

February 12, 2020

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, February 12, 2020 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 2

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	Absent
	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.

**Council President Hudanich asked for a Moment of Silence in memory of Amodeo Beddia, a Marine who served in the South Pacific, and a Planning/Zoning Board Member, who recently passed away.**

**Discussion regarding Safety Incentive Program in accordance with the Atlantic County Joint Insurance Fund.**

Scott Wahl read the following report:

Summary: Borough Council is being asked to approve, via resolution, the Borough’s participation in the Atlantic County Municipal Joint Insurance Fund Safety Incentive Program. The Program has been enhanced by the JIF and provides for more aggressive rules and activities for the Borough to qualify for incentive funding reimbursement by the JIF. This program was discussed at the December, 2019 ACMJIF Safety Committee meeting in Avalon where the Business Administrator serves as a committee member; at the general meeting of the ACMJIF in January, 2020 for which the Business Administrator serves as fund chairman; and at the Avalon Safety Committee meeting in January, 2020 whereas the Committee unanimously endorsed participation in this program. Councilwoman Juzaitis sits on the Committee and expressed her endorsement.

About the Program: The Safety Incentive Program has been something the Borough has participated in for many years. It incentivizes the Borough to follow best practices by the JIF to make sure that we reduce the Borough’s exposures to risk, and establishes a culture of safety. This year, there are more requirements for which the Borough either already implements, or can implement without a great degree of difficulty. Some of these include, but are not limited to:

- Having Safety and Wellness on the Council agenda at least once a year (Avalon has an established wellness program and the Recreation Director will discuss the 2020 activities and goals at a Council meeting in the first quarter);
- Establish a safety committee that meets at least quarterly (Avalon’s meets monthly);
- Conduct regular Job Safety Observations and increase the number of observations filed;

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- Continue to manage our claims in a timely manner;
- Conduct at least a dozen “toolbox talks” throughout the year, which is largely conducted by the Department of Public Works;
- Conduct a minimum of six facility safety checklists.

Approval: If approved by Council the Borough shall make sure we exceed all minimum requirements and apply financial rewards earned by the program to continue to enhance our safety efforts.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 26, 2020 Regular Meeting.

**Discussion regarding Resolution establishing Change Funds for Various Summer Functions.**

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 26, 2020 Regular Meeting.

**Discussion regarding Resolution approving applications for various raffles submitted by Christ Child Society of Cape May County to be held on Sunday, April 19, 2020 at Icona Golden Inn.**

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 26, 2020 Regular Meeting.

**Further discussion regarding possible administrative amendments to Chapter 19 (Flood Damage Prevention) pertaining to administration of the Chapter related to permitting, as well as revised procedure for applying for Zoning permits and incorporating applications now required by FEMA.**

James Waldron reported Council has discussed and tentatively approved a draft abstract with changes to the Flood Ordinance being contemplated which would bring the Borough into compliance with new regulations being promulgated by FEMA. As a result of that discussion, a recommendation was made to place all changes endorsed by Borough Council into a more comprehensive draft Ordinance for Council’s further review, study and comment. That document has been drafted and provided to Council, with the intent of today’s discussion being Council’s discussion of said document. Assuming Council is in agreement with the document as submitted, it is recommended to send this to CRS Coordinator Frank Bruton for his review to ensure the draft is in compliance with both the National Flood Insurance Program requirements and the Department of Environmental Protection, which administers that program. The document before Council today contains proposed amendments to three chapters in the Code: Chapters 2, 19 and 20. Proposed changes to Chapter 2 includes revisions to the Division of Construction Code of Enforcement within the Department of Administration, and codifies the fact that the Construction Official is also the Floodplain Administrator. There is an allowance for the position of Deputy Floodplain Administrator, however that position is vacant and will most likely remain that way for the foreseeable future. Within that Chapter, the position of Floodplain Coordinator is being created, which is an Administrative Technical position having the responsibility of reviewing Zoning permit applications and flood permit applications. Council will notice the draft document goes into considerable detail concerning the duties and responsibilities of the Floodplain Coordinator. As part of the CRS Review, Mr. Bruton must submit all Borough Ordinances pertaining to Flood Damage Prevention. The goal of the CRS Review is to search for points, as municipalities obtain more points, they also obtain a more favorable rating with greater flood insurance discounts. While the addition of CRS points is not guaranteed as a result of these amendments, it is believed this may help by showing the Borough of Avalon is being proactive, acting on the FEMA regulations, making the necessary changes to the underlying Ordinances, and implementing the Flood Damage Prevention Ordinance with respect to the Construction alterations. Chapter 19 amendments are technical in nature and refer back to the new positions being created as part of the Administrative Code in Chapter 2. The new section in Chapter 19 requires an applicant for a building and construction permit to make an application for a floodplain development permit. This chapter will not require a floodplain permit with every zoning permit. There are only limited circumstances where a zoning permit application would be accompanied by a floodplain permit, such as new construction, alterations which alter the

James Waldron (continued) footprint, or elevation of any principle structure. The floodplain permit, under the current regulations, is concentrated solely to the principle structure on the property, not accessory buildings. Regulations governing accessory structures are primarily set forth in the proposed amendments to Chapter 20. The permit application forms are going to be standardized. The Zoning Officer is using a Zoning Permit Application modeled after the Cox Zoning and Planning recommended form. A form depicting the Zoning Officer's decision concerning zoning permit applications will now be issued on a separate form using a similar model. The intent behind using these forms is to more easily provide a history of applications made and approvals and/or denials by the Zoning Officer, as well as standardize the application and review processes. Another proposed regulation is the requirement that only complete applications accompanied by all necessary plans be accepted. Once the application is deemed complete and accepted, there is a 10-business day review period for the issuance of the Zoning permit. Once the Zoning Permit is issued, a review of the construction permit is conducted. This procedure will also work to standardize the process and ensure no reviews or approvals are missed. The fee charged for a Zoning permit will entitle an applicant to up to three reviews. After that, if there are substantial revisions required, it must be treated as a new application.

Councilman McCorristin noted the Ordinance states a zoning permit shall be required by the official for alteration, construction or renovation of any building, however from a practical standpoint, there are certain projects done to a building which do not require a zoning permit, such as a roof replacement. While a roof replacement is considered construction, such a permit generally does not require a zoning permit, as the structure of the building is remaining unchanged. He suggested review of the language within the Ordinance to avoid future confusion.

James Waldron agreed that in the situation of a roof replacement a zoning permit would not be required, however the permit packet will have a form signed by the Zoning Officer certifying a zoning permit is not necessary in such a scenario. This will ensure nothing falls through the cracks.

Councilman McCorristin stressed the importance of keeping the elements of the Administrative Code, which outlines repairs which rehab or revamp outdated items, such as windows, and their exemption from the lengthier construction application process. He also suggested that, if in the permit application review process, a minor construction issue is found and a revision is required, the approved site plans remain on file in the Borough, with only the pages affected by the denial returned to the applicant for revision.

James Waldron assured Councilman McCorristin his suggestions have been considered throughout the drafting process, and the intent behind these revisions is to address both of his concerns. He explained these proposed amendments will now require identified deficiencies be noticed to the applicant by way of a letter explaining the deficiencies, and requiring amended plan sheets be submitted addressing these concerns. In no way, under these new regulations, would plans be removed from the possession of the Construction or Zoning Office. If Council gives tentative approval to the proposed amendments, it is recommended to submit the draft to CRS Coordinator Frank Bruton for review and comments. Once those comments are received from Mr. Bruton, it would be suggested to bring those comments before Council at a future Work Session in the form of a final Ordinance to be considered for introduction.

Councilman McCorristin reviewed wording in the draft document which states that revised construction plans will be submitted to the Construction Official, and expressed concerns with the wording.

James Waldron indicated when a deficiency is identified in construction plans, revised plans will be required, therefore the plans on file with the Construction Office will be supplemented accordingly either by revised sheets, or by an engineer's or architect's sealed certification letter.

Council President Hudanich suggested changing the wording of that section from "shall again be resubmitted" to can or could, as it is possible amended plans may need to be submitted to a different official.

Council agreed to proceed to discuss this matter further at the February 26, 2020 Work Session.

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**Discussion regarding Resolution authorizing a Maintenance Services Agreement with CM3 Building Solutions.**

Scott Wahl explained CM3 Maintenance Solutions has performed well and has been extremely responsive to the Borough's needs, even in emergent conditions. Council is being asked to authorize the maintenance agreement for one year, covering the Public Safety, Public Works, and Recreation buildings.

Steve Camp agreed with Scott Wahl and explained this maintenance agreement would be for heating, ventilation and air conditioning systems for the Borough buildings mentioned by Mr. Wahl. Since Borough Hall has a shared system with the Avalon School, this agreement would be a benefit for shared maintenance needs. He reviewed the costs associated with the maintenance agreement for the benefit of Council and the public.

Council President Hudanich asked if the number of days CM3 works on Borough systems is charted in any way.

Steve Camp replied no, and reported CM3 has a contract with Stone Harbor to come out 10 times a year just for service and maintenance.

Council President Hudanich inquired if the Borough will be responsible for paying for parts.

Steve Camp responded yes.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 26, 2020 Regular Meeting.

**Discussion regarding Resolution authorizing certain approved State contract vendors.**

Scott Wahl reported every year Qualified Purchasing Agent Joseph Clark reviews the list of State Contract Vendors for 2020. That list has been provided by Mr. Clark and it is suggested that Council approve this contract vendor list.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 26, 2020 Regular Meeting.

**Discussion regarding potential Ordinance to amend Chapter 10 (Licenses and Permits), regarding free ride services.**

Scott Wahl explained some amendments to Chapter 10 regarding ride share services are being recommended to Council. The Borough has been strict with licensing services offered via motor vehicles throughout the Borough, such as in the case of Ice Cream Trucks, Taxi Cabs, and Jitneys. Criminal background checks of the drivers, proof of adequate driver's license, and certificate of insurance are all required for such licenses. These documents provide a great level of protection and safety to the public. In recent years, a new trend has been to provide another transportation service using low speed vehicles, such as extended golf carts. This new service is a free service to the consumer, with the company making money via advertising on the side of the vehicles through advertising agreements. In recent years, more requests to give free rides to the beach on golf carts are being received, with patrons of their service being given free samples of products being advertised on the golf carts. These operations offer no protections to members of the public. The Borough is unaware of the operator's backgrounds or if they are properly insured. To date, those requests have been deflated. These proposed amendments ensure beyond a reasonable doubt that any existing service or future request would be required to comply with the requirements set forth for taxi cabs, jitneys and ice cream trucks. Paul Miola and Paul Forlenza from the JIF have been consulted regarding these amendments, and they enthusiastically support the Borough's approach. Chief Christopher also sees a benefit to the Borough and the public by having additional transportation services that may provide an option for residents and visitors unable to safely operate a vehicle. It would be recommended to implement any proposed changes to the Ordinance in advance of the 2020 summer season.

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Council President Hudanich spoke in support of the proposed amendments, and advocated that these amendments prove that the Borough is being proactive by correcting these regulations before any serious problem arises.

Council agreed to proceed with possible Ordinance Introduction at the February 26, 2020 Regular Meeting.

**Discussion regarding Resolution authorizing Change Order No. 2 for Contract M-112, Reconstruction of 35<sup>th</sup> Street.**

Thomas Thornton reported this Change Order is necessary to adjust for final quantities as measured in the field. This Change Order reflects both additions in work and reductions in work, which overall reflects a decrease or reduction. All the items are listed in documentation attached to the Change Order form. This is a final Change Order that reflects both items being funded by the DOT and by the Borough. Change Order No. 1 was for necessary water improvements.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 26, 2020 Regular Meeting.

**Discussion regarding Resolution establishing the rate on interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges.**

Scott Wahl stated there are no new terms or interest rates detailed in this Resolution, however best practices in the State of New Jersey suggests that municipalities reaffirm their practices via Resolution.

Councilwoman Juzaitis asked how often such a Resolution should be done.

Council President Hudanich replied the law is unclear as to a specific time frame.

James Waldron suggested including a provision in the Resolution stating it remains in effect unless rescinded or amended.

Council President Hudanich advocated the advantages of reviewing and reaffirming such items.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 26, 2020 Regular Meeting.

Public Comments:

None.

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

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

Work Session adjourned at 4:50 p.m.

Respectfully submitted,

C. Danielle Nollett  
C. Danielle Nollett, Borough Clerk

Nancy M. Hudanich  
Nancy M. Hudanich, Council President