

January 25, 2023

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, January 25, 2023 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public - - - - - 1                      Reporters - - - - - 0

Remote Attendance:    Public - - - - - 5                      Reporters - - - - - 1

The meeting was called to order by Council President Wierman.

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

Also present:

Scott Wahl, Business Administrator  
James Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Borough Solicitor  
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
Jeffrey R. Christopher, Police Chief  
William McCormick, Director of Public Works/Utilities  
Paul Short, Code Enforcement Office  
Douglas Rohmeyer, Public Engineer, CME Engineering Associates  
David Coskey, Avalon History Center  
Robert Pembrose, Avalon History Center  
Charles McDonnell, Recreation Director  
Ed Dean, Construction Official  
Amanda Seltzer, Zoning Official  
Harry Delgado, Accreditation Program Director, NJ State Association of Chiefs of Police

Council President Wierman read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 22, 2022. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Wierman read the following statement:

"For the convenience of the public, the Borough is offering, on a trial period, the option of public comment via remote access as described herein. Public who participates remotely will be muted during the Council Meeting except at the public comment portion of the meeting. Any person attempting to disrupt the remote broadcast of a meeting may be denied access at the discretion of the person administering the meeting. Public is reminded of a five-minute limit per comment. In the event remote access is unavailable due to a technology malfunction, or other reason beyond the Borough's control, the Borough will not pause or stop the live meeting. Borough Council Meetings are held in person with no capacity limits on attendance at a meeting. The best way to ensure an individual's ability to publicly comment is to attend in person so that comments may be made in the event of a technology malfunction. The Borough reserves the right to discontinue offering public comment via remote access at its discretion for any future meeting."

**Presentation regarding Historical Marker Program.**

Scott Wahl explained the History Center has requested to implement a Historical Marker Program, the intent of which would be to identify areas of historical significance throughout the Borough. Thomas Thornton has been consulted through the planning stages of this program as Borough Engineer to ensure safety and other guidelines are followed when placing these markers in the public right of way. The program would install two or three new markers per year.

Dave Coskey added the plaques would be subject to a two-level selection process, that would include an open nomination period where any person, place, or event may be nominated to have a plaque place in its honor. After the open nomination period, voting would be conducted by a diverse group of Avalon residents to determine the two or three plaques placed each year. This program would be fully funded through the historical society, with each plaque containing a photo, information, and a QR code with additional information. A website will also be developed to include a map of all markers. The plaques will be made of materials that meet the most stringent EPA guidelines and environmental standards built to withstand the harsh salty environment in the Borough. Assistance would be requested from the Department of Public Works for placement of each plaque.

Councilman McCorristin inquired if the signs would be one-sided.

Dave Coskey replied yes.

Councilman McCorristin spoke in full support of the program and stressed the importance of full compliance with setbacks and safety requirements.

Thomas Thornton noted Mott MacDonald will actively consult with the committee and the Public Works Department to ensure proper placement of all plaques.

Dave Coskey mentioned the manufacturer recommends specifications for installation, as well. Currently, the design of the plaques is still under committee review. He advocated this program will be an opportunity to educate transient visitors to the Borough, and will memorialize what has made Avalon the place it is today.

Councilwoman Juzaitis suggested the plaques could recognize veterans, as well.

Council agreed to fully support the Historical Marker Program.

#### **Presentation of Accreditation Certificate to the Borough of Avalon Police Department.**

Police Chief Christopher announced the Avalon Police Department has once again reached accreditation status through the New Jersey Association of Chiefs of Police and welcomed Harry Delgado, the Accreditation Program Director for the New Jersey State Association of Chiefs of Police for the presentation of the certificate.

Harry Delgado thanked Chief Christopher and Council for their time and shared the significance of this achievement. He reported there are approximately 570 law enforcement agencies in the state of New Jersey that would be eligible to apply. Out of the 570 law enforcement agencies, about 43% of those agencies have achieved accreditation once, 37% have achieved accreditation twice, and that number significantly decreases for agencies becoming accredited more than twice, as the Avalon Police Department has done. Those accredited more than twice are an elite group of law enforcement agencies that have made a commitment to excellence. The accreditation is a certification by an independent authority, in this case is the Association of the Chiefs of Police. In order to qualify for accreditation in the State of New Jersey, law enforcement agencies must meet 112 standards, which require multiple proofs of compliance. The Avalon Police Department, in many instances, has exceeded accepted practices in law enforcement. Research shows that accredited agencies have fewer liability claims, workers compensation claims, and auto liability claims. For the municipalities participating in the Joint Insurance Fund, substantial insurance premium discounts can be applied when their Police Department becomes accredited. Accredited agencies are better able to defend against law suits and citizen complaints, as accreditation provides objective evidence of the agency's commitment to excellence and leadership, resource management, and service delivery. Government officials can be more confident in the agency's ability to operate efficiently to community needs. This creates a forum in which police and citizens work together to prevent and control challenges confronting law enforcement and provide clear direction of community expectations. Accreditation is a rigorous process over the course of three years. At the end of the three-year period, a report is generated and every proof of compliance is demonstrated. The Avalon Police Department is within the 1% of agencies that goes through this process multiple times without one single blemish. The Avalon Police Department under the direction of Chief Jeffrey Christopher achieving this reaccreditation demonstrates a commitment to adhere to and demonstrate the national best practices in the field of law enforcement. He commended the Avalon Police Department for being a professional organization with disciplined and well-trained personnel, as well as their leadership, competence, and professionalism. It is the opinion of the assessment team that the Avalon Police Department is a highly professional and committed agency, which exemplifies all of the tenants of law enforcement accreditation at the state and national level. On behalf of the NJ State Association of the Chiefs of Police and the New Jersey Law Enforcement community, he congratulated Chief Jeffrey Christopher, Accreditation Manager Eric Heisman, the staff of the Avalon Police Department, Mayor Pagliughi, Council and the citizens they so proudly serve for achieving this accreditation and joining a very exclusive group of law enforcement agencies that have made this commitment to excellence in Police.

Chief Christopher thanked Mr. Delgado for attending the Council Meeting to present this certification. He commended Administrative Sergeant Eric Heisman for his dedication to the reaccreditation process throughout these past three years. He noted accreditation is a great thing, not only for the Police Department, but for the Borough and its residents, as it indicates the Avalon Police Department has policies and procedures that conform to the best standards and practices, and that these policies are followed on a daily basis. He spoke with confidence that the Avalon Police Department is operating in the most effective and professional way in the ever-evolving law enforcement environment, thanks to this accreditation process.

**Discussion regarding Resolution appointing Class I Special Officers.**

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the February 8, 2023 Regular Meeting.

**Discussion regarding Resolution authorizing Yard Sales sponsored by the Avalon Garden Club to be held May 13, 2023.**

Scott Wahl explained this is an annual item, the proceeds of which go toward the beautification of Avalon. He thanked the Garden Club for hosting this event, and all participants.

Councilman McCorristin suggested designating the following day, May 14, 2023, as a rain date in the Resolution approving these yard sales as a precautionary measure in the event of inclement weather.

Council agreed to proceed with a Resolution to be prepared for the February 8, 2023 Regular Meeting.

**Discussion regarding Resolution authorizing Change Order No. 1 for 2021 Dune Drive Replanting, 19<sup>th</sup> to 34<sup>th</sup> Street.**

Scott Wahl reported this Change Order has been requested by the overseer of this project, Steve Lennon with Taylor Design Group. This project has been completed successfully with varying guarantees included. During the project, the contractor worked with the Public Works Department to examine the irrigation in the project area, with necessary repairs being conducted as they were discovered. As a result of these unexpected repairs, a Change Order is required. This Change Order is the first and final Change Order for this project.

Councilman McCorristin questioned who will be charged with the responsibility of inspecting all warrantied items.

Scott Wahl responded the project is now under the Borough's purview; therefore, the contractor utilized by the Borough for maintenance of public grounds, Bayshore Landscaping, will be responsible for such inspection.

Councilwoman Juzaitis stressed the importance of maintaining the irrigation lines throughout the Borough.

William McCormick agreed and noted the maintenance and repair of irrigation and drip lines is a regular action item of the Department of Public Works. Due to the age and high quantity of these lines, the task is quite arduous; however, the Public Works Department remains vigilant and dedicated to the proper function of these lines.

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

**Discussion regarding bids received for the project known as Contract M-132, Reconstruction of Various Bulkheads.**

Thomas Thornton reported four bids were received for this project on January 13, 2023, with the low bid being received from R.A. Walters and Son. Said low bid was in an amount 20 percent below the Engineer's estimate for this project, and the contractor has indicated their willingness to proceed. This contractor is currently working for the Borough of Avalon on the projects demolishing and conducting pile installations at the 22<sup>nd</sup> and 23<sup>rd</sup> Street piers, which contributed to the low bid. This project will address the failing bulkheads located at 23<sup>rd</sup> Street, 33<sup>rd</sup> Street, 34<sup>th</sup> Street, and 72<sup>nd</sup> Street. Said bulkheads will be replaced and raised to the required elevation. Additionally, the pier at 33<sup>rd</sup> Street will be replaced, and an ADA compliant ramp will be constructed. Installation of piles and site improvements at the site of a new ramp and pier at 23<sup>rd</sup> Street will also be undertaken during this project. Mott MacDonald has also submitted their proposal for inspection services in connection with this project.

Scott Wahl indicated at a recent capital budget meeting, the bulkhead replacement program was reviewed. Thanks to the Borough's commitment to flooding resilience, the bulkhead replacement program is coming to an end.

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Thomas Thornton confirmed and added in approximately two years, all major failing bulkheads will have been replaced, with some minor bulkheads remaining to be addressed. The replacement of these bulkheads help to alleviate high tide flooding, with an added benefit of neighbors also raising their bulkheads shortly after the projects' completion. Since the development of this program, there has been significant improvement observed.

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

**Discussion regarding Resolution authorizing Change Order No. 1 for Contract M-120, Reconstruction of Various Streets.**

Thomas Thornton explained this Change Order reflects as-built quantities for this project. Due to a high volume of line items, it is very common for measured quantities to differ from design quantities. In this case, this final quantity update amounted to a net increase of \$2,218.92, which is approximately one-tenth of the original project cost.

Council agreed to proceed with a Resolution to be prepared for the February 8, 2023 Regular Meeting.

**Discussion regarding Resolution authorizing a Shared Services Agreement with the Borough of Stone Harbor for a Data Management Security Plan.**

James Waldron indicated this Resolution revisits a matter discussed and approved by Council at the January 11, 2023 Council Meeting. This Resolution differs slightly than those that typically approving Shared Services Agreements, as the nature of the document being approved subject to this Shared Services Agreement addresses the development of the cyber security plan. Council is being asked to declare that document as confidential and not available for public inspection due to OPRA Exemptions, 8, 9, and 10, which indicate that disclosure of such a document would jeopardize computer security; security of building, facilities, or persons; and would create risk to persons, property, electronic data or software. If approved, this Resolution would supersede the Resolution adopted on January 11, 2023. No changes have been made to the Shared Services Agreement of the underlying cyber security plans.

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

**Discussion regarding Ordinance implementing and approving reorganization plans for various departments and divisions throughout the Borough of Avalon.**

James Waldron stated this Ordinance implements and codifies the reorganization plans previously approved by Resolution at prior meetings. In sum, this Ordinance essentially establishes the Bureau of Licenses and Permits, which has existed but is now being codified. Secondly, this Ordinance codifies the existence of the Bureau of Fire Prevention, operating under the Fire Official, and charged with responsibility of enforcing New Jersey Fire Code. Additionally, this Ordinance establishes the Division of Purchasing and the position of Qualified Purchasing Agent (QPA), which was previously filled by appointing Resolution. The Local Public Contracts Law vets the QPA with greater responsibilities based on their level of expertise. The Borough is fortunate to have a QPA holding the highest certification. In terms of reorganization, this Ordinance accomplishes the following: modifies two job titles within the Division of Recreation to allow for those individuals to hold a dual title when circumstances so justify; creates within the Department of Revenue and Finance the new position of Utility Collector; and undertakes many job reclassifications and creates one new position within the Department of Public Works.

After brief discussion, Council agreed to proceed with an Ordinance to be considered on first reading at today's Regular Meeting.

**Discussion regarding Ordinance amending and supplementing Chapter 19 (Flood Damage Prevention) pertaining to definitions and administrative penalties.**

James Waldron explained this Ordinance serves two purposes, the first of which adds a new definition to the Flood Ordinance for something defined as "outdoor entertainment area" attached to the main structure, and the second of which incorporates administrative penalties previously approved in an amendment to the Zoning Ordinance. The Zoning Ordinance has been suppressed in favor of the State of New Jersey model Flood Control Ordinance. Those administrative penalties must be incorporated into this Ordinance for incorporation into deed restrictions and non-conversion agreements. Individuals signing such documents will be agreeing to these previously approved penalties, which run from no penalty if the matter is corrected within 30 days, up to \$1,000 per day starting with 92<sup>nd</sup> day, going forward until violation is abated.

After brief discussion, Council agreed to proceed with an Ordinance to be considered on first reading at today's Regular Meeting.



**Discussion regarding Resolution authorizing engineering services for 8<sup>th</sup> Street Sports Complex Improvements.**

Scott Wahl noted certain improvements at the 8<sup>th</sup> Street Sports Complex would add six pickleball courts for recreational use, with the tennis presence unaffected. These six additional pickleball courts would be constructed in open space specifically identified for this purpose. A grant application has been submitted to potentially receive up to \$100,0000 in funding to offset the cost of this project. Council is being asked to review and consider approval of this item at today’s meeting, so that this project can be completed in advance of Memorial Day.

Douglas Rohmeyer reported CME Engineering’s work in connection with this project would entail surveying; base map preparation; design phase services, including grading of site, dealing with stormwater runoff, and selecting amenities; preparing contract documents; and construction management. Coordination with Borough officials will take place to determine the most desirable way to procure work, whether through state contract or public bid. This project will likely require a soil erosion certification, due to its anticipated disturbance limits.

Councilman McCorristin asked for confirmation that the project would be following the scope outlined in Concept A of the proposal submitted by CME Engineering.

Douglas Rohmeyer confirmed, and mentioned the importance to illustrate the horizontal real estate available in this project scope. This concept includes the relocation of the fence line along Dune Drive and new plantings nearby, or relocation of plants in that area. The new courts will include comfortable runoff area, which is a critical design issue.

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

**Public Comments:**

Councilman McCorristin suggested revisiting the discussion concerning the Yard Sale event, and asked if Council would like to change the structure of the event to cover both days of the weekend, rain or shine.

Discussion took place regarding potentially extending the yard sales to cover both Saturday and Sunday, with a consensus among Council being reached that the event should primarily be held on the Saturday of that weekend, with the Sunday rain date to be invoked only when inclement weather makes postponement necessary.


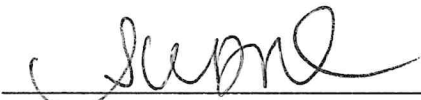
**Council to check over the agenda for the Regular Meeting.**

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

Motion made by Council President Wierman, 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 4:43 p.m.

Respectfully submitted,  
  
C. Danielle Nollett, Borough Clerk  
  
Samuel D. Wierman, Council President