

May 13, 2020

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, May 13, 2020 at 4:03 p.m.

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 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
Jeffrey R. Christopher, Police Chief
Paul Short, Code Enforcement Officer
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
William Macomber, Director of Public Works
James Craft, Chief Financial Officer
Joseph Maffei, Planning/Zoning Engineer

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. Notice of the change of meeting structure to a telephone conference call was included in a Notice of Meeting Change dated April 24, 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 Resolution authorizing the extension of the grace period for 2nd Quarter Property Taxes.

James Waldron stated this Resolution happened by way of Executive Order by Governor Murphy, which grants an extension for the second quarter real estate tax payment until June 1, 2020 without any penalty. The Executive Order specifically provides that Statutes addressing the payment of taxes are suspended by his Executive Order and those statutory references are referenced in the Resolution Council is being asked to consider during today's Regular Meeting. In sum, the Resolution allows tax payments to be received by the Tax Collector without interest or penalty through June 1, 2020. Within three business days of adoption by the governing body, the Municipal Clerk is required to file a certified copy of this Resolution with the Division of Local Government Services.

Council President Hudanich added this is a state wide initiative and the Borough of Avalon is opting to follow the steps the Governor has permitted.

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

Discussion regarding Resolution authorizing the Tax Collector to prepare and mail estimated tax bills.

James Craft reported the State of New Jersey typically finalizes their budget by June 30 of each year, however in 2020, said budget will not be finalized until September 30, 2020 with final State taxation figures to be forwarded to municipalities in October of 2020. Because of that change, the Borough cannot send out the third quarter tax billing unless the governing body authorizes the issuance of estimated tax bills. The levy being used in the proposed estimated tax billing is \$46,867,725.00, based upon keeping the same tax rate of 51 cents and in the range of 95-105% of the prior year's levy.

Council President Hudanich noted the paperwork that accompanied this discussion is extremely explicit and thanked Jim Craft for his explanation.

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

Discussion regarding Bond Ordinance to fund bulkhead/utility work.

James Waldron explained this Bond Ordinance would be amending an existing Bond Ordinance by adding funding to the original Ordinance. Council may recall the Borough obligated itself to perform certain utility work at the end of 21st Street in connection with a project being constructed at the Avalon Anchorage Marina, which was related to some litigation involved in that matter. When the Borough originally made the obligation to perform said utility work, preliminary quotes were solicited from Atlantic City Electric. The figures contained within the preliminary quotes were the figures used for the original Bond Ordinance. As a result of a delay of several months by Atlantic City Electric, the final quotes submitted to the Borough substantially exceeded the quote originally given. Atlantic City Electric has accredited the increase in cost to the utilization of a new primary contractor for this work, as the primary contractor used at the time the preliminary quote was provided has since gone bankrupt. Joseph Maffei has been delegated by the Mayor to supervise the Borough's operation as well as the site plan approval granted by the Planning Board. It appears that the total cost will be \$375,686.51, which includes a contingency amount as well. This Bond Ordinance would be to increase the funding within the original Bond Ordinance by \$300,000.00. When this project is completed, there will be a remaining balance in that Bond Ordinance, which Council may be in a position to cancel, and will not contribute to the debt of the Borough. If the Borough utilizes the lowest quote received from electrical contractor Marsden & Sons, there will be substantial leeway in terms of the funds left to complete the project. If Council approves the Bond Ordinance, there are several days of work involved, which will begin after Memorial Day.

Council President Hudanich noted this is an item Council has already agreed to do, and expressed that time is of the essence. She thanked Mr. Waldron for making a clear statement of the components.

Councilman McCorristin asked if the work will continue through June and July.

James Waldron stated it is anticipated the work will take approximately 5-7 work days, which involves coordination with Atlantic City Electric, Verizon and Comcast. There is some difficulty coordinating all three contractors. As regulated public utilities, they are permitted to work 12 months a year, and the Borough of Avalon has no jurisdiction over the timing of their work. They are also not subject to the limitations of the Construction Ordinance.

Councilman McCorristin questioned when the work will begin.

James Waldron reported work is anticipated to begin immediately upon the issuance of a purchase order. The work is being scheduled; however, the Borough is not able to issue a purchase order until the Ordinance is in effect. Both utilities have indicated they will accept the purchase order and not require advance payment. The purchase order is sufficient to get the job commenced and completed.

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

Discussion regarding Resolution appointing Class I and Class II Special Officers.

Chief Christopher stated a number of Special Officers were appointed by a Resolution adopted at the April 22, 2020 Council Meeting. He explained the hiring process for Special Officers is never ending, and there have been two late additions to the staff, who were previous Special Officers of the Borough of Avalon. As Council is aware, the Police Commission requires a Resolution prior to hiring Special Officers on a yearly basis.

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

Discussion regarding Resolution scheduling a public hearing to release a deed restriction previously imposed upon the property known as Block 57.04, Lot 37; 261 58th Street.

James Waldron reported there is a statutory requirement to set a public hearing and publish legal notification of same twice prior to holding the public hearing. This is a standard practice to release some of these old restrictions that Council has been dealing with regularly.

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

Discussion regarding Resolution scheduling a public hearing to release a deed restriction previously imposed upon the property known as Block 25.01, Lot 4; 10 East 25th Street.

James Waldron explained this item is concerning an old 1912 deed that has restrictions regarding access to the boardwalk. Due diligence is being performed to understand the circumstances, as this deed restriction was imposed prior to the restrictions of the existing boardwalk. Preliminary indications are that this deed restriction is no longer needed, however a full report will be provided to Council at a later time.

Council agreed to proceed with a Resolution to be prepared for the May 27, 2020 Regular Meeting.

Discussion regarding Resolution approving the purchase of a 2021 Peterbilt 348 through Sourcewell Cooperative Pricing System Contract #081716-PMC

Council President Hudanich noted the paperwork for this item was provided to Council, and further explained this purchase was included in the budget and Certification of Funds has been provided.

Danielle Nollett mentioned there is a public comment period after appropriate publications for items purchased through a National Cooperative Pricing System. The public comment period is scheduled to expire June 1, 2020; therefore, Council cannot consider a Resolution approving the purchase prior to the June 10, 2020 Council Meeting.

Council agreed to proceed with a Resolution to be prepared for the June 10, 2020 Regular Meeting.

Discussion regarding Resolution approving the purchase of a John Deere 6145M Cab Tractor through Sourcewell Cooperative Pricing System Contract #110719-JDC.

Danielle Nollett noted this item also has a public comment period ending June 1, 2020, so this item can be placed on the June 10, 2020 agenda.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the June 10, 2020 Regular Meeting.

Discussion regarding Resolution authorizing release of Performance Guarantee submitted by Atlantic City Electric for Peermont Substation.

James Waldron indicated well over a year ago, Atlantic City Electric made an application for release of a performance guarantee that was required as a result of their site plan approval for the Peermont Substation in the southern part of Avalon. Initially, it was thought that the only requirement was that of landscaping. Mr. Maffei, upon inspection, found other shortcomings including some down spouts and drainage. Mr. Maffei has been working with Atlantic City Electric since then. The plantings had been deferred because of seasonal conditions. Any performance guarantee required by the Planning Board must come before the governing body to be released. Mr. Maffei has filed a report with Council attesting to the fact that the conditions observed at the site are compliant with the site plan approval that was granted.

Joseph Maffei reported he has been working with Atlantic City Electric over the last few years. In March of 2018, it was discovered that the plants along the property line were dead or dying and in need of replacement. He informed Council of his visit to the site on April 30, 2020 and noted all of the landscaping is in place, and all of the trees and shrubs have been installed, per the approved plan.

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

Public Comments:

Martha Wright, 632 7th Street, expressed concerns about the landscaping and plantings by Atlantic City Electric at Peermont Substation. She noted these plants are not being properly irrigated, and asked what recourse the Borough has once the performance guarantee is released, and the shrubs and trees die again.

James Waldron explained a performance guarantee deals with the installation of the required improvements, not the maintenance, which would be covered by a maintenance bond. In this situation, the Planning Board did not require a maintenance bond. That being said, the electric company is still bound by the site plan approvals, and under the new Zoning Enforcement Regulations that Council has approved, periodic follow-ups will be conducted for every site plan. If the site plan fails, there is a remedy that the Borough can implement. He further mentioned once Joseph Maffei has filed his report and has indicated Atlantic City Electric has complied with the site plan; Council is duty bound to comply with the performance bond.

Council to check over the agenda for the Regular Meeting.

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

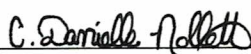
Motion made by Councilwoman Juzaitis, seconded by Councilman Wierman to adjourn the Work Session.

ROLL CALL VOTE:

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

Work Session adjourned at 4:31 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Nancy M. Hudanich, Council President