

December 15, 2021

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, December 15, 2021 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 1

Reporters ----- 0

The Meeting was called to order by Council President Juzaitis.

Pledge of allegiance.

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

Also present:

Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
Mayor Martin L. Pagliughi  
Nicole Curio, Esquire, Borough Solicitor  
James Craft, Chief Financial Officer  
Paul Short, Code Enforcement Official  
Ed Dean, Construction Official  
Jeffrey R. Christopher, Police Chief  
Thomas R. Thornton, 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.

**Mayor Pagliughi presented Certificates of Achievement for Years of Service.**

**Discussion regarding Resolution authorizing budget transfers.**

James Craft explained this Resolution transfers \$60,000.00 to cover legal expenses through to the end of the year.

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

Discussion regarding 2022 beach tag fees.

Scott Wahl reported the beach tag fees are established on an annual basis. The Borough of Avalon has a Beach Utility Fund within the budget, which is funded by all money collected by the sale of beach tags. The Beach Utility Fund is used for beach expenses, including lifeguards, equipment for lifeguards, beach taggers, and expenses incurred in connection with maintaining the clean and safe beach. The Beach Utility Fund excludes the beach fills and backpassing projects done. An increase in beach tag fees is being proposed for the 2022 season. Worth noting, the Beach Utility Fund is also funded by a small portion of the general fund, as all tax payers in Avalon derive a benefit from the beach, whether or not those tax payers purchase beach tags.

Mayor Pagliughi added the Beach Utility Fund consistently operates with a deficit each year, as it is believed there is a certain amount of value that all tax payers benefit from the beach by way of storm protection, aesthetics, and property values. This increase will still allow a deficit, dependent upon the revenue generated by beach tag sales. This increase is slight in comparison to other inflation increases, and the increases in beach tag fees throughout the county.

Scott Wahl explained pre-season and in-season beach tags will increase by three dollars, weekly beach tags will increase by three dollars, and daily beach tags will increase by two dollars. For the first time in some time, the Stone Harbor Beach tag prices will be higher than Avalon. The Borough of Stone Harbor has confirmed in writing that the reciprocity agreement will continue; therefore, tags sold in Avalon will be honored in Stone Harbor.

James Craft mentioned it is anticipated this increase will increase the Beach Utility Fund by approximately \$190,000.00.

Council agreed to proceed with a Resolution to be prepared for the January 12, 2022 Regular Meeting.

**Discussion regarding proposal received from Hartford Insurance regarding Temporary Disability administration.**

James Craft indicated for the last 25 years or more, the Borough of Avalon has been funding the temporary disability policy offered to employees, by single-handedly processing the claims and payments. It is requested to change this policy to instead contract with a third-party, namely Hartford Insurance, to administer this policy. The Borough of Avalon will pay a premium of approximately \$20,000.00 for their administration of the policy, with Hartford Insurance paying any claims that are incurred. The pricing associated with this contract is set for two years.

Council President Juzaitis supported this suggestion, noting this contract will offer an opportunity of expertise in this field.

James Craft added this policy will maintain the same level of benefit for all employees, which is 52 weeks at 70 percent of the employee's salary.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 12, 2022 Regular Meeting.

**Discussion regarding Resolutions authorizing Professional Services for 2022.**

**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 explained on a regular basis, the Philadelphia/Wilmington Consumer Price Index typically increases by one percent or less each year. In November of this year, the Consumer Price Index increased by a full percent in one month alone. Due to inflation in the past year, the Consumer Price Index has increased by 5.6% in the last year, with no signs of slowing. Each year, the annual Professional Services Contracts are evaluated to determine if each vendor has completed the expected tasks as well as the charges expected for these services. In some cases, increases in contract amounts are expected due to government mandated wage increases or new tasks being assigned to a vendor. For the upcoming 2022 contract year, many contracts are requesting no increase in the rates paid. Those win increases are nominal in nature. The increase requests are considered reasonable when taking the rate of inflation into account.

After brief discussion, Council agreed to proceed with appropriate Resolutions to be prepared for the January 12, 2022 Regular Meeting.

**Discussion regarding Resolution authorizing renewal of the following agreements:**

- Senior Travel Services
- Foley Power Systems – Portable Generator

Paul Short noted a commitment has been received from Foley Cat to provide generator services for 2022 at no cost unless needed. Senior Travel Services has verbally expressed their commitment; however, they must finalize all necessary paperwork before the agreement is ready. That agreement is also no cost unless their services are needed to evacuate for any reason during the 2022 calendar year.

Scott Wahl informed Council an upcoming agenda item in January will be discussion regarding a debris removal contract. Phillips and Jordan has been the vendor for that contract for many years. Talks are ongoing to receive a commitment to offering these services to Avalon in 2022.

Council agreed to proceed with appropriate Resolutions to be prepared for the January 12, 2022 Regular Meeting.

**Presentation of Flood Video produced in collaboration with Joe Martucci.**

Scott Wahl stated during flood mitigation meetings, many ideas are proposed, with some ideas being made a reality to the benefit of residents and visitors of the Borough of Avalon, much like the reimagined flood map created in recent years. A more recent idea formed around a conversation regarding the nomenclature for floods. It is recognized there is a turnover of property owners on a fairly regular basis that do not understand the true meanings of flooding levels and if the flooding will impact their property. With changes coming from the National Weather Service on the warnings and watches to be issued, a discussion took place regarding how the Borough could do a better job of educating property owners on minor, moderate, and major flooding events. Joe Martucci was contacted to evaluate interest in helping with this idea. Not only did he help the Borough, he also filmed the video and used pictures of different levels of flooding events to communicate reasonable expectations of flooding.

Joe Martucci explained in 2024, the National Weather Service will be dropping all weather advisories. The advisories, which are mainly for nuisance events, are going to go away and be replaced by plain language. He expressed the opinion that coastal flood advisories should be handled in a separate manner, considering how much it means across all shore towns, and that Avalon was the perfect setting for this video, provided the Borough of Avalon holds a prestigious level 3 CRS rating, which shows a commitment to flooding awareness and preparedness. This video has been on The Press of Atlantic City's website and the Borough's website.

Scott Wahl and Joe Martucci played The Press of Atlantic City's video titled "What does minor, moderate, and major coastal flooding stage mean?"

Scott Wahl added this video will be valuable when a moderate or major flooding event is expected to provide a visual of the potential water levels during those events. The video will be on the Borough and Emergency Management websites at all times and will be recycled on social media and alert platforms before flooding events, much like the flood map.

Council thanked Mr. Martucci for his voluntary efforts to help not only the property owners of Avalon. Mayor Pagliughi presented a Certificate of Appreciation to Mr. Martucci for his selfless actions.

Joe Martucci thanked the Borough of Avalon for this honor and expressed willingness to help the Borough of Avalon in the future.

Councilwoman Coskey voiced her support of having the video on the Borough website and suggested regularly sharing with the public the many ways the Borough is mitigating flood risk to highlight the many great things being done.

Mayor Pagliughi mentioned on the Cape May County Emergency Management website, a software program called "Cape May County Flood Inundation" can be used to superimpose the tide height over any address in Cape May County to show how much water can be expected on a property with the expected tides, which is another tool that can be used along with the video and the flood map. Many visitors to this area are unaware of the impacts minor, moderate, and major flooding will have; therefore, it is very important to provide as many tools as possible to promote public education.

**Discussion regarding Resolution authorizing a Professional Services Contract with Just Right TV, LLC for livestreaming of Council Meetings.**

Scott Wahl reported in July of this year, Council agreed to contract with Just Right TV, LLC on a trial basis to offer the livestreaming of Council Meetings with the inclusion of a recording of all meetings being placed on the website. All Council Meetings are streamed live with the YouTube link being posted to the Borough website shortly after the meeting is adjourned. For members of the public unable to attend, but holding interest in the meetings, this service provides the opportunity for the public to view the videos after the fact. A proposal has been received for 2022 that holds the rate for the year and we would recommend moving forward.

Councilman McCorristin commented during the height of the COVID pandemic, Council Meetings were conducted via telephone conference which allowed public participation in the meetings. Unfortunately, the phone lines brought many audio issues and technical difficulties. Since the COVID rules and regulations have been relaxed, public participation is once again allowed in-person, which caused the phone option to be eliminated. The proposal from Just Right TV, LLC includes, without major modification, the ability to have public participation through the livestreamed meeting. Meeting participants could make public comments and be asked to abide by the same guidelines as those participating in person. He suggested Council explore the possibility of allowing public participation through the livestreaming platform.

Councilwoman Coskey agreed with Councilman McCorristin's suggestion and expressed her opinion that providing more opportunities for public interaction is a positive action to take.

Councilman Wierman voiced his support, as well as the opinion that providing access is always a good thing. He stressed the importance of allowing public participation in a controlled manner to avoid disruptions.

Scott Wahl recommended asking the Borough Solicitor to research this issue further before discussing this option in depth, as it may not be prudent for the Borough of Avalon to guarantee public access, which could delay a meeting if technical difficulties arise.

Nicole Curio added if Council would like to consider the option of allowing public participation via livestream, it may be best to advertise the meetings with language stating virtual attendance is more of a convenience, as well as encouraging the public to still attend in person if there is something they wish to be heard by Council. If the meetings are advertised implying guaranteed virtual attendance and participation, a Council Meeting could be delayed or cancelled during times of technical difficulty.

Councilman McCorristin agreed that it may not be best to delay meetings for technical difficulties and asked Ms. Curio to confirm that the same parameters for public comment would apply for all commenters, regardless of the venue used to comment.

Nicole Curio responded yes.

Councilwoman Coskey supported adopting wording notifying the public that virtual interaction will be attempted, rather than guaranteed.

Councilman McCorristin noted Ocean City has similar language to avoid unnecessary meeting delays.

Councilman McDermott recalled many difficulties when allowing public comments via telephone conference call during the height of the COVID pandemic, such as members of the public disrupting meetings and not abiding by the Borough's Civility Policy. He expressed the opinion that important matters should be discussed in person, rather than virtually.

Council President Juzaitis reported the livestreams of the Council Meetings typically have between two and four viewers, with the maximum viewers during the livestream being six. At this point in time, the Borough is fully open to the public; therefore, members of the public can attend the meetings in-person to address Council. She expressed that she does not support offering public participation virtually; however, she fully supports the renewal of the current contract offering livestreaming and the pre-recorded meetings posted to the website.

Council agreed to proceed with a Resolution to be prepared for the January 12, 2022 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
- Waiver of Claimant's Certification for purchases less than \$500.00
- Council's appointment of a Class III Member to the Avalon Planning/Zoning Board

After a brief discussion, Council agreed to proceed with Resolutions to be prepared for the January 12, 2022 Regular Meeting.

**Discussion regarding Resolution authorizing participation for the calendar year 2022 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 Department of Defense, through this program, allows the transfer of excess supplies and equipment to law enforcement agencies participating in this program at no cost. Any property obtained can only be used for official law enforcement purposes, and participation in the program requires local governing body approval on an annual basis. As part of any application for specific equipment, agencies must obtain permission from their governing body to make the application. Currently, there are no plans to apply for equipment.

Council agreed to proceed with a Resolution to be prepared for the January 12, 2022 Regular Meeting.

**Discussion regarding Resolution appointing Owen Prickett as a Police Officer for the Borough of Avalon.**

Chief Christopher reported there was a recent unexpected retirement from the Police Department, which takes effect December 31, 2021. To fill the vacancy, the active list used to hire a Patrolman this summer was used to hire the next person on the list. The Police Academy begins in January 2022, and a Resolution by the governing body is required.

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

**Discussion regarding Resolution authorizing issuance of a raffle license to the Avalon Garden Club for an On-Premise Merchandise raffle to be held April 6, 2022.**

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the January 12, 2022 Regular Meeting.

**Public Comments**

Councilman McCorristin expressed appreciation to the Avalon Volunteer Fire Department, Rescue Squad, Avalon Police Department and Atlantic Care Paramedics for their rapid response, professional aids and skills, courteous service, and support to his family during a recent medical emergency. He also wished all a Happy Holiday season.

**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 McDermott to adjourn the Work Session.

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

Work Session adjourned at 4:40 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
Barbara L. Juzaitis, Council President