

March 25, 2020

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, March 25, 2020 at 4:00 p.m.

Attendance:      Public - - - - - 4                      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
	Councilman McCorristin	Present
	Councilman Wierman	Present

Also present:

Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Borough Solicitor

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting 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. Notice of the change of meeting structure to a telephone conference call was included in a Notice of Meeting Change dated March 23, 2020. That notice was given to the news media, posted on the doors of the municipal building, and posted on the Borough website, as required by law.

**Discussion regarding application for license or easement from Borough Council with regards to right-of-way use filed by the Law Offices of Vincent J. Morrison, Esq. on behalf of O'Hara Family LTD Partnership.**

Scott Wahl explained this application is in connection with a commercial property known as 2418 Dune Drive, which was formerly a furniture store, and is now proposed to be a restaurant. The applicant had gone before the Avalon Planning/Zoning Board, and a Resolution of that body requires the issuance of either a license or easement from Borough Council to allow for the existing intrusion into the right of way along Dune Drive. Currently, that encroachment is an area that includes large planters in front of the establishment. The proposed use for that area would be for an outdoor dining area to the west of the planters, and not encroaching the sidewalk in any way, and allowing for proper egress from the restaurant in the event of an emergency. If Council is agreeable to granting this, a Resolution would be prepared for the April 8, 2020 Regular Meeting.

Councilman McCorristin reported a recent visit to the site, and agreed the existing area does not impede the flow of pedestrian traffic on the sidewalk.

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

**Discussion regarding Resolution authorizing Place-to-Place Transfer on behalf of The Windrift Resort, Inc. for an Expansion of Premises.**

Scott Wahl reported the request for a Place-to-Place Transfer is to expand the current licensed area of the building to include a newly constructed deck on the second floor, amounting to an addition of 181 square feet.

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

**Discussion regarding Resolution appointing Class I and Class 2 Special Officers.**

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

**Discussion regarding Resolution authorizing Shared Services agreement with the Borough of Stone Harbor and the City of Sea Isle City for Channel 97 Services**

— Scott Wahl explained this Shared Services Agreement has been a long-standing commitment between the communities of Avalon, Sea Isle, and Stone Harbor, which addresses the administration of the local public service channel. The channel is shared between the three communities, with Avalon overseeing the programming for the channel. Both Sea Isle and Stone Harbor pay stipends to the Borough of Avalon for these services. It is being recommended that Council extend the Shared Services Agreement for an additional three years with the same terms.

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

**Discussion regarding Resolution supporting increasing State Funding to the Shore Protection Fund from \$25 million to \$50 million**

Scott Wahl reported many shore towns have been working diligently to forge new relationships within the legislature in order to have the shore protection funding increased from \$25 million to \$50 million. By way of background, Avalon last supported an increase to the Shore Protection Fund in 2014. If Council were to look favorably upon this initiative, it would be requested for a Resolution to be added to the April 8, 2020 Regular Meeting agenda.

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

— **Discussion regarding Resolution authorizing additional Engineering services in connection with Contract M-116, 8<sup>th</sup> Street Jetty Repairs.**

Scott Wahl noted this item is closely related to the next item on the agenda, and reported Mott MacDonald has submitted a proposal for additional engineering services in connection with the 8<sup>th</sup> Street Jetty Repairs that are ongoing. As a reminder, a side-scan sonar study was done of the jetty in advance of the bid specifications being drafted. However, the repairs have revealed additional damage to the jetty that was unforeseen. Due to the higher levels of damage than originally anticipated, additional work will need to be done, including a possible need to demobilize from the site and remobilize after the summer season. Furthermore, there has been an accumulation of sand on the northern side of the jetty, which is hindering the workflow, and must be removed before more work can be done. As a result of these unforeseen circumstances, Mott MacDonald is seeking Council's approval for these additional engineering services.

Councilman McCorristin asked if the jetty will be closed for the season if the demobilization and remobilization after the summer season is necessary.

Scott Wahl indicated his suspicion that, in the event of a demobilization with an expected remobilization, there would be portions of the jetty open to the public, with incomplete portions of the jetty to be barricaded from public use.

— Councilman Deever inquired about the projected time frame for completion of the project with these additional duties.

Scott Wahl indicated his unsurety of an exact timeline.

Council President Hudanich mentioned there have been previous seasons which prohibited pedestrian access to the jetty for reasons of public safety, and expressed the opinion that granting partial pedestrian access to the jetty could pose potential complications. She spoke from a financial lens, and advocated the importance of the best-case scenario where the contractors would not need to exercise the necessity of demobilizing and remobilizing.



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Councilman Deever agreed with Council President Hudanich.

Councilman McCorristin also agreed and asked if there was a reason construction on this project could not continue past Memorial Day weekend.

Scott Wahl indicated the possibility of saving the Borough the cost of demobilization and remobilization if the project completion date were to be expected not long after Memorial Day weekend.

Councilman Wierman questioned when the decision would have to be made regarding the demobilization.

Scott Wahl advised making the decision the Wednesday before Memorial Day, at the latest.

Councilwoman Juzaitis spoke in favor of monitoring the progress and possibly extending the timeline of the project to avoid the demobilization and remobilization.

Council agreed to proceed with a Resolution to be prepared for today's Regular Meeting.

**Discussion regarding Resolution authorizing Change Orders Nos. 1, 2, & 3 for Contract M-116, 8<sup>th</sup> Street Jetty Repairs.**

Scott Wahl indicated this item directly relates to the previously discussed item, and explained Change Order No. 1 covers the repairs of the additional damage to the jetty found during construction; Change Order No. 2 includes the cost of demobilization and remobilization, if needed; and Change Order No. 3 covers the additional expenditures associated with the removal of the large sand deposit on the north side of the jetty, with the intent to place the additional sand onto the beach. He noted the large cost associated with Change Order No. 3 can be attributed to the necessity of moving the sand both hydraulically and mechanically. He further indicated Certification of Funds for all three Change Orders has been received from Chief Financial Officer James Craft.

Council agreed to proceed with a Resolution to be prepared for today's Regular Meeting.

**Discussion regarding Ordinance amending Chapter 2 (Administration) regarding Rotation of Borough Council Members.**

James Waldron explained this Ordinance covers a few items discussed by Council in recent public meetings and closed sessions. Section 1 of the proposed Ordinance represents the culmination of several discussions previously held in closed sessions, for which no formal action has been taken up to this point, regarding the rotation of Borough Council members. The section modifies Council's reorganization to implement certain eligibility requirements and addresses the determination of seniority. The Ordinance would be anticipated to take effect immediately and would be in place prior to the Reorganization Meeting to be held in July. Section 2 of the proposed Ordinance addresses the Division of Construction, Code Enforcement, and Flood Damage Prevention. In the proposed language, a new title of Assistant Construction Official is created, and the title of Floodplain Coordinator is codified. The Floodplain Coordinator position has been done by Amanda Seltzer in the Construction Office. In order to give effect and weight to the flood plan the Borough of Avalon has adopted, and to comply with the FEMA Community Rating System, it has been recommended to Council to codify these positions. Job descriptions have been provided to Council separately for these job titles.

Council agreed to proceed with Ordinance Introduction to be considered at today's Regular Meeting.

**Discussion regarding Ordinance amending Ordinance 797-2020 known as the Salary Ordinance of 2020.**

James Waldron reminded Council this matter has been discussed as a personnel matter in closed session, with the potential introduction of this Ordinance being the first formal action taken with respect to those discussions. The proposed Ordinance makes two changes to the existing Salary Ordinance. Those being the increase of maximum salaries associated with all construction subcode officials from \$25,000.00 to \$40,000.00, and the addition of the position of Assistant Construction Official. The Ordinance also establishes a salary range for the Assistant Construction Official position as \$15,000.00 to \$40,000.00. All other salaries and titles within the existing Ordinance remain unchanged.

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Council agreed to proceed with Ordinance Introduction to be considered at today's Regular Meeting.

**Discussion regarding Resolution confirming the purchase of four new Homeowner Warranties by the Borough of Avalon on behalf of certain customers of Avalon Development Group and authorizing the execution of settlement agreements with each affected homeowner.**

James Waldron provided background on this item, including the directive Council issued that any eligible homeowner wishing to participate in this program must have submitted a signed agreement to the Borough of Avalon by December 31, 2019. He reported all eligible homeowners complied with that directive, and Council had approved issuance of payment to the Department of Community Affairs. As a result of that payment being issued, all four warranties have now been issued. This proposed Resolution confirms the settlement and authorizes the amount. It is recommended that Council authorize the consideration of a Resolution to this affect during today's Regular Meeting.

Council agreed to proceed with a Resolution to be prepared for today's Regular Meeting.

**Discussion regarding Resolution approving Job Descriptions for various positions.**

James Waldron stated draft job descriptions have been provided to Council for the positions of Assistant Construction Official, Building Subcode Official, Floodplain Coordinator, and Community Ratings System Coordinator. If Council looks favorably upon these job descriptions as drafted, it is recommended to include a Resolution approving same on the April 8, 2020 Regular Meeting agenda.

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

**Public Comments:**

None.

**Council to check over the agenda for the Regular Meeting:**

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

Motion made by Councilman Wierman, seconded by Councilwoman Juzaitis 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 4:30 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
Nancy M. Hudanich, Council President