

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, January 12, 2022 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 4

Reporters ----- 0

The meeting was called to order by Council President Juzaitis.

<u>Roll call:</u>	Council President Juzaitis	Present
	Councilwoman Coskey	Present
	Councilman McCorristin	Present
	Councilman McDermott	Present
	Councilman Wierman	Present

Also present:
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
Jeffrey R. Christopher, Chief of Police
William McCormick, Director of Public Works/Utilities
Shawn Carr, P.E., Borough Engineer, Mott MacDonald

Council President Juzaitis read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 23, 2021. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Resolution approving settlement agreement and release in the matter of Andrew Buchanan vs. Borough of Avalon

James Waldron explained this is a matter that has been ongoing since May 2019, which has now been resolved by way of the property owner submitting certain site plan documents, which were reviewed and approved by the Avalon Planning Board at their December meeting. A formal Resolution of the Planning Board memorializing these actions was adopted at the January 11, 2022 Planning Board Meeting. Considering the Borough of Avalon is named as a defendant, there are a few aspects of the settlement agreement which must be approved by Borough Council. Those aspects include the creation of a loading and unloading zone on 21st Street and the striping of five angle parking spaces on Dune Drive. These changes will enhance parking and hopefully alleviate some conditions often complained about on 21st Street. All parties have agreed to the terms included in the settlement agreement, which resolves this matter in its entirety as to all parties. Council is being asked to approve the settlement as well as authorize the filing of the closing documents with the Superior Court.

Councilman McCorristin asked if the curb cuts would be the property owner’s responsibility, and asked for clarification that the Borough’s only responsibility would be to line the street.

James Waldron responded yes and confirmed the Borough’s only physical responsibilities would be to line the street. He reported this particular case generated complaints regarding internal processes. Upon investigation into those complaints, it was determined the Borough could perform better. With that in mind, the Zoning function was separated into two different processes, those being Zoning permitting and Zoning enforcement. Prior to this action, Zoning enforcement was complaint-driven. Since the separation of processes, there have been no further complaints of this nature.

Robert S. Sandman, Hankin, Sandman, Palladino, Weintrob & Bell, addressed Council on behalf of the successor and interested party that acquired the property in question, and offered to answer any questions Council may have. He further complimented the quality, professionalism, and character of the Borough’s counsel in this case, which allowed this case to arrive at an amicable settlement.

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

Discussion regarding Resolution removing deed restrictions previously imposed upon the property known as Block 6.10, Lot 9, 325 7th Street.

James Waldron explained the deed restrictions imposed upon this property are covered under the procedures set forth by Ordinance No. 809-2020. It is recommended Council consider adopting this Resolution at today’s Regular Meeting.

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

Discussion regarding Resolution imposing a Municipal Lien upon the property known as Block 19.05, Lots 113.02 and 114, 397 20th Street.

James Waldron noted this application comes before Council pursuant to state statute, which allows a lien to be imposed against a property for removal of a variety of things, including brush, weeds, and other obnoxious growth. In this particular case, the Code Enforcement Officer identified a violation under Chapter 16 of the Borough Code, and issued notices of violation to the property owner. Those notices were ignored. On two separate occasions, in July and September, the Public Works Department accessed the property and performed the necessary work to bring the property into compliance. A breakdown of costs associated with that work has been provided, with the July work being charged at an overtime rate. Once the lien is certified and imposed, the Tax Collector will collect the lien with the real estate taxes.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 26, 2022 Regular Meeting.

Discussion regarding Resolution awarding a contract to New Jersey Business Systems, Inc. for a Town Watch Video Camera System.

Chief Christopher reported the Borough originally acquired a Town Watch Video Camera System in 2009, with cameras located in various locations throughout the Borough to identify vehicles coming and going from the Borough in aid of criminal and accident investigations. The system has deteriorated to a point where it is no longer operational. The cost to repair the system is not worth the investment, and comes with no warranty. In addition, there are end of life issues with the software. It is requested to add a new system, as well as install additional cameras throughout the Borough.

Councilman McCorristin spoke in support of this system and inquired if the system will be installed by the summer.

Chief Christopher stated the contractor has indicated that work can begin upon adoption of the Resolution awarding the contractor, and the work could possibly be completed by Memorial Day.

Council agreed to proceed with a Resolution to be prepared for the January 26, 2022 Regular Meeting.

Discussion regarding Resolution approving the certified list of 2021 Length of Service Program Credits.

James Waldron explained a certification as to the qualifying individuals has been provided to Council, and recommended that Council approve this annual item.

Council agreed to proceed with a Resolution to be prepared for the January 26, 2022 Regular Meeting.

Discussion regarding quotes received for the disposition of replaced water meters.

James Waldron indicated this item is not ready to be discussed before Council and requested that it be deferred to the January 26, 2022 Work Session.

Discussion regarding Resolution re-appointing C. Danielle Nollett as Borough Clerk.

Council agreed to proceed with a Resolution to be prepared for the January 26, 2022 Regular Meeting.

Discussion regarding Resolutions appointing Human Resources Officer, and approving the Job Description for Human Resources Officer.

James Waldron stated Council has previously authorized the creation of a new Division of Human Resources, and by extension has authorized the creation of the position of Human Resources Officer, which will be filled by Mr. Charles Schlager by way of Professional Services Contract. An Ordinance creating the Division of Human Resources as well as the partial reorganization of the Department of Administration will be before Council at the January 26, 2022 Council Meeting. A job description for the newly created position of Human Resources Officer is also before Council for approval, which is modeled after the New Jersey Civil Service Commission job description for Personnel Officer tailored to meet Avalon's special needs.

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

Discussion regarding live virtual participation in Council Meetings to evaluate the process.

Council President Juzaitis recommended implementing a trial of the process of allowing virtual participation of the public in Council Meetings at the January 26, 2022 Council Meeting.

Nicole Curio noted one concern with virtual participation in public meetings is if the meeting is advertised as a meeting where public comment is permitted virtually, the municipality must deliver on that, regardless of technical glitches. It would be recommended that Council be clear in the advertisement of meetings allowing this option that the service is being provided as a service and cannot be relied upon. That language would avoid the necessity of stalling a meeting as a result of technical difficulty. At this point in time, there is no real guidance on this feature when it comes to public meetings; however, she suggested Council consider adopting a Resolution outlining the clear procedures outlining how public comment periods will be conducted. Some regulations permitted to be in such a policy would be deeming in-person participants priority, the time permitted for each speaker to address the governing body, and a code of conduct that would allow for the muting of virtual participants if the public comment portion gets out of hand.

Martin Fiedler, Just Right TV, LLC, added the feature to allow such participation is easily activated, and could be done today to test the process, as Scott Wahl is participating in the meeting virtually.

Council agreed to allow Mr. Fiedler to activate the feature and invited Scott Wahl to address Council to test the process, while asking Mr. Fiedler to further explain how the virtual participation would be administered during meetings.

Martin Fiedler explained the procedure would be to ask virtual attendees to electronically "raise their hands" or unmute themselves to indicate their intent to speak during the public comment period. Callers are able to see if others are unmuted, which would indicate they are "in line" to speak. Each caller is easily identified. When the public comment period is opened to virtual participants, they would be asked to address Council at that time.

Councilman McCorristin expressed happiness with the audio quality and expressed excitement to move forward.

Councilwoman Coskey suggested posting a tutorial on the website in advance of the next meeting to educate the public on how to use the platform and what to expect.

After brief discussion, Council agreed to proceed with discussion regarding a Resolution to be held at the January 26, 2022 Work Session.

Public Comments:

Martha Wright, 632 7th Street, thanked Borough Council for their willingness to allow public participation through the virtual platform and suggested broadcasting the Zoom on the screens in the Meeting Room. She offered further suggestions as to how to conduct the public comment periods that allow both in-person and virtual participation, and also spoke to the importance of allowing virtual participation in the Council Meetings.

Thomas McCullough, 2659 Ocean Drive, spoke on behalf of American Legion Post 331 and thanked the Borough of Avalon and all representatives, elected and appointed, for their support throughout the year.

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 Coskey, seconded by Councilman McCorristin to adjourn the Work Session.

ROLL CALL VOTE:

Councilwoman Coskey	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Councilman Wierman	Aye
Council President Juzaitis	Aye

Work Session adjourned at 4:35 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

Barbara L. Juzaitis
Barbara L. Juzaitis, Council President