A Work Session of the Borough Council of the Borough of Avalon was held on

Wednesday, May 11, 2016 at 4:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 2 Reporters ----------------------- 2

The Meeting was called to order by Council President Dean.

Pledge of allegiance.

Roll call: Council President Dean Present

Councilman Burns Present

Councilman Covington Present

Council Vice President Hudanich Absent

Councilman McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

A. Steven Fabietti, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

William McCormick, Captain of Police

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

James Craft, Chief Financial Officer

Charles McDonnell, Recreation Supervisor

Dr. Brian Reynolds, Chairman, Environmental Commission

Council President Dean read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 24, 2015. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Shared Services Agreement with the Borough of Stone Harbor for Chief Financial Officer.

Scott Wahl reported discussions have taken place with Stone Harbor as well as Jim Craft in reference to the renewal of the Shared Services Agreement. Stone Harbor and Jim Craft are happy with the current arrangement and would support an extension of the agreement. He commended Jim Craft for a job well done and recommended Council consider renewing the agreement for one year term.

Jim Craft explained the proposed agreement is the same as the previous year, however there is a two percent increase in the fee payable by Stone Harbor, to help offset the costs of the two percent wage increase given by Avalon Borough as of January 1, 2016.

Councilman Covington asked how much money each municipality is saving.

Jim Craft responded each municipality is saving approximately $50,000.00 by participating in the Shared Services Agreement.

Council agreed to proceed with a Resolution to be prepared for the May 25, 2016 Regular Meeting.

Discussion regarding Ordinance to amend the Salary Ordinance.

Scott Wahl explained the proposed salary ordinance will bring all salaries of the Borough in line with cost of living increases given since 2010.

After brief discussion, Council agreed to proceed with an Ordinance to be introduced on first reading at tonight’s Regular Meeting.

Discussion regarding Ordinance amending Chapter 9, Section 9-6, Beach Regulations.

Scott Wahl reported two changes to Chapter 9 are being proposed. The first proposed change references the digging of holes on the beach and would require any hole dug on the beach in excess of twelve inches in depth be filled in prior to leaving the beach. This proposed change has been discussed with Captain Wolf as well as Steve Barse. Research was also conducted and found that the majority of beach communities on the Eastern Seaboard of the United States have similar regulations to help avoid unsafe conditions. In the past, there have been critical injuries or deaths related to digging deep holes on beaches within the United States, and locally, there has been damage to Borough property as a result of deep holes on the beach. He stressed the proposed Ordinance would not prevent beachgoers from digging holes, however it would require the hole be refilled prior to the patrons leaving the beach.

Councilman Burns spoke in opposition of adopting the proposed regulation.

Councilman McCorristin also spoke in opposition of adopting the proposed regulation.

Bill Macomber spoke in support of regulating extreme situations and reported there have been two incidents within the Borough that have caused damage to a Public Works vehicle as well as a Beach Patrol raft.

Councilman Covington inquired if there was a way to get a message to beachgoers regarding the unsafe conditions these holes present.

Scott Wahl stated the information could be posted on the beach website, the local TV station, social media, and in an amendment to the Information and Recreation Guide. He noted during the summer season, approximately 30% of inquiries received through the website are beach related.

Councilman Covington suggested also posting notice at locations where beach tags are purchased.

Councilman Burns spoke in opposition of adopting additional rules that have not posed safety concerns in the past.

Councilman Covington questioned what the Borough’s liability would be if there was no action taken on this issue.

Steve Fabietti explained adopting an Ordinance would enhance the Borough’s position if there is a rule in effect and beachgoers are noticed of the danger should there be an incident. However, once a rule is in place, it must be enforced. Otherwise, the rule would have no effect.

Councilman Burns spoke in support of an informational notice given to residents and visitors to educate them on the dangers of large holes left on the beach.

Scott Wahl explained another change being proposed is to align the free veteran beach tag language with recently passed legislation which allows a veteran or active member of the armed forces to present the documentation that would merit a free beach tag to beach tag checkers in lieu of obtaining a physical beach tag. An additional proposed change is to remove the price of beach tags from the Ordinance, as those prices are set by Resolution.

Council agreed to proceed with an Ordinance amending the beach tag language to be prepared for introduction at the May 25, 2016 Regular Meeting.

Discussion regarding update of the Avalon Beach Patrol Personnel Manual.

Scott Wahl reported meetings have been held with the Beach Patrol Captain to review all current policies and documentation given to Beach Patrol employees. During the review process, it was determined that there was some out of date information that was included in the Personnel Policies but did not carry over into the Beach Patrol Manual. It was also decided to consolidate all necessary information into one document to encourage better communication with Beach Scott Wahl, continued, Patrol employees. This document will be given to each new employee and will be updated often to ensure up-to-date information is distributed to each new employee each year.

Councilman McCorristin inquired how this information will be distributed.

Scott Wahl explained the document will be given to all Beach Patrol employees when they are hired. The employee will also be responsible for signing a document stating they have received, read and understand these policies.

Councilman Covington questioned why the Personnel Policy Manual does not apply to Beach Patrol employees.

Scott Wahl explained the Personnel Policy Manual is a very lengthy document that outlines many scenarios Beach Patrol employees will never encounter as well as outlining benefits that do not apply to Beach Patrol employees. Beach services and policies are also not included in the Personnel Policy Manual.

Jim Waldron noted the Beach Patrol employees are not considered traditional part time employees, but are strictly seasonal employees with no right to return in subsequent years. There were some sections in the Personnel Policy Manual that exclusively applied to Beach Patrol employees, and those sections have been removed with the assistance of the Borough Solicitor. Those sections are no exclusively part of the Beach Patrol Personnel Manual.

After discussion, Council agreed to proceed with further discussion as well as a Resolution to be prepared for May 25, 2016.

Discussion regarding Ordinance amending Chapter 20, Swimming Pools.

Jim Waldron indicated this is a technical amendment to clarify the original intent of the last version of the Ordinance adopted by Council. That version required stone and fabric filters at storm water inlets for all swimming pools, however, the intent was to allow the Director of Public Works and Utilities to require these types of filters at their discretion. The filter was intended to be required only when there was a failure of the sediment bag that allowed some seepage or escape of material that was infiltrating into the storm water system.

Councilman McCorristin questioned how effective these filters have been since the ordinance was implemented.

Bill Macomber stated the filters and sediment bags are very successful. There has been very little infiltration into the storm water system since the implementation.

Council agreed to proceed with an Ordinance to be introduced on first reading at tonight’s Regular Meeting.

Discussion regarding Resolution approving the renewal of a site agreement with the Chamber of Commerce for placement of webcams.

Scott Wahl reported this agreement is a potential annual renewal with the Chamber of Commerce who has two webcams in Avalon. One camera is located at Community Hall and faces the beach, while the other is located at the Sport Fishing Center and faces the bay. The cameras provide live stream feeds of the current conditions in Avalon such as the weather or crowds. They are also helpful with Emergency Management notification during extreme flooding and storm events. The Chamber of Commerce supports the renewal of the agreement and has hopes the Borough will renew the agreement to continue to offer this service.

Councilman Burns spoke in support of approving the site agreement and mentioned the camera overlooking the beach does not seem to be working.

Jim Craft noted the switch for the camera has been replaced, however the camera is not responding. The vendor has been contacted for repair of the camera.

Council agreed to proceed with a Resolution to be prepared for the May 25, 2016 Regular Meeting.

Discussion regarding Resolution authorizing the Mayor to submit an application for Municipal Recycling Tonnage Grant.

Council agreed to proceed with a Resolution to be adopted at tonight’s Regular Meeting.

Discussion regarding bids received for the 8th Street Tennis Courts.

Tom Thornton reported bids were received for the project known as 8th Street Tennis Court Repair and Resurfacing on May 4. The Engineer’s Estimate for the project was based on quotes received by the Recreation Department in the past and was approximately $48,000.00. The lowest bid was received from American Tennis Courts, Inc. in the amount of $38,560.00. The company comes highly recommended by their references and all necessary documentation required prior to the award of a contract is on file. He recommended the Borough award the contract to American Tennis Courts, Inc.

Chuck McDonnell explained American Tennis Courts, Inc. manufactures its own paint and products, which allows for a significantly lower cost to the Borough, as other contractors would need to purchase those products in order to complete the work. The scheduled date for work to begin is tentatively set for May 21. A pre-construction meeting will soon be scheduled and the possibility of the work being completed one bank at a time will be discussed with the contractor during the meeting. In the original bid documents, it was not included that the work should be completed one bank at a time, however the Borough would like to explore that possibility so as not to inconvenience patrons. If the contractor is unwilling to complete the work one bank at a time, or if that process will extend the working period, all courts at 8th Street will be closed for the duration of the project. The tennis courts at 39th Street are open and available for play, and individuals interested in using the courts during the work period will be encouraged to instead play at the 39th Street courts.

Tom Thornton noted the performance bond, insurance certificates and a signed contract must be received from the contractor prior to the work to begin, and all paperwork is expected to be received next week. The working period for the project as originally bid is approximately 45 days, which would potentially keep the courts closed until late June.

Councilman Covington questioned how often the tennis courts at 8th Street are normally used during May and June.

Chuck McDonnell responded the tennis courts are not very busy during that time period, and are usually used more often after 4th of July weekend.

Council agreed to proceed with a Resolution to be adopted at tonight’s Regular Meeting.

Discussion regarding Change Orders for the following projects:

1. Change Order No. 1 for Dune Drive & Avalon Avenue Sanitary Sewer project.

Tom Thornton explained the Change Order stems from observations made after the dewatering of a manhole once work began. It was determined the pipe coming in was lower than determined during the design process, which was causing a back pitch and contributing to the problems in the area. In order to avoid a back slope on the pipe, the pipes were tied in east of Dune Drive on 78th Street where there is a higher elevation. The pipe size was also increased to further alleviate the problem. It is recommended for Council to grant the Change Order on the project, which addresses existing problems as well as avoiding more problems in the future.

Councilman Covington questioned if this project covered the 30th Street sewer system for Community Hall.

Tom Thornton responded yes, the change order is a direct result of the problems at Community Hall. He noted the contractor is performing very well and is doing a great job with the project. The repairs have been completed and the temporary paving is underway.

Bill Macomber reported the contractor was paving the area today, however he is unsure if the paving was completed.

Council agreed to proceed with a Resolution to be adopted at tonight’s Regular Meeting.

1. Change Order No. 2 for Back Bay Maintenance Dredging Project.

Tom Thornton stated this Change Order is necessary to accomplish the dredging of the entrance to Bay Park Marina. Through multiple conversations with the agencies, it was agreed to deviate from the method of disposal of material that is included in the existing permit. The DEP is allowing the material to be removed mechanically and be temporarily placed on the Bay Park Marina boat ramp where it will be loaded on trucks and hauled away. It is estimated that there will be approximately 10 truckloads of material and the project is expected to take a week. The boat ramp will be closed during that period as it is the only cost effective way to complete the project. The permit modification is underway and verbal approval has been given by the DEP. However, a written approval must be received prior to beginning work. The estimated start date for the project is the day after Memorial Day, at which point the boat ramp will be closed for approximately one week.

Councilman Burns asked what other options there would be for someone to place a boat in the water.

Councilman McCorristin noted the closest available boat ramp to Bay Park Marina would be the public boat ramp located at 81st Street and Third Avenue in Stone Harbor.

Councilman Burns suggested placing signage around Bay Park Marina informing visitors of the closest boat ramp for the duration of the project.

After brief discussion, Council agreed to proceed with a Resolution to be adopted at tonight’s Regular Meeting.

1. Change Order No. 3 for Graven’s Island CDF.

Tom Thornton reported this Change Order is to account for reductions in contract quantities in order to close out the project. The first item is a reduction in dense graded aggregate quantity, because the Borough is applying for permits to keep the road, rather than remove it. Secondly, the allowance for fuel price went down, allowing for an additional reduction in cost. Furthermore, approximately 25% of the site restoration originally contracted was unnecessary, which allowed for a savings of approximately $2,500.00. The final item within the reduction is due to a smaller amount of material removal than anticipated, allowing for a cost savings of approximately $193,000.00. There was a previous change order increase on that line item of $506,000.00, and this change order is reducing that previous change order. The net result of this particular change order is a credit of $386,730.00 resulting in a final contract amount of $3,979,986.00. Change Order No. 1 for this project was associated with some additional work for the road and Change Order No. 2 was anticipated at the time of the award and needed to be revisited at a later time in the project. Change Order No. 3 is strictly a reduction of the line items discussed.

Councilman Burns requested an update on the process of requesting to keep the road rather than removing it.

Tom Thornton reported conversations have taken place with the mitigation bank and a draft agreement has been received. The next step would be for the Borough to negotiate terms of the contract.

Councilman Burns suggested keeping the current contract open while waiting for approval to keep the road to avoid the possibility of entering into a new contract at a higher price to remove the road in the event the request is denied.

Tom Thornton responded unfortunately the contractor would be unwilling to keep their contract open for that period of time and would most likely take legal action to close the contract.

Council agreed to proceed with a Resolution to be prepared for the May 25, 2016 Regular Meeting.

Update from Tom Thornton on the Sand Backpassing Project.

Tom Thornton reported the project is going well in terms of the volume of sand being moved, however the recent high tides have been devastating to the area of the beach being restored. It is estimated that the amount moved to the area has been lost. Although that material was lost, it is possible there would have been more damage if these tides had occurred prior to the beginning of the project. The efforts associated with the project have helped to prevent worse damage, and there are hopes to replenish what was lost and more over the next several weeks. The continuing accretion of sand in the borrow area in the same location the Public Works Department is currently scraping is allowing for more efficient removal of material from the borrow area as well.

Councilman Covington inquired if the permit obtained by the Borough limits the quantity of material to be moved.

Tom Thornton explained the permit describes the fill area and the borrow area. In the permit application, the anticipated volume to be moved was estimated at 50,000 cubic yards. It is unclear if the permit specifically limits the material to be moved to that quantity. If necessary, it would be a simple process to amend the permit to include a larger quantity of material to be moved.

Bill Macomber agreed with Tom Thornton that the 17,500 cubic yards that had been moved to the fill area helped to prevent the new moon tides from encroaching on the dunes.

Councilman Burns questioned how much material is being moved per day.

Bill Macomber reported the Public Works Department is moving approximately 5,000 cubic yards each day. He noted the County has also lent the Borough additional dump trucks to assist in moving more material per day. During the course of the project, some of the rental equipment has broken down, and as a result, costs of the equipment are now being negotiated.

Public Comments

Councilman Burns commended the Police Department for a well-run auction on May 7.

Councilman McCorristin referenced concerns brought to Council’s attention at the meeting held April 27 regarding the Japanese Black Pine trees on the dunes near 48th Street removed and marked for removal as a result of the Pine Beetle Grant received by the Borough. He raised concerns about reforesting the area to the north of the dune trail at 48th Street that had been clear cut. He also asked for an explanation regarding the plan for the marked trees on the south side of the trail, as well as a specific time line associated with the grant in regards to the removal of the trees and reforestation.

Scott Wahl stated he spoke with Joe Lomax of Lomax Consulting, and it was explained in a report issued by Mr. Lomax that there are two categories of trees marked for cutting. One category consists of trees within 50 feet of the path and residential homes, while the other category includes trees within 50 to 100 feet of the path and residential homes. He explained when the Pine Beetles infest a tree, they bring with them a fungus that infects and kills the tree. Once a tree is infected with the fungus, the tree must be removed. Some of the trees marked for removal are healthy, however they are in imminent danger of becoming infected. The grant funding available to the Borough is not enough to remove all marked trees, however there are hopes the grant will cover the cost of removing the trees within 0 to 50 feet of the path and residential homes, as they pose a threat to public safety. The beetles are migrating to the north from a southerly direction, and since there is a high concentration of Japanese Black Pines near the 48th Street dune path, there is a primary focus on those trees to hopefully slow down or stop the migration of the beetles further to the north. In the report from Mr. Lomax, it is stated the schedule this spring is to continue the replanting of the areas where Japanese Black Pines have been removed with Black Oak seedlings. Other approved native species will be planted as Scott Wahl, continued, sources and funding become available. By the end of the year, it is estimated that several hundred trees will be planted in the reforestation effort.

Councilman McCorristin inquired where the funding for reforestation is coming from and who will be planting the seedlings.

Scott Wahl explained the seedlings are coming to the Borough at no cost, and Lomax Consulting will be planting some of the seedlings to help with the reforestation efforts.

Bill Macomber reported planting will start after the summer season. He further noted some of the trees marked for removal can be taken care of by the Public Works Department, while others will need to be removed by professionals due to their size.

Councilman McCorristin suggested purchasing larger trees in the deforested areas to help provide more coverage on the dunes.

Brian Reynolds noted the Dune Vegetation Management Plan was originally passed by Borough Council in 2009 and has been updated since then. The projects that have been carried out have been near properties behind the dunes and property owners paid for most of the work. One of the criteria included in the plan was to have irrigation for at least two years after new trees were planted to help promote their growth. However, the area near the 48th Street dune path is not equipped with irrigation, and it will be harder to get newly planted vegetation to grow. He noted it is more difficult to get taller and more mature plants to take root than it is for small seedlings, and recommended the Borough continue with their current plan of reforestation by using seedlings. He further stated if the dying trees are not removed from the area, it could create a fire hazard that would be a threat to public and property safety. He also noted Long Island now has no Japanese Black Pine trees left on their island due to the beetle infestation.

Further discussion took place regarding reforestation and protecting both the maritime forest as well as public safety.

Elaine Scattergood, 75 30th Street, spoke in support of protecting the maritime forest as well as reforestation.

Motion made by Councilman Covington, seconded by Councilman McCorristin to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Absent Councilman McCorristin Aye

Council President Dean Aye

Work Session adjourned at 5:30 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President