

December 18, 2019

Public Hearing adjourned at 4:02 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Nancy M. Hudanich, Council President

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, December 18, 2019 at 4:03 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 7

Reporters - - - - - 1

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

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

Also present:

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

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Work Session change was included in an updated Schedule of Meetings dated August 28, 2019. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Hudanich: Before we begin today's Council meeting, I wish to take a moment to remember a dear friend of the 7 Mile Island, Mr. Frank D'Elia. Mr. D'Elia was honored by American Legion Post #331 during Veterans Day ceremonies in both Avalon and Stone Harbor this year, on his 100th birthday. He passed away less than a month later, on December 9th. Frank D'Elia was truly an American hero as he survived the first day amphibious assault on Omaha Beach, and later fought in the Battle of the Bulge. Avalon was truly honored to pay tribute to Mr. D'Elia last month, and we offer his family, friends, and our Legion our deepest sympathy.

Let's bow our head in a moment of silence and remember our friend and neighbor, Frank D'Elia.

Scott Wahl presented Certificates of Achievement for years of Service.

5 years: Gregory Armstrong, Brenda Camp, Brandon Cooper, Travis Cooper, James Waldron

10 years: Stephen Bowers, Zachary Saduk, Michael Scythes

15 years: Alexis Coan, Michelle Devine

20 years: Stephen Camp, Jeffrey Christopher, Richard Dean, Sr., Michael Dean

25 years: Kevin Scarpa, Kathleen Seliger

30 years: Nancy Hudanich, Kimberly Mastriana

Scott Wahl presented a Proclamation to Thomas Thornton of Mott MacDonald for Engineer of the Year 2019.

Discussion regarding Resolution authorizing an increase in beach tag fees.

Scott Wahl explained each year, the beach tag fees charged in the Borough for daily, weekly, and seasonal tags are reviewed. James Craft, as the Chief Financial Officer, reviews the necessary revenue and expenses to maintain the operation and expenses of the beach and then makes recommendations moving forward. For the benefit of the public, it has been a long-standing reciprocal agreement between Avalon and Stone Harbor that beach tags are recognized and accepted in both towns.

James Craft recommended increasing the beach tag fees for the 2020 season to the following:

- Pre-seasonal price will increase by two dollars from \$23.00 to \$25.00
- In-season seasonal price will increase by two dollars from \$28.00 to \$30.00
- Weekly price will increase by one dollar from \$12.00 to \$13.00
- Daily prices will remain the same at \$6.00

This will increase the revenue to approximately \$93,000.00.

Scott Wahl stated if Council agrees, this will be the first increase of beach tag fees in three years.

Council agreed to proceed with a Resolution to be prepared for the January 8, 2020 Regular Meeting.

Discussion regarding Resolution designating protected beaches for 2019.

Danielle Nollett stated Council has been provided a draft Resolution, which has been approved by the Captain of the Beach Patrol. The primary change other than the dates to the season would be a removal of beaches designated as a rafting beach. Captain Wolf indicated the restriction on rafting beaches was released as a pilot program during the 2019 season to great success, therefore he is recommending that this restriction be released in the Resolution.

Council President Hudanich noted the Beach Patrol Captain has requested that he has the ability to be flexible depending on the currents and water conditions.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 8, 2020 Regular Meeting.

Discussion regarding Resolutions authorizing Professional Services for 2020.

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

- Michael S. Garcia, Auditing Services
- Thomas R. Thornton, P.E., Borough Engineer
- Thomas G. Smith, Esquire, Tax Appeal Counsel
- Howard Marlowe, Government Affairs Consultant and Lobbyist
- Scott D. Taylor, Professional Planner and Landscape Architect
- Joseph H. Maffei, Engineer Planning/Zoning Board
- Paul J. Baldini, Esquire, Solicitor Planning/Zoning Board
- V-COMM, LLC, Telecommunications Technical Consulting Services
- Lomax Consulting Group for Environmental Consulting Services
- Neil Yoskin, Esquire, Special Litigation & Environmental Counsel
- Nicole Curio, Borough Solicitor
- Lawrence Pepper, Borough Labor Attorney
- Archer & Greiner, Bond Counsel
- Marsh & McLennan Agency Associates, Healthcare Consultant
- Blaney & Karavan, Special Counsel

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:

- Dr. Stewart C. Farrell, Director, Coastal Research Center, The Richard Stockton College of NJ, Beach Monitoring Services
- The Wetlands Institute, Environmental Consulting Services

Scott Wahl read the following report:

Summary: As Council is aware, we take a look at these professional services contracts every year at the December meeting and the first task is to identify that we are pleased and satisfied with performance by our professionals. That task proved that we are satisfied and we would recommend no change in our working professionals. The second is to make sure that the agreement is fair not only to the professionals, but to the Borough as well and in all of the names and performances that these professionals will do for us, 13 of them will stay identical to 2019, one will decrease, there are a few that have minor increases and in virtually in all cases anyone with an increase is within the hourly rate that can be as small as \$2.00 per hour and in virtually all cases it would be a rate increase in 2020, when no increase in 2019. The Borough has done a really good job making sure our professionals are getting paid what they should get paid. This is a manageable list moving forward for 2020.

Council agreed to proceed with Resolutions to be prepared for the January 8, 2020 Regular Meeting.

Discussion regarding Resolution authorizing renewal of the following agreements:

- Senior Travel Services**
- Foley Power Systems – Portable Generator**

Scott Wahl reported each year agreements are negotiated for use when there is a major emergency in town. Foley Power Systems would provide power to the Borough in case of a large-scale storm; while Senior Travel Services would help transport Avalon citizens to a shelter if needed. To be clear, these contracts would only be executed if there were an event which would be eligible for a FEMA declaration. At which point, the costs associated with using these agreements would be 100% reimbursable to the Borough of Avalon.

Paul Short explained that these annual contracts are for emergency services, which are no-cost contracts unless needed and used by the Borough. The Senior Travel Services contract would be used in the event of a mandatory evacuation, while the portable generator contract would be used for a shelter facility in an emergency, such as the school.

Council agreed to proceed with Resolutions to be prepared for the January 8, 2020 Regular Meeting.

Discussion regarding the following annual Resolutions:

- Designate Borough Clerk/Deputy Borough Clerk to issue Municipal Improvement Certificates
- Scott Wahl as Public Agency Compliance Officer
- Scott Wahl as Fund Commissioner/Jim Waldron as Alternate Fund Commissioner for Atlantic County Municipal Joint Insurance Fund
- Cash Management Plan
- Michael Sorensen, Esquire, Municipal Public Defender
- Frank Guaracini, Municipal Prosecutor
- Tax Assessor to file appeals and/or municipal appeals

After a brief discussion, Council agreed to proceed with Resolutions to be prepared for the January 8, 2020 Regular Meeting.

Discussion regarding Resolution authorizing Place-to-Place transfer on behalf of Z21 Corp t/a Sea Grill, Princeton Bar & Grill, and Circle Tavern.

Councilman McCorristin noted he will not be participating in this discussion due to a potential conflict of interest.

Council President Hudanich asked Chief Christopher if he has reviewed the application, and if he could offer his thoughts and recommendations.

Chief Jeffrey Christopher stated he has not seen the plans regarding this application, although he assumes the application is to include newly renovated portions of the property within the licensed area.

Council President Hudanich explained this is an expansion of the area, however the applicant is also seeking relief of one of the special conditions the Borough has imposed upon this licensee.

Scott Wahl agreed with Council President Hudanich and explained the expansion would include a newly constructed outdoor dining area. The applicant is also looking for relief or removal of a long-standing restriction imposed by the Borough which requires that alcohol service cease at midnight. After speaking with the Borough Clerk, it has been explained that Council can choose to either grant both requests or one request; the two requests are not mutually exclusive.

Council President Hudanich responded she would like to review everything again and would like Chief Christopher to receive a copy of Mr. Gilman's narrative.

Council agreed to discuss this matter further at the January 8, 2020 Work Session.

Discussion regarding bids received for Borough Contract 20-02, Custodial & Cleaning Services for Borough Facilities.

Scott Wahl reported recommendations to award this contract have been received by both the Purchasing Agent, Joe Clark, and Legal Counsel, Alan Gould. A public notice regarding these bids was published in The Press of Atlantic City on November 6, 2019. Two bids were received on November 26, 2019. The lowest bidder for this contract is ACB Services Inc., in the amount of \$78,900.00 for the 2020 calendar year, with two potential one-year renewals with the contract pricing for those subsequent years being based upon the CPIU Price Index.

Steve Camp noted the Borough looks forward to working with them during the term of this contract.

Councilman McCorristin asked if ACB has a local office.

Scott Wahl stated they do have multiple offices, and it is his understanding that they have a very good track record in local towns.

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

Discussion regarding bids received for Reconstruction of 21st Street Bulkhead, Contract No. M-114

Thomas Thornton stated five very competitive bids were received for this project on December 10, 2019. The low bid was submitted by Channel Marine in the amount of \$55,500.00, which was well below the Engineer's estimate. Channel Marine has done a lot of work in Avalon and it is expected that this project will move forward quickly.

Councilman McCorristin asked what the anticipated start time is for this project.

Thomas Thornton replied he believes it would be a time frame of 60-75 days. He had a conversation with the owner this afternoon and it sounds like the contractor is mobilizing quickly, therefore the work could be done in advance of that time period.

After a brief discussion, Council agreed to proceed with two Resolution's to be considered at today's Regular Meeting.

Discussion regarding Resolution authorizing reappointment of Class IV Alternate #1 Member to the Avalon Planning/Zoning Board and an appointment of a Class IV Member to the Avalon Planning and Zoning Board.

Scott Wahl reviewed the following suggested re-appointments by Mayor Pagliughi: John Morrison as a Class IV member Alternate #1 for a one-year term, Samuel Wierman as a Class III member for a one-year term, Kimberly Mastriana as Planning/Zoning Board Secretary, Paul Baldini as Solicitor, and Joseph Maffei as Board Engineer. It is also recommended that Council appoint Gregory "Chet" Johnson as a Class IV Alternate member for a two-year term.

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

Discussion regarding final edits to the 2019 Floodplain Management Plan Evaluation Report.

Scott Wahl explained the Borough has been compiling these reports for 5 years now with the Borough of Avalon being the first community in Cape May County to develop its own stand-alone floodplain management plan. This is a collaboration with not only Borough professionals, but also volunteers in the community. The Borough is mandated to have regular meetings and to post the plan on the website, which was done.

Thomas Thornton reported there were a few minor changes. It was recommended that a more general term to describe expanding the public education flood hazard be used. Instead of three specific media channels, the methods have been replaced with available media to be broader. The only other comment that came from Council was to change the priority of one of the projects from medium to high, which was to keep motorists off the low-lying streets, which will be pursued in the coming year. Other than that, the evaluation report has been finalized. As of tonight, the Borough has met the requirements of the CRS program.

Council agreed to proceed with a Resolution for consideration at today's Regular Meeting.

Discussion regarding Avalon CRS rating in FEMA Flood Mitigation Program

Scott Wahl explained the Borough has been able to provide homeowners with a 25% discount on flood insurance rates due to diligent efforts with flood mitigation projects. The CRS Program operated by FEMA obligates municipalities to show proof of what efforts are made by the Planning/Zoning Board, Borough Council, and other Borough Professionals to promote flood resiliency, such as elevation requirements. A big component is also in the public's communication for flood such as a flood report. Every five years, FEMA conducts a review of all files to evaluate the Borough's compliance and accuracy within the program. Through the works of the floodplain management committee and Council in connection with the bulkhead and resiliency plan, the goal of the committee was to elevate Avalon from a Class V to a Class IV rating. The Class IV rating would provide property owners with a 30% discount on flood insurance. The committee was more than successful in its attempts, as Avalon was granted a Class III rating, meaning Avalon property owners will receive a 35% discount on their flood insurance premiums, which translates town wide into \$1.6 million dollars of savings. There are only thirteen communities in the United States who have a Class III or higher. As a result, the Borough will now be reviewed every three years instead of every five years to ensure compliance. Without making promises or representations, the committee plans to work as diligently as possible to obtain a Class II rating. As the program moves forward, points previously awarded for activities such as adopting new advisory flood elevation maps, will be removed from potential rating renewals. Considering Avalon's high standing within the program, the removal of those points would not adversely affect the Borough. Avalon has a very dedicated team that includes the Construction Office, Administration, Thomas Thornton, and Frank Bruton, CRS Coordinator.

Councilman Wierman mentioned he could not be happier with lower flood premiums as it is good for the town. He noted every year, there are less claims filed with Flood Insurance companies, which can be attributed to the great work of Avalon's professionals.

Council President Hudanich thanked all involved in this program and added the key is education and hard work. It is an equitable way to distribute the fruits of the committee's labor by passing the discount along to every single homeowner.

Discussion regarding an application for an extension to the Borough's current backpassing permit.

Thomas Thornton noted Avalon has been innovative and ground breaking with regards to the backpassing projects by scraping the sand from the southerly beaches and hauling the sand to the North End to replenish lost sand due to the storms. One of the challenges faced every year is created by both the DEP and the Army Corps being difficult to coordinate when applying for permits. Discussions have taken place with both agencies in efforts to streamline the process. Rather than having to keep submitting new permit applications each year, having to submit emergency permits, or having to provide the agencies with last minute surveys of the beaches for their review and approval, the Borough is requesting that both agencies grant Mott MacDonald a general permit for a period of five years from the DEP, and a period of 10 years from the Army Corps. If granted, this would eliminate the concept of waiting until the damage has occurred before conducting the survey and preparing the plans to submit to the agencies for their approval, to find that the conditions had changed since the permit application was compiled. The general permit applications to the agencies would indicate the Borough's intent to scrape the borrow areas to a maximum depth and filling the receiving beaches to a maximum limit. If permits are granted, they would permit the Borough to operate under those parameters, which would increase the Borough's ability to plan ahead. At this point, it is intended to hold a meeting with DEP and Army Corps representatives in Trenton for a permit process meeting where this concept can be presented.

Discussion regarding Resolution authorizing renewal of Maintenance of Borough Owned Grounds and Garden Plots Contract for an additional one-year term commencing February 1, 2020.

Scott Wahl reported in 2018, Council authorized an 11-month contract with Bayshore Landscaping with the potential for two one-year renewals. Council authorized an additional one-year increment for 2019 and Council is again being asked to extend this contract for the last and final year. Through conversations with volunteers and the Department of Public Works, it is represented that Bayshore Landscaping works very well with the Borough. Generally, the contractor has exceeded expectations in most areas. Any deficiencies would be immediately addressed through Public Works. The staff of Bayshore Landscaping is very receptive to any suggestions or recommended improvements.

Steve Camp added this contract would be for an 11-month term beginning February 1, 2020 through December 31, 2020 in the amount of \$235,730.44.

Scott Wahl noted the percentage in increase is similar to the Custodial Contract, which is calculated by using the Philadelphia/Wilmington CPIU, which would cap at 5%. This will be a 1.9% increase in 2020 and the contract amount reflects that increase.

Council agreed to proceed with a Resolution to be prepared for the January 8, 2020 Regular Meeting.

Discussion regarding funding awarded from the New Jersey Department of Transportation's Fiscal Year 2020 Municipal Aid Program for the project known as Reconstruction of 69th Street.

Scott Wahl explained Council grants annual authorization for Mott MacDonald to apply for grant funding from the Department of Transportation for road reconstruction projects. The Department of Transportation received 661 applications for the funding. The application submitted by the Borough this year requested funding for reconstruction of a portion of 69th Street between Ocean and Dune Drive. An award letter from the Department of Transportation has been received stating the Borough of Avalon has been awarded \$177,000.00 for this project for fiscal year 2020. In sum, the Borough has received almost \$3 million in grant money through this program. He thanked Tom Thornton and staff for their hard work in compiling these applications.

Council agreed to proceed with a Resolution to be prepared for the January 8, 2020 Regular Meeting.

Discussion regarding Resolution scheduling a public hearing concerning a two-story height restriction release request for the property known as 190 72nd Street

Council President mentioned Council has this information in their packets and recommended scheduling the Public Hearing immediately before the January 8, 2020 Work Session. She inquired if there will be adequate time to advertise the public hearing.

Danielle Nollett confirmed the ads will be placed in the Press of Atlantic City on December 23, 2019 and December 30, 2019.

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

Public Comments:

Thomas McCullough, 2659 First Avenue, spoke on behalf of American Legion Post 331 and thanked the Borough of Avalon and all representatives, elected and appointed, for their support throughout the year. He also gave special thanks for the lengths taken to make Mr. Frank D'Elia's 100th birthday special during this year's Veteran's Day ceremony and for the kind words of Council at the beginning of today's meeting honoring Mr. D'Elia.

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

ROLL CALL VOTE:

Councilman Deever	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman Wierman	Aye
Council President Hudanich	Aye

Work Session adjourned at 5:03 p.m.

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



Nancy M. Hudanich, Council President