

September 25, 2019

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, September 25, 2019 at 4:04 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 6

Reporters - - - - - 1

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
Paul Short, Code Enforcement Official
William Macomber, Director of Public Works/Utilities
Police Chief Jeffrey R. Christopher
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
James Craft, Chief Financial Officer
Ed Dean, Fire Chief

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 26, 2019. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Bond Ordinance to encumber funds for the 8th Street Jetty Improvement project.

James Craft explained this Ordinance appropriates \$2.3 million for the 8th Street Jetty Improvement Project, and also authorizes the issuance of \$2.185 million in bonds or notes. A 5% down payment option was used for this Ordinance instead of the usual 20% because a large portion of the project expense will be reimbursed by a grant received from FEMA. Because of the forthcoming reimbursement, it is anticipated the Borough will not issue any bonds or notes on this project.

Council agreed to proceed with an Ordinance to be considered on first reading at today's Regular Meeting.

Presentation from Mott MacDonald regarding North End Drainage Improvements.

Thomas Thornton gave a very detailed Power Point Presentation, a copy of which is hereafter attached to these minutes.

Council President Hudanich inquired if the pump system installed in Lower Township is working now and asked about its efficiency.

Thomas Thornton responded the pump system has been installed and is doing its job.

Council President Hudanich referenced the box well to be installed and questioned if that is the maximum size.

Thomas Thornton explained it is not the maximum, but rather the estimated size required for what is needed.

Council President Hudanich inquired if there would be a concrete pad installed around it.

Thomas Thornton responded yes.

Council President Hudanich noted the proposed box well is larger than one located at 22nd Street.

Thomas Thornton agreed and explained that can be attributed to the necessity of a generator at that location. He added this structure would be constructed on the eastern shoreline between the wet well and the dunes. There would be efforts to balance the aesthetics of the building by placing a gently sloped roof rather than a roof peak.

Council President Hudanich questioned what elevation would be necessary for the pumps to function properly and move water toward the jetty.

Thomas Thornton indicated the pumps would be 12 feet in height, with three feet of the pump above grade.

Council President Hudanich asked what size pump is needed to ensure this proposal is operational, and if they will generate much noise when in use.

Thomas Thornton responded the pumps will need to pump 80 cubic feet per second. He noted the noise should not be intrusive, and explained only a portion of the structure needs to be above grade, as it must have a certain height to enable the function of forcing out the water pressure to the outfall.

Councilman Wierman requested that Mr. Thornton clarify that the structure will not be built entirely above grade.

Thomas Thornton reported the structure will only be three feet above grade, as nine feet of the structure will be below grade. The final designs of the project specifications would indicate that more clearly.

Council Vice President McCorristin questioned if the current design indicates a specific size pipe to be used.

Thomas Thornton explained the size of the pipes still need to be decided depending on the tidal conditions to be addressed. Those specificities still need to be designed.

Council Vice President McCorristin requested that Mr. Thornton explain how the outfall pipe will be run along the northern shoreline.

Thomas Thornton explained the pipe would be run underground along the shoreline of the north end, and would need to penetrate the timber bulkhead and rock bed areas and out through the 8th Street Jetty, which would be driven after the completion of the 8th Street Jetty Improvement project.

Council Vice President McCorristin referenced a large berm near the 13th and 14th Street ends with a bulkhead and rock beds, and inquired if the outfall pipe would be closer to land rather than the shore to avoid those areas.

Thomas Thornton indicated the pipe would be close to the street ends in those areas.

Council Vice President McCorristin referenced the box well and pump discussed earlier that will be constructed mostly underground, and requested that additional CAD drawings be included in the project specifications to more clearly represent what the structure will look like in the neighborhood.

Thomas Thornton agreed with that suggestion.

Council President Hudanich noted if this project accomplishes what is intended, it will save the Borough money and thanked Mr. Thornton for his efforts.

Council Vice President McCorristin asked Mr. Thornton to clarify, for the benefit of the public, that the pumps will not run on a regular basis.

Council President Hudanich stated the pumps will only be run in events of torrential downpours.

Thomas Thornton agreed, and noted the pumps will also need to be exercised when not needed to ensure they are running properly and to keep flows running through the systems to scour out anything that would accumulate while not in use.

Council President Hudanich questioned if the pumps will have screening to avoid large amounts of buildup.

Thomas Thornton responded yes, and noted it would be a metal grate similar to what is on the outfall pipes coming out of 8th Street.

Councilwoman Juzaitis inquired if the outfall pipe could be driven through the 8th Street Jetty during the improvement project instead of that being done after it is completed.

Thomas Thornton indicated that would not be a possibility, as the design phase of this project is not complete, and there are requirements as to the completion of the 8th Street Jetty because of the FEMA grant.

Council unanimously supports this project design moving forward.

Discussion regarding Resolution authorizing budgetary amendment for additional Engineering services rendered for Contract No. M-108, Reconstruction of Various Bulkheads.

Scott Wahl reported there was a need for corrective supervision by Mott MacDonald during the course of the completion of the Reconstruction of Various Bulkheads project within the Borough. The supervision was necessary to ensure public safety and that the job was completed correctly. Because of this unexpected necessity of additional supervision, the supervisory services portion of the project has exceeded the Engineer's estimate by approximately \$35,000.00. Council is being asked to approve this expenditure to pay for those additional supervisory services rendered which helped get the project completed properly and in a safe manner.

Council agreed to proceed with the preparation of a Resolution for the October 16, 2019 Regular Meeting.

Discussion regarding Resolution authorizing participation in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program to enable the Borough of Avalon Police Department to request and acquire excess Department of Defense Equipment.

Council President Hudanich inquired if there is any specific equipment the Borough may receive through this program.

Chief Christopher responded no, the Borough is not looking for any specific equipment currently.

Council President Hudanich stressed the importance of evaluating the cost to keep an item donated to the Borough through this program, such as maintenance costs versus useful life.

Chief Christopher agreed maintenance costs will be taken into consideration, and noted the Borough will also have the option to sell the equipment once the equipment has been in the possession of the Borough for a certain length of time.

William Macomber indicated the Borough sold four tractor trailers last year through GovDeals that were received through this program.

Council agreed to proceed with the preparation of a Resolution for the October 16, 2019 Regular Meeting.

Discussion regarding Resolution authorizing advertisement of bids for Custodial & Cleaning Services of Borough Facilities.

Scott Wahl explained it has been past practice of the Borough of Avalon to award professional agreements like this one as a one-year agreement with subsequent one-year options of renewal if the Borough is satisfied with the performance. This practice protects the Borough of Avalon by ensuring a high level of service is received. After the first year of such agreements, the performance of the contractor is evaluated. In this instance, the evaluation of the contractor has revealed some difficulties with the current cleaning contractor where the expectations of the Borough have not been met. Due to these difficulties, it is being recommended to re-advertise this contract to see if better can be done for the Borough.

James Waldron added under the terms of the existing contract, the Borough is required to give notice of an intention not to extend, or not to exercise the option of renewal. That notice must be sent by October 1, 2019. He asked for Council's permission to send that notice to the contractor.

Council President Hudanich questioned if a Resolution to that effect should be added to today's Regular Meeting.

James Waldron indicated that would be at Council's discretion.

Council President Hudanich spoke in support of adding a Resolution for consideration by title only authorizing the issuance of such notice to today's Regular Meeting agenda to ensure proper procedure is followed.

Council agreed to proceed with a Resolution by title only declining to exercise additional one-year options with the current contractor to be considered at today's Regular Meeting, as well as proceed with the preparation of a Resolution authorizing re-advertisement of bids for Custodial and Cleaning Services of Borough Facilities for the October 16, 2019 Regular Meeting.

Discussion regarding Resolution donating surplus Fire Department supplies to the Sea Isle City Fire Department.

Scott Wahl reported Council is in receipt of a letter written by Chief Dean about a potential donation of surplus equipment to Sea Isle City which supports the Avalon efforts.

Council President Hudanich spoke in support of the donation.

Councilwoman Juzaitis commended the Avalon Fire Department for upgrading their equipment and expressed happiness at being able to help another Fire Department throughout the process.

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

Discussion regarding Ordinance amending Chapter 2 (Personnel) of the Avalon Borough Code pertaining to Zoning Enforcement.

Scott Wahl explained Council has been provided a draft copy of a proposed amendment to Chapter 2, which involves the Zoning practices in the Borough of Avalon. Recently, there have been various conversations concerning zoning issues. It has been determined that it is difficult for the Zoning Officer to not only complete all site plan reviews, but also inspect properties for enforcement purposes in addition to their daily work functions, as the position of Zoning Officer is part-time. As Council is aware, the Code Enforcement Officer is regularly conducting inspections of building sites to ensure compliance with Borough Code. It would seem appropriate to have a separation of divisions within Zoning where the Zoning Officer would handle plan review and permitting, while another Borough Official handles enforcement. This would provide a system of checks and balances for the Borough and will elevate the level of compliance in an effort to ensure zoning permit requirements are followed.

James Waldron added there has been review of the Zoning function, and as a result, certain administrative changes have been implemented. Zoning permits issued in the past, while technically correct, were sometimes vague and did not always specify the items approved or denied, and the reasons for such approval or denial. The new Zoning Officer, in conjunction with Administration and the Secretary of the Planning Board, has started a process to change the forms to allow for more specific information to be added. Council's approval is necessary to move forward with the proposed changes. Additionally, conversations have taken place with the Engineer of the Avalon Planning/Zoning Board, Joseph Maffei, concerning record retention. Over the past several months, there have been multiple issues where questions have arisen regarding certain properties and items approved by the Borough of Avalon in the past, however plans for those properties were not available. The State of New Jersey Construction Code requires all building plans be destroyed 10 years following the issuance of the CO. There are different retention requirements with respect to plans for properties referenced in Resolutions of the Planning Board. Mr. Maffei has recommended the application process be amended to require all applicants for construction permits and site plans to submit a digital copy of proposed plans to be preserved permanently. Mr. Maffei is in the process of drafting a formal recommendation in terms of the records retention process, which would also require all correspondence regarding the matter be printed and/or copied to be placed in the file. If Council agrees with these proposed amendments, Administration is enthusiastic about addressing this problem and attempting to correct some of the deficiencies that have arisen. As Scott has indicated, some of the procedures have been instituted Administratively, and do not require Council's approval. Pursuant to Section 242 of the Administrative Code, Council would be required to approve a reorganization of the Zoning Department, which would involve a new division as well as new personnel. To clarify, these proposed amendments would not hire new personnel, but rather reassign or expand duties of current employees. The amendments would strip Zoning responsibilities from the Construction Official and divorce it completely into a Zoning Enforcement Division, effective January 1, 2020. If approved, the Zoning Official would conduct permit and plan reviews, and issue permits. From there, it would be the responsibility of the Zoning Enforcement Officer to monitor construction sites for compliance. With respect to approval granted by the Avalon Planning Board, the multi-page Resolutions deal with extensive fact-finding, summarize testimony, and are very comprehensive. At the same time the Resolution is prepared, the solicitor would prepare an abstract, much like the document produced when Council enacts an Ordinance. The abstract of that Resolution would then go to the Zoning Enforcement Officer to make them aware of exactly what has been approved and denied. He expressed hope and optimism that these amendments would put a mechanism in place to avoid appeals before the Planning Board as well as appeals of Zoning Officer stop work orders.

Council President Hudanich spoke in support of the proposed amendments, citing that procedurally, these amendments are necessary due to the major increase in construction. She expressed the opinion that providing better information to those inspecting the properties will help with day to day operations. She inquired if a new job title and job description will need to be generated for the Zoning Enforcement.

James Waldron replied yes.

Council President Hudanich requested an organizational chart and appropriate graphics be supplied to Council for a clear understanding of the hierarchy of this new division. She asked that the documentation also include the personnel affected, job descriptions, and recommended salary ranges.

James Waldron indicated there will be recommendations coming forth from the CFO before the end of the year with respect to salary ranges.

Council President Hudanich noted the Salary Ordinance will need to be amended to include the new position as well.

James Waldron agreed and stated all job titles will have salary ranges in which the Mayor by Executive Order would fix those salaries, pursuant to the statute. Council's role in this process is to establish the guidelines.

Council President Hudanich expressed that the essence of what Administration has proposed is well needed and promotes a system of checks and balances.

James Waldron added many Zoning complaints have been citizen initiated. The intent of these proposed changes is to identify potential issues before they are too difficult to correct.

Council President Hudanich also spoke in support of maintaining digital records and asked if the Borough needs approval from legislation and/or the code to allow the use of digital records.

James Waldron stated this is supplemental.

Council President Hudanich asked if the electronic copy satisfies the paper.

James Waldron replied no.

Council President Hudanich stressed the importance of the Borough obtaining legislative support to be able to substitute the paper document with the electronic version.

James Waldron explained maintaining the electronic document could trigger problems under OPRA, disclosure, and public access for those individuals coming into offices to view records. At this point, the digital submission is designed to eventually remain when the paper copies are destroyed to allow for compliance with State law, however still maintain access to approved plans.

Council Vice President McCorristin asked if the Zoning Enforcement Officer would enforce solely the projects acted upon by the Planning Board.

James Waldron replied no.

Council Vice President McCorristin requested clarification concerning the Zoning Enforcement Officer and inquired if that individual would also be required to hold the necessary credentials for Code Enforcement.

James Waldron explained the recommendation is to expand Code Enforcement into a dual office to also encompass Zoning Enforcement. Currently, when a zoning complaint is filed with the Zoning Officer, the Zoning Officer then referred the complaint to Code Enforcement for investigation. Once the Code Enforcement Officer completed their investigation, a report was sent to the Zoning Officer. The Zoning Officer would then submit a report of findings to the property owner. then eventually got a report to the property owner. This procedure must be followed because the Code Enforcement Officer does not have any authority under the Municipal Law Use Act to act upon any violations. It is believed these proposed amendments will grant the Code Enforcement Officer with the necessary authority to issue a zoning complaint.

Council Vice President McCorristin asked if every zoning application is now \$500.00, regardless of the scope of proposed work.

James Waldron replied yes and explained the fee has been submitted with the construction code fees. Currently, when plans are rejected and resubmitted, there is another fee. It is being recommended not to charge a full zoning application fee when being reviewed.

Council Vice President McCorristin inquired how the individual considered for this duty would be chosen.

James Waldron stated the Mayor wishes to appoint the Code Enforcement Officer as the Zoning Enforcement Officer on a six-month trial basis. At the Mayor's direction, every zoning permit is to be reviewed by Administration. At the end of six-month trial, Administration will advise the Mayor as to the status of the office.

Council Vice President McCorristin expressed support of the proposed amendments, however noted being a Zoning Officer is not an easy task, and the individual chosen must be very detail-oriented. He expressed concerns about the workload being placed upon the individual.

James Waldron explained the Zoning complaints would now be taken from the workload of the Zoning Officer if the proposed amendments are enacted. At the end of the provisional period, if the duties are not being handled efficiently, it comes before Council, at which point Council can make a recommendation for more personnel.

Council President Hudanich suggested hiring a part-time person because of the high responsibility.

Council agreed to discuss this matter further at the October 16, 2019 Work Session.

Discussion regarding Resolution authorizing Taylor Design Group to perform certain services in connection with the creation of a Pollinator Habitat at Armacost Park.

James Waldron reported Council awarded a Professional Service Contract with Taylor Design Group in January 2019, to an amount not to exceed \$20,000 in a year. These services are included as part of the scope of work to be completed by Taylor Design Group. Taylor Design Group designed the Pollinator Habitat and provided additional supervision other than design work. The bill associated with that work is approximately \$6,500.00. The proposed Resolution is to authorize the payment that is well within the \$20,000.00 Council originally authorized.

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

Public Comments:

Martha Wright, 632 7th Street, referenced the additional \$35,000.00 payment to Mott MacDonald for the supervision of the Reconstruction of Various Bulkheads project, and agreed the payment is necessary, as it ensured the job be done in a safe and correct manner. She inquired if the Borough will be seeking renumeration from the original contractor for that additional payment or if the Borough is solely making that payment.

Nicole Curio reported the Borough is currently engaged in discussions with the contractors concerning the project, however further detail cannot be given at this time.

Martha Wright noted this is a case that the low bidder on a project may not always be the best value, and questioned if there is a way to avoid such a problem in the future.

Nicole Curio stated this is not a matter that can be discussed at this time.

Martha Wright noted she is looking forward to the public discussion concerning this issue in the future.

Council Vice President McCorristin stated for the record he is not referring to any specific contractor or bid, however added a municipality is typically required to award contracts to the lowest responsible bidder, however questioned if a contract must be awarded to a contractor if there are documented issues with the contractor bidding.

Nicole Curio stated there are procedures within Local Public Contracts Law to prevent a situation like this from happening in the future.

Council to check over the agenda for the Regular Meeting.

Council proceeded to check over the agenda for the Regular Meeting.

September 25, 2019

Motion made by Councilman Deever, seconded by Councilman Wierman to adjourn the Work Session.

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

Work Session adjourned at 4:56 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Nancy M. Hudanich, Council President