Vice President Covington	Aye
	Councilwoman Hudanich	Aye
	Councilwoman Juzaitis	Aye
	Councilman McCorristin	Aye
	Council President Deever	Aye

February 27, 2019

Work Session adjourned at 4:43 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


James Deever, Council President