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

Wednesday, March 23, 2016 at 7:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ---- 12 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 Present

Councilman McCorristin Present

Also present:

Mayor Martin L. Pagliughi

Scott Wahl, Business Administrator

James A. Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

James V. Craft, Chief Financial Officer

Police Chief William McCormick

Stephen Camp, Assistant Director of Public Works & Utilities

Michael Garcia, Ford Scott & Associates

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

Paul E. Short, Sr. Code Enforcement Officer

Chuck McDonnell, Recreation Director

Edward Dean, Fire Chief/Fire Official

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.

**Mayor Martin L. Pagliughi swore in Andrew Peahota as Probationary Police Officer for the Borough of Avalon.**

Discussion regarding Resolution authorizing Hatch Mott to prepare plans, specifications and advertise for bids for 8th Street Tennis Court resurfacing.

Tom Thornton reviewed the following proposal from Hatch Mott Macdonald for 8th Street Tennis Court resurfacing with the scope of work as follows:

Task 1 – Contract Drawings

Prior to developing the resurfacing plan Hatch Mott Macdonald will perform a site visit to photo document the site and to determine the approximate length of armor crack repair that will be necessary for inclusion in the bid package.  Following this site visit Hatch Mott Macdonald will prepare a resurfacing layout plan.  This plan will show the limit of resurfacing, general notes, net post replacement, and include approximate length of Armor Crack Repair.  The basemap for the resurfacing plan will be a combination of the Borough map linework and available aerial photography.

Task 2 – Specifications

Hatch Mott Macdonald will prepare a technical specification for the repair of cracks and resurfacing of the existing hard surface tennis courts at the 8th Street tennis courts.  The technical specifications will be prepared following the Construction Specification Institute 3 part format.  The specifications will establish the scope of repair work, types and quality of materials to be used, contractor experience requirements, etc.  Hatch Mott Macdonald will provide Div. 1 general requirements sections.  Hatch Mott Macdonald will prepare bid forms for the project and incorporate Avalon’s standard front end documents into the specifications.  We anticipate including the resurfacing plan as an appendix with the project manual given the limited number of drawings required for this project.

Chuck McDonnell stated based on research conducted for these projects, tennis courts should be resurfaced approximately every five to ten years, however the surfacing on both the 39th Street and 8th Street Tennis Courts lasted approximately 14 years. He reported he has consulted with a contractor who suggested budgeting for tennis court resurfacing every seven to ten years.

Councilman Covington noted the 8th Street Tennis Courts are abused more often by weather events and tidal flooding due to their location. He inquired if the courts will be resurfaced in the same colors.

Chuck McDonnell responded that the courts will be painted in the same colors that abide by the US Open Regulations, as they are now.

Councilman Covington reported the project is budgeted in this budget and this project will be able to move forward if the budget is approved at the regular meeting.

Council agreed to proceed with a Resolution to be prepared for the April 13, 2016 Regular Meeting.

Discussion by Tom Thornton, Borough Engineer, regarding various capital projects.

Scott Wahl explained Mr. Thornton will be updating Council on various projects discussed at the March 9, 2016 work session such as the silting of dredge material near Bay Park Marina and the status of the permitting process for the sand backpassing project. A report will also be provided on the conditions of the 8th Street Jetty, the safety procedures in place as well as what may need to take place in the future.

Tom Thornton explained there is a shallow channel that has access to Bay Park Marina which has caused potentially dangerous conditions for boats to pass through. He reported some options for remedying the situation were decided against by Council at the March 9, 2016 meeting due to the extensive and expensive nature of the processes. At the meeting, it was decided to explore the option of moving the material from the shallow area to an immediately adjacent deeper area allowing boats to come in to the Marina without risks of damage. The DEP has been contacted and is reluctant to allow this type of project due to overly stringent regulations described in the dredging manual. This specific issue was addressed in white papers prepared by the Dredging Working Group, and based on conversations had at the Assistant Commissioner’s Office at the DEP, it was assumed the DEP would be receptive to the project. He will be contacting the DEP again and making the argument that this is essentially the same type of project the DEP allows for the boat slips every year.

Councilman McCorristin asked if the material will be moved to the deeper area in the west or toward the embankment in the east.

Tom Thornton explained the proposal is to take the material and move it into an area that the Borough of Avalon currently has permission to dredge.

Councilman Covington stressed the importance of eradicating the material from the shallow area to avoid damage to incoming boats.

Tom Thornton reported ninety-five percent of the design for the backpassing project is complete. Profiles for the borrow area have been developed, and the critical areas at the north end where the material needs to go has been determined. There have been several alliterations made to the volume available from the fill area to optimize the placement of the material. Plans and permit applications will be submitted to the DEP and Army Corp for their approval within the week. Public Works will be doing the work, which saves the Borough time and money, as a public bidding process will not have to be completed. As soon as the permits are approved, Public Works will be notified to coordinate the lease of the equipment. The project should be underway by late April, which will allow approximately thirty days to complete the project. A recent survey has shown there are no Piping Plovers at the north end of the area, which will allow the Borough to go to 40th Street, rather than stopping at 38th Street.

Councilman Covington asked how this project will affect the beach access path.

Tom Thornton explained a simple sketch will be developed for Bill Macomber to order more sand if necessary to be delivered by truck in a much smaller quantity to finish the ramps after the sand has been raised several feet to shorten the length of the paths.

Councilman Covington inquired if all of the paths will be open for the summer season.

Tom Thornton responded that all beach paths will be open for the summer season and further reported a revised proposal will be submitted to the Borough without the public bidding process included. He addressed the 8th Street Jetty and explained over the years minor cracks in the jetty have been observed and regular surveys have been completed to monitor movement. After Winter Storm Jonas, surveys were completed that found movement along the rocks in the jetty. Several weeks later, another survey was conducted that found a dramatic change in movement. Approximately 150 to 300 feet from the 8th Street Sea wall on the northern side of the jetty, the stones have settled and the concrete filler has gone with it. It has been determined the movement is associated with Winter Storm Jonas. An application for FEMA funding will be submitted, and in the meantime the weather, tides and conditions will be monitored to take soundings of the tow of the jetty. Land based surveys of the stone for a base plan for the repairs will also be done. It is likely the project will be comprised of removing and resetting the stone and filling the area with smaller stone. Currently, it doesn’t appear as though the core box, or smaller stone, was affected. Preliminary reports show only the larger stone has settled due to wave action from the north east. The project could be very costly, as large equipment will be required to reset the stone, however the ultimate decision will be based on the surveys and analysis of the situation.

Councilman Burns asked what the time frame would be for this project.

Tom Thornton explained the permitting process will take approximately four months, and during that time the public bidding process could take place. The project itself would take approximately ninety days, so the project could be complete approximately seven months from now. He noted it was a safety hazard to leave the jetty the way it is now and Public Works has placed Jersey Barriers to discourage visitors and residents from walking on the unsafe areas.

Councilman Covington asked if the jetty is safe to walk on.

Tom Thornton stated as long as individuals do not cross the jersey barriers, the jetty is safe to walk on. He also noted the jetty is being monitored much more frequently since the movement.

Councilman Covington inquired if the FEMA application for aid after Winter Storm Jonas will need to be amended to include the jetty project.

Tom Thornton explained a preliminary damage assessment was submitted to FEMA, however after speaking with Harry deButts, amending the damage assessment should not be a problem. FEMA allows for amendments to funding applications, and it is a high probability the Borough will qualify for funding for this project.

Council Vice President Hudanich suggested monitoring the jetty and the Jersey Barriers closely to ensure the safety of residents and visitors.

Discussion regarding Resolution approving Raffle License for the Avalon Garden Club.

Council agreed to proceed with a Resolution to be prepared for the April 13, 2016 Regular Meeting.

Discussion regarding Resolution amending the incentive bonus for Beach Patrol Lifeguards.

Scott Wahl reported a meeting was recently held with Jim Waldron, Stephen Barse and Captain Wolf to discuss the beach patrol and the upcoming summer season. It was decided in the meeting to change the date that lifeguards can qualify for the incentive bonus from September 10 to the third week in September. This would allow for more beach patrol coverage for a longer period of time in the event there is more summer-like weather and decent crowds a few weeks past Labor Day.

Council Vice President Hudanich suggested changing the unexcused absence criteria to qualify for the bonus from three unexcused absences to two unexcused absences.

Scott Wahl spoke in support of the change as proposed by Council Vice President Hudanich.

Council agreed to proceed with a Resolution including these amendments be voted upon this evening.

Discussion regarding Resolution affirming the Borough’s Civil Rights Policy.

Scott Wahl explained it is a JIF requirement to have a firm Civil Rights Policy in place and much of the language within a Civil Rights Policy is suggested by the JIF. It is the responsibility of the Business Administrator and the Personnel Officer to ensure the Civil Rights Policy is in place and enforced. The JIF requires the policy be revisited and revised every two years. This year the proposed language changes from the JIF are not monumental.

Councilman Covington noted the language proposed by the JIF is already covered by the current Personnel Policy the Borough has in place.

Scott Wahl reminded Council and the public the Personnel Policy Manual is in the process of being reviewed and revised, as it needs to be done this year.

Steve Barse explained the JIF usually mandates the new policy be adopted by the governing body during the month of April, however this year the mandated adoption deadline has been changed to September.

Councilman Covington noted the Borough already has a very strict policy in reference to discrimination and harassment.

Council Vice President Hudanich inquired if the policy needs to be cross-referenced with the Affirmative Action Officer.

Jim Waldron stated he will make a note of that and refer the question to Nicole Curio, who is currently working on revising the policy and the Borough is currently creating an inventory of items within the policy to be addressed.

Council agreed with Council Vice President Hudanich to cross-reference the policy with the Affirmative Action Officer and agreed to proceed with a Resolution to be prepared for the April 13, 2016 Regular Meeting.

Discussion regarding Bond Ordinances for Various Capital Improvements and Water/Sewer Utility Improvements.

Jim Craft gave a brief overview of the proposed Bond Ordinances and the projects covered within each of the Ordinances on the agenda for Council’s consideration this evening.

Councilman McCorristin inquired about the location of the bulkhead on 80th Street.

Tom Thornton explained the bulkhead is at the southerly limit of the Borough and intersects the Stone Harbor bulkhead. The bulkhead is very small and is approximately 10 feet.

Councilman Burns referenced the removal of stone on Inlet Drive Beach and asked for an overview of the project.

Tom Thornton explained when the Army Corp constructed the seawall, an excavator sunk in the soft soils. In order to extract the excavator, a makeshift road had to be constructed by the contractor using mid-size rocks to allow their crane to reach the excavator. When the project was completed, the Army Corp was not diligent in requiring the contractor to ensure those rocks were removed. At the time this took place, the rocks were buried, however those rocks are now exposed. In order to retain the beach, the rocks must be removed.

Councilman Burns questioned if it would be possible to hold the Army Corp responsible for the cost of the project.

Tom Thornton noted a conversation took place with the Army Corp, and while they didn’t take responsibility for the rocks, they made a point that if the Borough were to try to hold them responsible, the matter would be tied up in litigation for years between them and the contractor to remove the rocks, as it should be the contractor’s responsibility to remove the rocks from the beach.

Councilman Burns suggested paying for and completing the project and after the project is complete try to get reimbursed from the Army Corp.

Tom Thornton stated the intent of the project was to clean up the beach as soon as possible, and the Borough would then be able to attempt to receive reimbursement from the Army Corp and their contractor.

Councilman Burns questioned why the useful life of a generator was listed on the Bond Ordinance as five years.

Jim Craft explained the generators are expected to last much longer than five years, however due to statutory guidelines, a five year useful life is assigned to these items for bonding purposes.

Councilman Burns inquired about the project for pumping storm water out of the 78th Street pump station for the cost of $850,000.00.

Tom Thornton noted the project consists of constructing a new structure, as this area is the worst for nuisance flooding. This pump station will be similar to those on the north end, however it will be larger, as elevation requirements have changed and it will be further from the back bay, which explains the reasoning for the larger expense.

Councilman Covington reported the capital projects are budgeted in this budget and the projects will be able to move forward if the budget is approved at the regular meeting.

Tom Thornton further explained the new pump station will be beneficial to both the Borough and the County. The County has offered to contribute a significant share toward the cost for the project.

Councilman McCorristin referenced the 39th Street outfall pipe that goes into the bay and is split in half at the marsh and asked for a status update on the problem.

Tom Thornton stated the homeowner may have went to the County. He spoke with the County Engineer and was told the desire is to divert those flows to 38th Street. The County is taking care of the project and he will follow up on the issue on behalf of the Borough.

Council agreed to proceed with both Ordinances this evening.

Discussion regarding bids received for Dune Drive Sanitary Sewer Replacement.

Tom Thornton reported bids were received for the Sanitary Sewer Replacement improvement project. This project includes gravity sewer at the south end of the Borough from 78th to 80th Street and has been generally discussed at prior meetings. Bids were received on March 16, 2016 and were very competitive. The Engineer’s Estimate for the project was $275,000.00 and the lowest bid was in the amount of $208,000.00. There is a compressed schedule for the project which contributed to the high Engineer’s Estimate, however the contractor is prepared to complete the project before Memorial Day for the price bid. He recommended the project be awarded to West Bay Construction, Inc. and noted this company has done many projects throughout the County and has a good reputation. The contractor is committed to the project and has no concerns about completing the project on time. Once the project is complete, the trenches will be backfilled and a temporary pavement replacement will be placed on the trenches. Final paving will take place in the fall to avoid sinking in the road.

Councilman McCorristin questioned what streets would be affected by this project.

Tom Thornton replied Dune Drive from 78th Street to 80th Street and Avalon Avenue from 30th Street to 31st Street will be affected.

Council Vice President Hudanich referenced the Certification of Funds and asked if the funding for this project would be coming from a previous bond ordinance.

Jim Craft responded yes.

Council agreed to proceed with a Resolution awarding the contract at the Regular Meeting this evening.

Public Comments:

None.

Motion made by Council Vice President Hudanich, seconded by Councilman McCorristin to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Aye

Work Session adjourned at 7:45 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Nancy M. Hudanich, Council Vice President