

February 23, 2022

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, February 23, 2022 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 3

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:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Nicole Curio, Esquire, Borough Solicitor, Gruccio Pepper DeSanto & Ruth

Jeffrey Christopher, Police Chief

William McCormick, Director of Public Works/Utilities

Eleanor Cifaloglio, Tax Collector

Ken Koches, Middlesex Water Company

Chuck McDonnell, Director of Recreation

Joseph Clark, Qualified Purchasing Agent

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 authorizing refund of Water/Sewer overpayment for the property known as Block 22.07, Lot 130, 502 22nd Street.

Eleanor Cifaloglio explained this overpayment was brought to the Borough's attention by Middlesex Water Company. After researching the issue, it was discovered American Water Company had originally set up the billing for this property as a four-unit property; however, this property has been confirmed to only exist as a two-unit property since its construction. This incorrect billing has been in place for approximately 10 years, amounting to an overage of \$10,331.14. It was requested Council return this overpayment as a refund to the property owners, rather than a credit to the account to eradicate this issue as quickly as possible.

Council agreed to proceed with a Resolution to be prepared for the March 9, 2022 Regular Meeting.

Discussion regarding Resolution authorizing advertisement of bids for Custodial and Cleaning Services of Borough buildings.

Scott Wahl reported this particular contract is typically awarded through a public bidding process. In 2021, certain challenges arose with the contractor that had been awarded this contract. Recent meetings have taken place with Public Works Director William McCormick and Qualified Purchasing Agent Joseph Clark to discuss options pertaining to this contract moving forward. An attempt was made to hire employees to perform these services on a year-round basis; however, no interested applicants submitted employment applications. Being mindful of the rapidly approaching summer season, additional conversations took place to revise the bid specifications for this contract.

Joseph Clark noted work has been done to review the existing bid specifications for this contract to ascertain the problem areas therein, while new items were layered into the specifications to provide protection to the Borough. The first recommendation is to again include the requirement for bid bonds, consent of surety, and performance bonds, as well as language included to provide “just cause” which would allow the Borough to relieve poor-performing contractors from the contract. A pre-bid meeting will be held, outlining the buildings and the expected work performance. The term of the award will be for one year, with the option to renew annually for a supplemental two years, subject to the CPIU index, capped at a 3% increase per year. Contractors will be asked to show proof of two previous similar contracts in beachfront/resort municipalities or businesses, as well as four references over the course of a four-year period. The new specifications will prohibit the contracting of employees and instead, will require that all individuals performing the work for the Borough must be legitimate employees of the

Joseph Clark (continued) contractor, and be subject to a comprehensive background check. An allowance for fines relating to deficiencies is included, amounting to \$100 per day, per item, or per building where no valid reasoning for the deficiencies is given. If failures are identified on a regular basis, the Borough would have the ability to relieve the contractor from the contract due to "just cause". The contractor will be required to have a working supervisor on-site regularly. Completion of daily and weekly logs will be required for each building and a Borough employee will regularly inspect the completed work. The bid specifications will ask prospective bidders to indicate how many employees they foresee working within the Borough at any given time. Many items were removed from the bid specifications, such as the annual sanitizing of carpets, which has not been done in the past. The restrooms within Community Hall have been added to the specifications so that they are no longer cleaned in-house, and the days of service were increased for the 8th Street Tennis Court and 39th Street public buildings by 10 to 15 days on-site. There are hopes these changes will cut down complaints and that qualified and responsible bidders will come forward for this contract.

Councilman McCorristin questioned when this project will be put out to bid while noting numerous companies are being eliminated from the eligibility to bid due to the updated bid specifications. He expressed hope these changes will eliminate the many issues encountered in recent years. He emphasized the importance of moving quickly and smartly to optimize the process and obtain bids from responsible and qualified contractors and inquired as to when this contract would be effective.

William McCormick replied April 1, 2022.

Joseph Clark indicated the Notice to Bidders is ready to be advertised as early as possible, with hopes to receive bids in early March. It is believed at least two viable bids will be received.

William McCormick added the inclusion of required daily sign-in sheets will help to ensure work is being done on a more regular basis while adding a layer of accountability to the contract. He expressed optimism that lessons have been learned from the shortcomings of previous contract and bid specifications. He assured Council due diligence will be done to ensure compliance.

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

Discussion regarding memorial bench and bicycle rack program administered by the Recreation Department.

Scott Wahl gave the following detailed presentation:

Review of Key Facts

- Program established by Council via Ordinance 186-2005
- Program Temporarily suspended due to recognitions of corrections via Resolution 160-2021
- Team assembled to look at corrections involving Departments of Administration, Recreation, Public Works, along with the Avalon Recreation Advisory Committee and the Atlantic County Municipal Joint Insurance Fund
- Focus on boardwalk area that experiences pedestrian and bicycling congestion five months out of the year
- Two areas of primary concern: Safety caused by bench congestion, and aesthetics. Maintenance issues for Public Works also a driving factor



Snapshot of Existing Boardwalk Conditions



- Boardwalk runs from 21st Street south to 32nd Street
- There are currently 81 benches affixed to the boardwalk, all of them with a dedication plaque of some manner
- Some blocks have as few as two benches; some blocks have as many as nine benches
- There are currently three different styles of benches on the Avalon Boardwalk

Status of Program

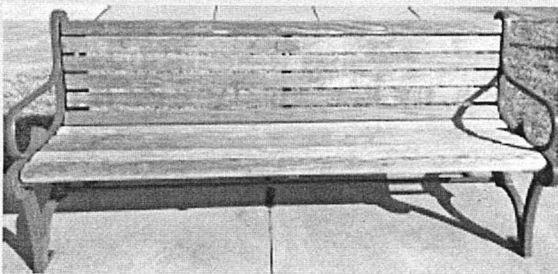
- Ordinance has not changed since 2005, and asks for \$1,200 for a bench and plaque; benches in 2022 are in excess of \$2,000
- Benches remain for 10 years or when bench becomes unsafe/unrepairable, whichever comes first
- Individuals who dedicated the bench are offered another opportunity to dedicate a replacement bench under similar terms and conditions
- Individuals previously have been granted specific locations for benches

Current Challenges

- Since 2005 and until Chuck's hire in 2015, record keeping was inconsistent with no contact names/information for some benches
- Different styles of benches cause repair problems for Department of Public Works
- At times, benches were placed in areas with no plan, reasoning, or design considerations
- Demand exceedingly outweighs supply as the Borough receives over 100+ requests for memorial benches each year, very common for seashore communities

Proposed Solutions to Program

- One design of new and replacement benches in the future, pictured here. Provides greatest longevity and ease of repair by Department of Public Works
- Establish a template of where benches are to be located, generally no more than three per block (see written report for additional details)
- Acknowledge flexibility in template shall uses/conditions on boardwalk substantially change
- Public may ask for locations but final location to be determined by Recreation for safety and aesthetic
- Maintain same conditions for renewal program; increase fee to \$2,000 via rules/regulations to be considered by Council from time to time



Councilman McCorristin asked what the material of the newly proposed benches would be, and stressed the importance of ensuring the benches will be able to withstand the salt air without deteriorating.

Scott Wahl responded the benches will be made of wood with powder coated metal framing.

Councilman McCorristin inquired if, once a record-keeping program is started, a donor will be able to maintain the same location upon renewal, and if donors could pick a preferred location, if available.

Scott Wahl replied yes to both questions.

Chuck McDonnell added many requests are received to place memorial benches at beach paths; however, after consulting with Public Works, it has been determined it would not be in the interest of public safety to place benches in these locations, as there is no secure way to anchor the benches.

Councilman McCorristin noted the importance of informing the public that other alternatives for memorial programs are also being explored, as requests far outweigh the potential accommodations at this point in time.

Scott Wahl agreed while adding this presentation was intended to provide a snapshot of the benches on the boardwalk to evaluate Council's response to this approach. A further plan for other areas around town can be formulated, if Council chooses to direct an evaluation of other areas.

Councilman Wierman expressed the opinion this plan is the first step in a positive direction for the Borough.

Councilwoman Coskey inquired how the Borough can protect the donors' investments in the event of vandalism or "acts of God".

Chuck McDonnell answered the benches are inspected annually, and the Department of Public Works performs routine repairs when necessary.

After further discussion, Council agreed to proceed with a Resolution to be prepared for a future Regular Meeting.

Discussion regarding 2022 Sports and Educational Camps.

Chuck McDonnell reported one sports camp, a longstanding basketball camp named "Pushin the Limit" is no longer a program that will be offered; however, there will be a basketball camp offered to fill that void. As to fitness camps, many accommodations were made during the height of the COVID pandemic for such camps, in terms of the ability for those camps to utilize many locations throughout the Borough, such as Surfside Park, 8th Street, and 39th Street. Some of the fitness camps are still taking advantage of those accommodations, while others have decided to relocate indoors to Community Hall. Many of the fitness camps are very popular, well attended, and have great reputations with residents and visitors. Unfortunately, many educational camps have elected not to return. The most popular educational camp, Marine Science Camp, has increased the length of the program from two weeks to five weeks. It is expected that camp will be fully booked.

Councilwoman Coskey suggested evaluating the possibility of the Recreation Department hosting more academic-based camps at Community Hall in-house.

Council agreed to proceed with a Resolution to be prepared for the March 9, 2022 Regular Meeting.

Discussion regarding rules and regulations for municipally owned tennis and pickleball courts

Chuck McDonnell indicated the 2021 season was very challenging for the rapidly growing sport of pickleball, as season passes increased from 64 to 202. This year, tennis instructors and tennis camps will be returning to the Borough for the first time since the COVID pandemic. No fee changes for tennis or pickleball or tennis are being recommended this year, aside from the change to no longer offer half-price tennis after 12:30 pm on the soft courts. Last year, that fee change was made in an effort to draw more interest by dropping the afternoon price; however, that attempt failed, with a realized revenue of \$237 during that time period throughout the summer season. In the interest of consistent bookkeeping, it is recommended to maintain the same fees throughout the day. The pickleball pay for play will begin June 20, 2022 in coordination with the Borough of Stone Harbor. The pickleball schedule in 2021 was well received; therefore, it is recommended the schedule remain the same. This year will be the first year for the Avalon Youth Pickleball League for children aged in grades 5 through 8 and 9 through 12. The league will run for the summer range, and play will be organized so that participants are playing with different opponents each week. In addition, indoor beginner pickleball clinics will be held in Community Hall on Tuesdays from July 12, 2022 through August 23, 2022.

Councilman Wierman asked about the demand of the pickleball courts.

Chuck McDonnell indicated requests to more add courts are received often. During the summer, it is common that the courts realize double their capacity.

Councilman McCorristin asked if the Avalon Youth Pickleball League will be looking for participants to commit to participating in all weeks of the program.

Chuck McDonnell replied yes, and noted wins and losses of each participant will be recorded, and skill levels will be matched to different opponents each week.

Council agreed to proceed with a Resolution to be prepared for the March 9, 2022 Regular Meeting.

Discussion regarding Resolution releasing a deed restriction previously imposed upon the property known as Block 20.08, Lot 12, 684 Sunrise Drive.

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 prepared for today's Regular Meeting.

Discussion regarding Resolution protecting Municipal Stormwater Rights.

James Waldron indicated there is a movement in the State of New Jersey attempting to have a standard revision to residential site standards with respect to stormwater runoff adopted. There are many practical problems with this proposition. It is recommended to support the Environmental Commission and go on record opposing same. As Council is aware, stormwater runoff has much to do with terrain. Avalon, as a coastal community, is flat and prone to flooding from the bay and ocean with circumstances varying from river, watershed, or lakeshore areas. Uniformity would not support the interest of a community such as Avalon. There is concern as to what extent standard provisions would contradict FEMA guidance and regulations. This year, FEMA is requiring a review and update of all flood ordinances. Part of that review is stormwater runoff and the stormwater ordinance. It is in the best interest of the Borough to oppose change that would affect entire state.

Council agreed to proceed with a Resolution to be prepared for the March 09, 2022 Regular Meeting.

Discussion regarding proposed amendment to Chapter 14 pertaining to emergency water shut-offs and increasing the fees for such service.

James Waldron reported there is some ambiguity in Chapter 14 as it currently exists as to who can order emergency water shut-offs, the circumstances under which they can be affected, and whether there should be a cost. This proposed Ordinance amendment would eliminate some of the doubt and ambiguity associated with that Chapter. Very recently, a property owner complained to the Borough's Tax Collector about being responsible for paying the \$50 water shut-off fee, which was due to a leak within their home. If the water hadn't been shut off, the property owner could have been subjected to exorbitant property damages and water billing charges. This Ordinance proposes a simple modification by adding a new section, making it clear that when there is a discovered leak, the Borough has authority to shut off water to a property on an emergency basis and notify the property owner accordingly. Within the Ordinance, a fee increase is recommended from \$50 to \$250. That fee exists in neighboring towns where such fee is charged for similar circumstances. Leaks are commonly discovered on weekends or outside of regular business hours; therefore, water company personnel are paid at an overtime rate, which is higher than the current \$50 fee.

Scott Wahl added the Borough is under no obligation to conduct water shut-offs. The shut-offs are primarily done for conservation purposes and to help property owners avoid exorbitant water bills.

James Waldron noted this Ordinance does not place a duty or burden on the Borough or Middlesex Water Company to locate leaks and shut off water at properties where there are leaks. These shut-offs will be the result of a situation that is discovered and brought to Borough's attention. The property owner would then be responsible to contract with a plumber to repair the issue independently of the water shut off.

Ken Koches explained wasteful water usage is a primary concern of the Borough. In the past nine years, there have been 790 emergency turnoffs performed by Middlesex Water Company, 518 of which have been attributed to outdoor showers, bibs, or irrigation lines. Many leaks are not discovered until days after leak occurs, when members of the public or police see water running into the street. Avalon must follow strict water allocations set forth by the Department of Environmental Protection, which allows a certain amount of water to be used per month and year. The primary goal attributed to these shut-offs is to conserve water. There are hopes to encourage residents to be proactive by winterizing their outdoor water lines and conserving water in the process.

Scott Wahl reported the new water meters will be accessible by a website where property owners can review their water usage and potentially identify leaks using the website.

After brief discussion, Council agreed to proceed with an Ordinance to be prepared for introduction at the March 9, 2022 Regular Meeting.

Discussion regarding agreement with North Wildwood Construction Office to handle conflict cases for the Borough of Avalon.

James Waldron stated the Borough of Avalon currently has a Shared Services Agreement to provide coverage in the event the Construction Official is unavailable. This Resolution addresses a particular provision in the Administrative Code as well as a rule of the Department of Community Affairs, which describes a conflict situation where the entire Construction Office is unable to act due to a conflict. An arrangement has been made with North Wildwood where they will handle those conflict cases and the fee that would otherwise be paid to Avalon will be paid to them. Under this arrangement, because the rules and regulations are different between the municipalities, the applications will initially be reviewed here by the Zoning Officer for zoning and flood control issues. Once a Zoning Permit is issued, Avalon would compute the fees under the Ordinance, and the plans would go to North Wildwood for review. North Wildwood reviews the plans under the requirements of the Uniform Construction Code (UCC). North Wildwood would conduct inspections and would do so for the fee usually payable to Avalon. The way this regulation is structured, should any governing body member wish to do something with their individual properties where a permit is required, our office cannot provide that service, as the governing body controls the funding of that office; therefore, it must be handled outside of the Borough of Avalon.

Councilwoman Coskey inquired as to whose responsibility it would be to disclose a potential conflict regarding close relatives to governing body members.

James Waldron indicated a system will be put into place to determine that conflict. If a permitting process begins and a conflict is discovered at any point in the process, the application would immediately be transferred to North Wildwood for their approval. North Wildwood is currently providing this service on an informal basis. This Resolution formalizes this process and brings the Borough into compliance with the UCC.

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

Public Comments:

Martha Wright, 632 7th Street, referenced the Borough Code which requires that dust control devices be used on certain tools and equipment used in construction sites, and noted many construction sites throughout the Borough do not employ such practices, especially when cutting plastic-based products. She expressed concerns that this dust is freely blowing into streets, stormwater systems, and waterways. She requested the Borough educate the contractors in town as to these regulations and provide stricter enforcement when these regulations are not followed. She further brought to Council's attention recent cutting of vegetation within the dunes, which is protected by the Dune Vegetation Management Plan. She noted the recent cutting of vegetation was done without proper Borough supervision and without a Dune Vegetation Management project plan in place. She requested that the public be better educated concerning these regulations.

Scott Wahl noted the Environmental Commission is close to publishing an overhaul of their website, which will include all educational materials concerning the Dune Vegetation Management Program, and such information will also be included in the spring newsletter.

Council to check over the agenda for the Regular Meeting.

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

February 23, 2022


Motion made by Councilwoman Coskey, seconded by Councilman McDermott 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 5:14 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Barbara L. Juzaitis, Council President