

December 16, 2020

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, December 16, 2020 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 4

Reporters ----- 1

The Meeting was called to order by Council President McCorristin.

Pledge of allegiance.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
James Craft, Chief Financial Officer
Paul Short, Code Enforcement Official
William Macomber, Director of Public Works/Utilities
Stephen Camp, Assistant Director of Public Works/Utilities
Kevin Scarpa, Rescue Squad
Jeffrey R. Christopher, Police Chief
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Charles Schlager, Labor Counsel, Blaney & Karavan
William Blaney, Labor Counsel, Blaney & Karavan

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 24, 2020. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Resolution authorizing budget transfers.

James Craft stated necessary funds were appropriated in the 2020 budget to pay debt service. During the COVID-19 pandemic, the State of New Jersey required debt service payments to be paid by wire transfer, instead of being paid by paper checks, as done in the past. The Borough of Avalon has two accounts with the State of New Jersey, those being Treasury for Environmental Trust and New Jersey Department of Environmental Protection. Funds were sent to Environmental Trust instead of Department of Environmental Protection; therefore, the money was rewired and an over expenditure was created.

Councilwoman Hudanich asked how checks have been sent to DEP and NJIET previously.

James Craft replied previously, checks were sent to each division individually.

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

Discussion regarding Resolution authorizing an increase in the maximum expenditures for certain Professional Services Contracts.

James Waldron explained Council is being asked to consider a Resolution amending the Professional Services Contracts for four professional vendors to increase the maximum “not to exceed” amount from what was originally authorized to an amount that would cover unanticipated expenditures to the end of the calendar year. There were a number of conflict cases due to Shared Service Agreements with other entities, specifically the County and Stone Harbor. Additionally, Taylor Design Group had other projects assigned subsequent to the award of the Professional Service Contract. As Council is aware, another element was added to the V-COMM contract regarding a small cell deployment plan. Regarding Blaney & Karavan, there have been unforeseen personnel matters and a special project authorized by Council. These do not represent increased expenditures. These items will result in line-item transfers. The contract maximum has been exceeded and Administration is recommending that Council approve the amounts and sums reflected here.

Council President McCorristin asked if these professionals are under the budget range.

James Waldron explained not only are these professionals under budget range, but also under what was originally appropriated and noted James Craft, Chief Financial Officer, has certified that adequate funds are presently available through line-item transfers in the Annual Municipal Budget for 2020 upon approval of such line item transfers by Borough Council pursuant to Resolution as required by the Local Budget Law of New Jersey.

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

Discussion regarding a Shared Services Agreement with Cape May County pertaining to a Rescue Task Force.

Scott Wahl explained Council is in receipt of a Memo regarding the Rescue Task Force, which has gone through quite a few iterations. The reason for the iterations is due to the diligence of James Waldron. Cape May County introduced this concept to all 16 Cape May County municipalities by providing all municipalities with a draft Agreement. After review, Mr. Waldron identified some indemnification issues, which were referred to the Atlantic County Joint Insurance Fund (JIF). Upon review, the JIF agreed with Mr. Waldron’s concerns. Mr. Waldron has prepared a revised document, which has been provided to Council. Cape May County is using a mechanism to obtain equipment in case of a mass response incident. Responders would be trained and have the proper protective gear for such events. All parties have agreed with the fundamental changes.

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

Discussion regarding Resolution authorizing an increase in the maximum expenditures for certain Professional Services Contracts.

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
- Alan I. Gould, Esquire, Special Conflict Counsel/Administrative Hearing Officer

Under the non-fair and open threshold (contract anticipated to fall below \$17,500.00):

- 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: Council has a summary and comparison of professional services contracts for 2021 that fall into three categories: Non fair and open (17), under the non-fair and open threshold (2), and over \$17,5000 but exempt from pay to play non fair and open requirements (2). The Clerk's Office did a great job getting the proposals in a timely manner that allowed the administration to ask questions and refute increases that did not carry reasonable explanation.

Councilwoman Hudanich mentioned there is a new delivery methodology concerning one of the vendors included in the packet and drew attention to the newly included percent of change.

Scott Wahl said he does not think this new rate representation is necessary.

Councilwoman Hudanich agreed and asked Nicole Curio to review and determine if this new representation should be part of the public record, or eradicated.

Council agreed to proceed with Resolutions to be prepared for the January 13, 2021 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 only when there is a major emergency. Foley Power Systems would provide power by portable generators to the Borough in case of an event requiring a shelter during a large-scale power outage; while Senior Travel Services would help transport Avalon citizens to a shelter, in the event of a mandatory evacuation. 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. These annual contracts are for emergency services, which are no-cost contracts unless needed and used by the Borough.

Council agreed to proceed with Resolutions to be prepared for the January 13, 2021 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 13, 2021 Regular Meeting.

Discussion regarding Resolution authorizing participation for the calendar year 2021 in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program to enable the Borough of Avalon Police Department to request and acquire Department of Defense Equipment.

Chief Christopher explained the 1033 Program is also called the LESO Program, which allows excess supplies and equipment from the Department of Defense be transferred to local law enforcement agencies. The equipment is obtained at no cost, with maintenance costs being the responsibility of the receiving Police Department. Eligible equipment varies from office furniture to vehicles, first aid and exercise equipment. The program requires a few checks and balances to prevent law enforcement agencies from acquiring equipment that could be perceived as over militarizing the Police. As such, the Secretary of the Department of Defense must declare the equipment suitable for local law enforcement. Local law enforcement must ask permission from the State Coordinator and execute a Memorandum of Agreement. It is required that the governing body of the local agency to approve participation in this program by way of Resolution. If the Avalon Police Department were to obtain equipment, the governing body would be required to approve a Resolution at that point, as well. There are currently no plans to acquire any equipment; however, there is a frequent search through the inventory to evaluate if any equipment is needed.

Council agreed to proceed with the preparation of a Resolution for the January 13, 2021 Regular Meeting.

Discussion regarding bids received for Borough Contract 21-01, Maintenance of Borough Owned Grounds.

Scott Wahl reported bids were opened for Contract No. 21-01 on December 8, 2020, where three bids were received. This is a 12-month contract with the potential for two one-year renewals. The low bid was received from Bayshore Landscaping in the amount of \$229,029.00. Bayshore Landscaping works very well with the Borough. It is recommended that Council award this project to Bayshore Landscaping for 12 months. As previously discussed, any deficiencies would be immediately addressed through Public Works. A monitoring program will be in place for 2021. They will be assigned weekly tasks and if those tasks are completed, they will be paid for 100% of the work.

Councilwoman Hudanich asked if this is in writing.

Scott Wahl replied yes.

Councilwoman Hudanich asked if this is an addendum to the contract, considering the bid only discussed the expectations.

William Macomber reported reviewing the bid package with Taylor Design Group, and being very specific when discussing expectations. Bayshore Landscaping is required to submit a plan, including a schedule when the work will begin and be completed. No check will be issued until the work has been completed.

Councilwoman Hudanich said this is an anomaly for the Borough to be responsible to check the work of a \$200,000 contract, weekly.

Council President McCorristin expressed belief that Bayshore Landscaping will perform better, considering their work will be checked on a regular basis.

Council agreed to proceed with a Resolution to be prepared for the January 13, 2021 Regular Meeting.

Discussion regarding Resolution authorizing an adjustment in the annual compensation of Kimberly Mastriana to correct an oversight.

James Waldron explained at the start of the year when Council revised the Salary Ordinance, the intention was that two employees in the Administration Department would be equalized in terms of salary due to their titles and duties being largely the same. The second employee has two subordinate jobs and longevity. When those two items were entered in, it appeared that the base salary was corrected, but it was not. This error was not discovered until well into the year. In order to correct this and make this retroactive as of January 1, 2020, Chapter 78 now requires any retroactive item to be approved by Resolution with a bona fide reason for the salary increase. The employee involved here is the only employee working for the Borough of Avalon who has longevity, as Council eliminated that benefit in the late 1980s. This is an Administrative bookkeeping error.

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

Discussion regarding Resolutions authorizing removal of certain deed restrictions, including two-story height restrictions, previously imposed upon the following properties:

- 283 19th Street, Block 18.04, Lot 67
- 65 East 17th Street, Block 16.01, Lot 13

James Waldron explained these properties are covered under the procedures set forth by Ordinance No. 809-2020. It is recommended Council adopt this Resolution at tonight's Regular Meeting.

Council agreed to proceed with two Resolutions to be considered at today's Regular Meeting.

Discussion regarding presentation of Plan of Reorganization of the Department of Public Works.

James Waldron stated Council is in receipt of the Mayor's written plan of reorganization, dated December 14, 2020. It involves several aspects; the first of which is a report from the Mayor to Borough Council indicating an overview of what is intended to be created. Within the report is a recommendation to Council of certain personnel changes. William Macomber has elected to retire, which will become effective on March 1, 2021, and will remain in position to assist with the transition. The Mayor's recommendation is also to eliminate a position, that of Assistant Director. The duties of the Assistant Director will be encompassed with other duties in a new job title called Operations Director. The Operations Director is intended to be the current Assistant Director and will have operational responsibility and control for the Department of Public Works. Mr. Macomber will retain the major functions of his job duties from the effective date of the reorganization, pending his retirement. This requires certain amendments to the Administrative Code in Chapter 2. Those proposed amendments are provided to Council with a marked up copy that is encompassed within the report. The essence is, the Assistant Director position will be eliminated, and two new positions are created, those being Administrative Coordinator and Operations Coordinator. Administrative Coordinator is intended to be permanent pending William Macomber's retirement and the Mayor expects this will become vacant once vacated by Mr. Macomber and remain so. There is a change recommended in terms of the duties for each of the three positions. The qualifications to assume those positions, including the Coordinators, would be required to hold a certified Public Works Manager Certificate and that would remain in place as a condition of continued employment. The functions of the Department are not being changed, nor is there a recommendation to make changes. Within the plan of reorganization, the Mayor has submitted a revised organizational chart for the Division that is included within the plan. Lastly, the plan includes new or revised job descriptions for the Director and the two Coordinators.

Charles Schlager explained based on information derived from an internal review conducted through an interview process with the employees of the Department of Public Works, it was recommended by me, through our office, that a reorganization of the Department was appropriate to better address the Administrative efficiency of the Department of Public Works.

Council President McCorristin congratulated and thanked William Macomber for all of his years of service.

December 16, 2020

Council agreed to proceed with four Resolutions to be considered, as well as two Ordinances to be considered on first reading at tonight’s Regular Meeting.

Public Comments

Council President McCorristin announced the Thanksgiving event was well received and thanked Public Works and Recreation for their hard work. The Avalon Recreation Department recently placed a Christmas tree in the sand on 30th Street beach to celebrate the holidays. Residents and visitors are placing ornaments on the tree and writing messages of hope for 2021 on seashells and placing them under the tree. This new tradition was well received and a huge success.

Council to check over the agenda for the Regular Meeting.

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

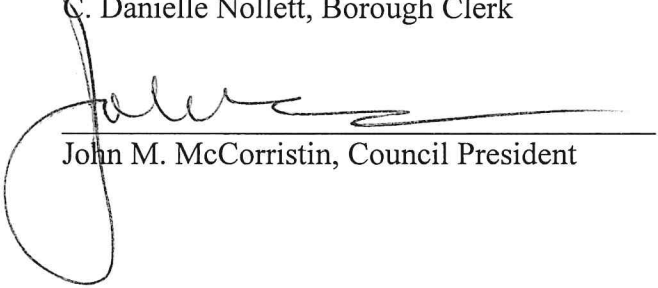
Motion made by Councilman Wierman, seconded by Councilman Deever to adjourn the Work Session.

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

Work Session adjourned at 4:36 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


John M. McCorristin, Council President