

In-Person Attendance:	Public -----	9	Reporters -----	0
Remote Attendance:	Public -----	5	Reporters -----	1

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

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
William McCormick, Director of Public Works/Utilities
Jeffrey R. Christopher, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Paul Short, Code Enforcement Official
Monica Coskey, 7 Mile Publishing
Donna Rothman, Chair, Environmental Commission
Joe Dvorak, Chair, Avalon Tree Committee

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.

“For the convenience of the public, the Borough is offering 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.”

Scott Wahl introduced Monica Coskey to present the annual proposal for 7 Mile Publishing to provide the Borough of Avalon with public relations and advertising services. He commended 7 Mile Publishing for their helpfulness each year, especially recently relating to the new trash and recycling receptacles. This year's proposal includes an additional expenditure item for that information campaign, which is a reimbursable expense.

Council agreed to proceed with a Resolution to be prepared for the April 26, 2023 Regular Meeting.

Discussion regarding Floodplain Management Plan

Scott Wahl thanked all volunteers and Borough officials for their participation and involvement in this effort, which is a functional and practical approach that also benefits residents as it translates to the Community Rating System (CRS) program.

Thomas Thornton gave a detailed presentation regarding the Floodplain Management Plan, which has been recreated and updated from the original plan done five years ago. The presentation overviewed the CRS Program and its purpose; Avalon's rating within that Program; the importance of the planning process; an overview of the draft plan including the Floodplain Management Plan Process, Hazard Assessment, Impact Assessment, Goals, Action Plan Development, Plan Implementation, and Annual Review Process; the Flood Management Plan Committee members and meetings held; Flood Hazard Areas and how they coordinate with the flood insurance rate maps; sea level rise and its future impact on the Borough of Avalon; strategies for preventative action, property protection, natural resources protection, emergency services, structural projects, and public information; and new activities planned for implementation in the near future. It is recommended Council adopt the final plan at the April 26, 2023 Regular Meeting. Provided Council looks favorably upon this schedule, the plan will be submitted to FEMA immediately following adoption of the plan.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the April 26, 2023 Regular Meeting.

Discussion regarding Resolutions appointing one full-time Police Officer, and various Class I and Class II Special Officers to the Borough of Avalon Police Department

Chief Christopher explained the full-time Police Officer is being hired to fill a vacancy created by a recent resignation within the ranks of the Police Department. This recruit is being hired as an "alternate route" hire, and is expected to graduate from the Police Academy in June 2023.

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

Discussion regarding Resolution authorizing a renewal of a Shared Services Agreement with the Borough of Stone Harbor for Chief Financial Officer services

Scott Wahl reported the Boroughs of Avalon and Stone Harbor currently hold a Shared Services Agreement for Chief Financial Officer, in which the Borough of Avalon provides the Borough of Stone Harbor with a Chief Financial Officer, and as a result, the Borough of Stone Harbor helps share costs for this individual. This Agreement continues to be beneficial for both municipalities, who wish to renew this Agreement. This renewal would be for an additional three (3) year term, with an escalator built in to the agreement. The Borough of Stone Harbor has represented their willingness to continue with the terms contained therein. It was recommended Council look favorably upon this renewal.

Council agreed to proceed with a Resolution to be prepared for the April 26, 2023 Regular Meeting.

Discussion regarding Resolution authorizing the execution of a grant agreement with The Recycling Partnership to receive a Residential Curbside Recycling Cart Grant

Scott Wahl indicated this grant agreement would provide \$91,200 to the Borough of Avalon to be used in connection with the uniform solid waste and recycling cart program. The Recycling Partnership grant program awards funding to communities deeply committed to improving recycling numbers in their area, and were very enthusiastic about Avalon's approach to the program by providing a recycling cart to every property owner in the Borough with the goal of keeping recycling products and trash out of the stormwater system and improving recycling numbers. The benefits of this program are not only environmental, which is the primary focus, but also financial, as well. Taxpayers pay for the weight of trash taken to the County MUA. These new recycling and trash carts are equipped with the fixed lids on them, which reduces water weight added during rain events, and the impact of that water weight on tipping fees. Now, with dedicated recycling carts, it is expected the recycling numbers will increase, as proven by other municipalities that implement similar programs. As the recycling numbers increase, the solid waste tipping fees will also decrease. This grant funding allows the Borough to pay for any additional unanticipated costs involved with the program. Per the presentation given by 7 Mile Publishing, the grant program pays one dollar for every recycling cart distributed. Over 5,200 recycling carts will be distributed through this program. The grant funding will offset information campaign efforts, including a direct-mail postcard campaign, inclusion in the in the digital and print spring newsletter, and postings made on the Borough website and social media. Additionally, when the recycling carts are delivered to property owners, information regarding the program will be distributed, as well.

April 12, 2023

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

Discussion regarding Ordinance creating a Tree Dedication Program in the Borough of Avalon

Scott Wahl noted many individuals wish to dedicate something in remembrance of a loved one. That desire can be attributed to the success of the bench dedication program, which has recently been suspended due to overcrowding of benches. As a result, new program options have been explored. The Environmental Commission and Avalon Tree Committee have suggested a memorial tree program, which would dedicate existing trees in select locations.

Joe Dvorak spoke as the Chair of the Avalon Tree Committee, and suggested trees are an interesting way of memorializing a person. The Committee has researched other tree dedication programs throughout the state, as well as Avalon's past procedures with trees, in terms of assuring survival. Rather than planting a tree, it is being recommended to dedicate established and thriving trees as part of this program, which offers the public an opportunity to see the item being dedicated in advance of their donation. Currently, all trees identified for this program are located within the parks in the community. Each tree would get a sign or plaque indicating the dedication information, which would be for a number of years.

James Waldron added the Borough will need to establish a mechanism to account for the public funds brought in and expended through this program. The funds must be segregated to avoid any impact on the operating budget of the Borough, which requires approval by Division of Local Government Services (DLGS). The Chief Financial Officer has had preliminary discussions concerning this initiative, and will be presenting a Resolution for Council's approval to establish a dedication by rider, which would allow the funds received through this program to be deposited into a separate account. Within the context of that separate account, some portion of the money that is received would be set aside for professional services of an arborist when and as needed. All funds would be disbursed through the rider dedication program with no impact on the budget. Council will not be asked to appropriate funding in any way. There is a provision in annual budget for replacement of trees, which is separate and apart from this program with that budgetary funding expended as part of this program to be determined as the situation arises. A proposed Ordinance is being presented to Borough Council to establish this program, which would create a new chapter in the Borough Code. This chapter will also deal with the bench and bicycle memorial rack program as a separate article when that program is ultimately reconstituted and potentially reinstituted. As this program goes forward, specific rule making authority would be conveyed to the Business Administrator in consultation with Department of Public Works and the Environmental Commission to make procedural changes that will involve efficient administration of the program without the necessity of amending Borough Code.

Councilwoman Coskey asked for clarification concerning the difference between a dedication by rider, and the Environmental Trust Fund.

James Waldron explained the Environmental Trust Fund has a broad purpose, which can be used for almost anything of an environmental nature. Most recently, the Trust has been receiving contributions from developers concerning public access to the inland waterways. By contrast, this program is a specifically dedicated program in that it is for the tree dedication program, and nothing else. This is far more limited in its scope and execution.

After brief discussion, Council agreed to proceed with an Ordinance to be prepared for the April 26, 2023 Regular Meeting.

Discussion regarding Resolution engaging the services of Elizabeth McManus and the firm of Kyle & McManus Associates as consultants for Planning and Zoning issues on an as-needed basis

James Waldron reported a committee has been formed for the purpose of reviewing the Borough Code with the intention of identifying problems in the enforcement Ordinances before they occur. As part of the ongoing meetings of that committee, some issues have been identified that fall beyond the expertise of in-house enforcement, as they touch on planning and zoning matters to some degree. Therefore, a specialized opinion is required. The Borough has contracted with Elizabeth McManus in the past for specialized issues, including the drafting and implementation of the affordable housing program ultimately adopted by Borough Council, to much success. Ms. McManus is interested in providing this evaluation, and has submitted a proposal of \$147 per hour as it relates to this scope. Those services will be used on an as-needed basis, with reports to be drafted for the committee's digestion and Council's recommendation in the future. It is recommended Council approve these consultant services for a fixed amount of \$7,500 for a one-year contract. Certification of Funds has been received and is on file.

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

Further discussion and review of proposed amendments to Chapter 17 (Solid Waste Management) pertaining to receptacle carts for solid waste and recycling, including dumpsters

James Waldron explained the existing Borough Code establishes two very distinct categories of solid waste management; those being solid waste and recycling, with different requirements for recycling versus solid waste containers as to size and quantity permitted. This proposed Ordinance eliminates those differences with the implementation of the new uniform solid waste and recycling program. Regarding the implementation of that program, this Ordinance implements the program with a focus being compliance, not penalties. The Ordinance establishes a grace period for the use of the new receptacles during the transition of the program. All new containers will be distributed in the first weeks of May 2023. As of October 1, 2023, only the Borough issued carts will be permitted for use. The Ordinance does not establish punitive actions, nor does it authorize the issuance of summons for non-compliance. Instead, an administrative penalty of \$50 is proposed, to be assessed by the Tax Collector. It is expected this administrative penalty will aid in the completion of the transition into this new program. Additionally, this Ordinance seeks to repeal an Ordinance previously adopted by Borough Council concerning the use of single-use plastic products. Effective May of 2022, the state's implementation of a similar program preempted that Ordinance, thereby making that section of Borough Code unusable and unenforceable.

Scott Wahl added this Ordinance also includes language which casts total reliance upon the MUA's rules, as it pertains to the items considered "recyclable".

After discussion, Council agreed to proceed with an Ordinance to be prepared for the April 26, 2023 Regular Meeting.

Discussion regarding proposed amendments to Chapters 20 (Construction Site Standards) and 26 and 27 (Land use Procedures and Fees) of the Avalon Borough Code

James Waldron made reference to the earlier discussion today, which mentioned a committee which meets regularly to review ordinances subject to enforcement to identify problems and make changes, as need arises. As a result, Council is being asked to give consideration to certain Ordinance amendments, which would be the subject of two Ordinances. The first set of amendments being recommended pertain to Zoning. The Ordinance would clarify that fences are limited to four feet in height, and clarifies the method for measurement of the height of said fence. Another proposed amendment would address Personal On-Demand Storage Units (PODS). Currently, permits to place PODS assess a \$5 fee for a 30-day period and can be renewed up to five times. The proposed amendment allows the issuance of one permit in the amount of \$50 for a maximum amount of 180 days, with no renewal permitted, and the restriction that only one permit can be issued for such purpose in a 12-month period. This amendment does not affect the permitting for construction PODS, which are permitted to remain in place so long as active construction is taking place on-site. The next proposed amendment addresses swimming pool buffers, and recommends a universal four-foot buffer requirement, regardless of the type of swimming pool to be constructed on the property. Amendments to Chapter 20, Building Codes and Standards, would require, as a condition for a Certificate of Occupancy, an as-built survey. This amendment would expand what is included in the survey, to show conditions as-built and also the total area of impervious coverage, including the elevation of highest peak. It is further proposed that a new provision be added to make clear that the as-built survey must be prepared by a licensed land surveyor. It is believed that providing an as-built survey depicting and identifying setbacks, impervious structure, height of structure, and perimeter of structure will assist in dealing with future variance and building applications. This Ordinance also recommends the assessment of a \$100 fee to demolition permits, which take a substantial amount of time on the Zoning Officer's part. Similarly, in connection with ADA compliance review as it pertains to curbs, sidewalks, and driveways, it is recommended that fee be increased from \$35 to \$100, as that fee has not been adjusted for approximately 32 years. The Ordinance further removes a section dealing with tanks that is no longer necessary, as there are no structures within the Borough with such tanks. Another provision being removed is reference to annual reports made to the Bureau of Housing and Inspection, which is no longer required at the state level. The final amendment being recommended is to require temporary fences be erected on any property where a structure is being raised, when left unattended, similar to swimming pool construction.

Councilwoman Coskey inquired about fees included in the proposed Ordinance concerning relocation of structures.

James Waldron clarified that fee is paid to the Construction Official, who inspects the building being relocated. The \$100 Zoning fee would be in addition to the Construction fee.

Following brief discussion, Council agreed to proceed with Ordinances to be prepared for the April 26, 2023 Regular Meeting.

April 12, 2023

Discussion regarding Resolution releasing certain deed restrictions previously imposed upon the property known as Block 5.11, Lot 5; 40 N. Inlet Drive

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

Public Comments:

Martha Wright, 632 7th Street, questioned the Borough's plans for old trash cans currently being used by residents and visitors once the new trash and recycling cart program is fully implemented.

Scott Wahl responded current trash cans are permitted to be used for solid waste and recycling through October 1, 2023. After that date, those containers are permitted to be used for yard waste, or they can be surrendered to the Department of Public Works for disposal.

Martha Wright mentioned her review of the introduced 2023 budget, and inquired about an Ocean Wind Pro Grant in the amount of \$600,000, allocation of funds for the demolition of the "old school house" in the amount of \$10,000, and allocation of funds for park improvements at Armacost Park in the amount of \$740,000. She indicated no recollection of any of these items being discussed by Council at any previous Council Meetings or in a public forum.

James Waldron expressed concern with Council potentially engaging into a public hearing on the 2023 municipal budget outside of the advertised date and time of said public hearing, to be held April 26, 2023. He opined such discussion would best take place during the scheduled public hearing, so that all interested parties have the opportunity to hear Ms. Wright's questions, and the Borough's answers. He explained many items included in the municipal budget are not often discussed in a public forum, such as a Council Meeting, as the budget process involves many individual meetings with various departments and Borough officials. The wishes of the departments and Borough officials are compiled into a budget document for Council's review. He clarified that all money budgeted may not be allocated by Council for expenditure during the budget year. Any line items in the budget not appropriated or expended in that budget year can be cancelled and transferred into surplus, or carried through to subsequent budget years.

Frank McLaughlin, 7278 Ocean Drive, spoke about Armacost Park, and the wildlife seen by him and his family at the park. He detailed the importance of Armacost Park to wildlife, and reported the Park is frequently visited by the public for recreational reasons, as well as bird-watching. He spoke in opposition of making any changes to the Park. He then thanked Mr. Wahl for his help with some issues he's had in the past.

Robert Polini, 6426 Greenan Road, asked about the proposed plans for Armacost Park, and stressed the importance of maintaining the Park's natural state.

James Waldron noted the budget does not authorize any public work at Armacost Park or any place. When money is budgeted, a Department Head or other Borough official must submit a plan for expenditure of that funding for Council's approval. If Council grants that approval by way of Resolution, the Chief Financial Officer provides a Certificate as to the Availability of Funds, all at a public meeting.

Donna Rothman, 6896 Ocean Drive, suggested the new trash and recycling cans include information concerning what is permitted to be placed in each type of receptacle.

Scott Wahl indicated those plans are currently in place, and that information will be distributed with the containers when disseminated throughout the Borough.

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 McDermott, seconded by Councilwoman Coskey to adjourn the Work Session.

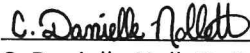
ROLL CALL VOTE:

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

April 12, 2023

Work Session adjourned at 5:22 p.m.

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



Samuel D. Wierman, Council President