

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, January 22, 2020 at 4:06 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 2

Reporters ----- 0

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
	Councilman 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
Steve Camp, Assistant Director of Public Works/Utilities
Jeffrey R. Christopher, Police Chief
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald

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 27, 2019. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Resolution for the annual Avalon Garden Club Yard Sale to be held on May 9, 2020

Danielle Nollett stated for the record the memo received from the Garden Club had a typographical error on the date, which was incorrectly listed as Saturday, May 10, 2020. It has been confirmed with the Garden Club the Yard Sale is scheduled to take place on Saturday, May 9, 2020.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 12, 2020 Regular Meeting.

Discussion regarding Resolution approving the certified list of 2019 Length of Service Program Credits.

Scott Wahl noted Council has received a memo regarding the LOSAP candidates and credits to accompany this an annual Resolution. The list of eligible candidates is generated by the Fire Department for this credit. The statute requires that the list be certified by the governing body on an annual basis.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared tonight's Regular Meeting.

Discussion regarding Resolution requesting re-certification of the Borough of Avalon as a Coast Guard Community.

Scott Wahl reported in 2013, the County of Cape May began looking for support from municipalities in Cape May County interested in becoming designated Coast Guard Communities as a result of active discussions with the Coast Guard Training Center. Coast Guard Communities are subject to increased visiting populations associated with events held at the Coast Guard Training Centers and Coast Guard Academy, and it is a tremendous benefit culturally, socially and economically. Avalon originally became designated as a Coast Guard Community by Resolution No. 62-2013 adopted April 10, 2013, and such designation expires in June. Council is being asked to continue with this designation to support the Coast Guard.

Council agreed to proceed with a Resolution to be prepared for the February 12, 2020 Regular Meeting.

Discussion regarding Resolution issuing an Amusement Games License to Two Bits Amusements, Inc.

Scott Wahl reported this is an annual Resolution.

Council President Hudanich asked Chief Christopher if there were any issues regarding this license application.

Chief Christopher replied no, and explained the applicant has submitted their fingerprints, as required. The Avalon Police Department was in contact with New Jersey State Police, who are conducting the investigation. The applicant has been under investigation for this license annually for the past three years, and there have never been any issues. The investigation is not complete yet, but should be soon.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 12, 2020 Regular Meeting.

Discussion regarding Resolution authorizing participation for the calendar year 2020 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.

Chief Christopher explained the Law Enforcement Support Office (LESO), is part of the National Defense Logistics Agency, which requires municipalities to adopt a Resolution to participate in this program. This program allows Law Enforcement Agencies to acquire defense equipment that otherwise would have been destroyed. At this time, Avalon Police Department has no plans to acquire any equipment, however this Resolution would allow the Borough to acquire any equipment in which the Borough is interested for calendar year 2020.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 12, 2020 Regular Meeting.

Discussion of Mott MacDonald proposal for aerial survey and mapping.

Thomas Thornton reported this proposal is for Mott MacDonald to conduct aerial photography and mapping of the developed portions of the Borough, which is a tool that provides base mapping by way of contour and topographic mapping, and has been used continuously on various projects that have been put out to bid. When conducting surveys, the personnel completing such tasks must identify each object, tree, or structure, and draw those items. With this aerial survey, surveying crews can focus on the critical features and elevations needed for more precise projects. This provides the mapping that underlays capital improvement projects, and provides a drafting unit of the entire Borough. This type of work was last done in 2005, and as Council is aware, there have been many demolitions, new construction, and updated facilities, such as Surfside Park. The aerial photography would be stored on a computer, and the mapping itself, which provides the base map for work can be viewed by other Borough properties, but would be housed on Mott MacDonald's server to be used for other projects.

Councilman McCorristin asked how aerial surveying and mapping is completed.

Thomas Thornton explained it is done by plane and optics, which is highly accurate. In the proposal, there is some technical discussion about the accuracy, which can be reviewed at Council's leisure. The optics are programmed with several control points to be focused upon and utilized with known elevations to provide more accurate results.

Councilman Deeever inquired if it is financially feasible to complete such a project on a regular basis.

Thomas Thornton explained the frequency in which this type of project is completed is at the discretion of the governing body in relation to how rapidly the municipality itself is changing. If a municipality's landscape is ever-changing, it could be advantageous to conduct these surveys regularly.

Councilman Deever noted there has been a lot of changes within the Borough in recent years, and advocated that conducting these surveys would be fiscally responsible. He suggested revisiting the possibility of conducting aerial surveys every five to ten years.

Council President Hudanich agreed, and recommended collecting and keeping data regarding demolitions and rebuilds, which can be shared with the engineers for an educated decision as to when to do this again.

Scott Wahl added the Borough also has on file photographs of infrastructure, buildings, and docks before each major storm event in recent years, which could help to offer a snapshot of the Borough's changing landscape.

Thomas Thornton noted hard copies of the aerial photography could be included in the proposal.

Council President Hudanich advocated against the door-to-door solicitation of any individual attempting to sell such photographs to residents and visitors.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 12, 2020 Regular Meeting.

Discussion regarding possible administrative amendments to Chapter 19 (Flood Damage Prevention) pertaining to administration of the Chapter related to permitting.

James Waldron explained there are some new FEMA regulations, which will be addressed as a part of this discussion as well as the next discussion scheduled to come before Council this afternoon. Current Borough Code designates a Floodplain Manager or Administrator. Those terms are the same and are used interchangeably. The current Ordinance also provides a Deputy Floodplain Manager and makes no provision for services being performed by Mott MacDonald through the office of Frank Bruton, the Borough's Community Rating System Coordinator. Mr. Bruton works diligently along with Mr. Thornton and many people in various departments within the Borough in putting the annual plan together and getting it recertified. Those efforts have resulted in bringing Avalon to a class three rating. The goal is to implement these new FEMA regulations to maintain the flood rating and improve upon it as much as possible. Administration is asking Council to consider codifying the positions in that office, because said codification counts heavily in terms of FEMA's analysis of the Flood Damage Prevention Ordinances. It is also being recommended that Council consider clarifying that the Construction Official is the Floodplain Manager/Administrator. There is a Floodplain Coordinator who is currently an employee of the Construction Office and has conducted most of the work associated with coordination, reviewing applications, gathering flood elevation certificates, and coordinating various individuals and departments in connection with the assembly of documentation to be sent to FEMA. It is a voluminous task to gather and submit all necessary documentation to maintain Avalon's favorable rating. With that said, it is recommended to codify the position of Floodplain Coordinator in addition to those positions mentioned previously. The job description is set forth in a separate memo provided to Council in regards to the next item on the agenda. There is also a position for Floodplain Deputy Administrator, which currently is vacant and will most likely remain so. The position has been created in the 2020 Salary Ordinance, which Council is scheduled to vote upon tonight. That position is created, but unfunded, as it has no salary range. In the future, if Council decides there is a need for that title to be filled, but Council would be asked to decide upon an appropriate salary range. It is recommended to remove that title from Chapter 19, however permit the title to remain within the Salary Ordinance in the event it is Council's desire to fulfill the position in the future. By taking this approach, the Borough is establishing the permanent title to allow building upon what has been accomplished to date.

Councilman McCorristin clarified that the individual being spoken of would be the approving authority for flood permits.

James Waldron replied yes, and explained Flood Elevation Permits will now be required along with Zoning Permits, which is necessary to obtain a Building Permit. Under the proposed new regulations, applicants would submit the zoning permit and building permit applications simultaneously to be reviewed and eliminate steps being missed. The consistency and uniformity will be put into place and to keep things moving along normal channels, while accomplishing two objectives and remaining FEMA compliant.

Councilman McCorristin noted current regulations require notations on submitted blueprints verifying zoning permit applications have been submitted. He inquired if the reasoning behind the proposed amendments is due to additional paperwork required by FEMA in connection with Avalon's flood rating.

Scott Wahl noted Councilman McCorristin's statement is essentially correct, and added every town involved in the National Flood Insurance Program is required to have the flood permit application as a working document. With the Borough's flood rating of Class III, certain additional requirements were triggered. FEMA made it very clear that the flood permit application must accompany any construction permit application. This document will be reviewed by the Floodplain Administrator and verified in connection with the life of the property. Class III municipalities are subject to a review every three years, and when that review is conducted, use this document is absolutely mandatory as a permanent part of the records. The application also requires a signature from the property owner to provide a system of checks and balances.

Council President Hudanich clarified that the current discussion has morphed into topics being covered by the next agenda item.

Councilman McCorristin requested confirmation that one individual will be reviewing both items simultaneously.

Scott Wahl responded in the affirmative.

James Waldron stated once the permit application hit the Construction Office, it will be seamless to the applicant. It won't seem as if there is a difference. At the end of the road, a flood elevation certificate must be accepted, approved and certified as a condition for a Certificate of Occupancy. This is really the only extra item that is being added to the mix, but this is a FEMA requirement. The Construction Official will not be allowed to issue a Certificate of Occupancy without an Elevation Certificate submitted by the engineer and certified. In terms of scheduling, if Council is agreeable with the concept, rather than introduce this at the next meeting, we would like to draft the Ordinance, show Council the final Ordinance and we would like to send it to Frank Bruton, so he can discuss it with the DEP and make sure everything is in line. This is an Ordinance that may not be introduced until March.

Council President Hudanich said we will wait until we review the Ordinance and then bring it to the Work Session.

Council agreed to discuss this matter further at the February 12, 2020 Work Session.

Discussion regarding revised procedure for applying for Zoning permits and incorporating applications now required by FEMA.

Scott Wahl noted the primary focus of this discussion was addressed during the last agenda item.

Councilman McCorristin noted the Borough also requires that an application be made for a Cape Atlantic Soil Conservation Permit, which must be completed and submitted prior to the end of the construction phase. He inquired why such a requirement is in place.

James Waldron stated the regulations require that whenever there is disturbance of 5,000 square-feet or more of soil, Soil Conservation District Approval must be obtained. There is a provision that makes it optional to obtain Soil Conservation Approval for demolition permits as well, which is not enforced by the Borough.

Councilman McCorristin questioned if it is the choice of the municipality to implement either permit.

James Waldron indicated the only option to obtaining Soil Conservation District Approval is related to that of demolition permits. As Council may recall from previous discussions, the Mayor deems it necessary to streamline the permitting process as part of the recent Zoning Enforcement changes. Those changes have resulted in the Zoning Office developing a new application form for Zoning permits, which is modeled after the Cox textbook. It is expected that the new form will provide uniformity and will help identify exactly what the issued permit is for.

Councilman McCorristin asked if the permit will specify the type of structure being built.

James Waldron replied yes, and explained the permit will be explicitly specific to what is being granted.

Council agreed to discuss this matter further at the February 12, 2020 Work Session.

Public Comments:

None.

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

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

Work Session adjourned at 4:42 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

Nancy M. Hudanich
Nancy M. Hudanich, Council President