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

Wednesday, February 22, 2017 at 7:04 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

 Attendance: Public -------------------- 1 Reporters ----------------------- 1

 The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

Roll call: Council President Hudanich Present
Councilman Covington Present
Councilman Dean Present
Councilman Deever Present
Council Vice President McCorristin Present

 Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

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

Paul Short, Code Enforcement Official

James V. Craft, Chief Financial Officer

Steven Camp, Assistant Director of Public Works/Utilities

William McCormick, Chief of Police

Ed Dean, Fire Chief

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

Council President Hudanich read the Open Public Meetings Act Announcement.

 Notice of this Work Session was included in the Annual Schedule of Meetings dated June 22, 2016. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding proposal from Stockton University Coastal Research Center on side scan of 8th Street Jetty.

Tom Thornton reported post-storm assessments of the 8th Street jetty were conducted after Winter Storm Jonas, and while damage to the jetty was not immediately apparent, some settlement was seen within several weeks following the storm. An assessment was presented to FEMA making the case that the damage was a result of Winter Storm Jonas, although somewhat delayed. Borough Council has since authorized a survey and project design for the repairs. Soundings and survey shots of the area have been taken and some deep areas closer to the jetty than expected were found. However, it is difficult to get a true picture of the situation using conventional methods of precisely where the interface is between the stone and the rock and whether the depths shown in initial surveys is scour or not. It is critical to fully understand the situation to properly treat the problem. It is critical to understand what is going on since repairs are underway. If there is more severe damage or a threat of damage as a result of scour that is not observable from the individual shots taken, it could be detrimental to the foundation of the jetty. It would be helpful to have a side scan sonar of the jetty and surrounding areas as a precautionary matter. The side scan will provide a 3D image of the situation below the surface. A proposal from Dr. Stewart Farrell from Stockton University Coastal Research Center has been reviewed and has been found to be reasonable.

Councilman Covington asked if these surveys could change the stance that the damage was caused by Winter Storm Jonas.

Tom Thornton replied that frequent detailed surveys are not taken of the inlet near the jetty. The Army Corp of Engineers surveys the inlet into the borrow area, however there is not a program that monitors the area adjacent to the jetty. He recommended reviewing results of the surveys as well as the side scan sonar once complete prior to making a determination. He clarified this

Tom Thornton (continued) study is not being recommended because damage is suspected. It is being recommended to determine whether or not there is scour at the tow of the jetty that could threaten it in the future.

Council President Hudanich supports having the side scan sonar done.

Tom Thornton added approximately ten years ago a section of outfall pipe at 22nd Street was lost in a storm and there was concern it could be a threat to bathers and swimmers in the area. At that time, Dr. Farrell was contracted to perform a side scan sonar of the area to evaluate the area.

Councilman Dean asked where exactly the possible scour is taking place.

Tom Thornton explained there was an area on the north side of the jetty that looked to be deeper than normal. This could pose a problem because the deeper the water is, the larger the waves are when they impact the jetty due to a lack of friction on the sea floor to reduce the energy of the waves. As the waves become more powerful, the jetty is more vulnerable and there is a possibility it could be undermined.

Council agreed to proceed with a Resolution to be prepared for the March 8, 2017 Regular Meeting.

Discussion regarding Resolution authorizing Change Order No. 1 for Fifth Avenue and 60th Street Water and Sewer System Improvements, Contract No. 54.

Tom Thornton explained this Change Order is a result of not having knowledge of the precise location of some of the Borough’s utilities. In this case a four inch water stub was found off of Dune Drive towards 60th Street. It appeared to extend down 60th Street, but there was no prior record of its existence. When the stub was found, it was decided to simply remove it to avoid confusion in the future. Considering work had to be completed in that area, it was proposed to install additional valves to give the Water Department the ability to shut down the system in the future if needed. The net amount of the Change Order is an increase of $15,110.24. He recommended Council approve the Change Order as submitted.

Council agreed to proceed with a Resolution to be prepared for the March 8, 2017 Regular Meeting.

Discussion regarding Avalon’s participation in the Atlantic-Cape Coastal Coalition.

Scott Wahl gave the following report:

On Tuesday, February 14th we held a meeting in this room with our CRS Coordinator Frank Bruton, John Tracy, Ed Dean, and myself, our CRS committee. We discussed new opportunities to collect points through the CRS Program. That program currently provides a 25% discount on flood insurance premiums for our community and we are striving to reach a Class 4 status which would result in a 30% discount for property owners.

One of our most recent large gains in points was the creation of our own Floodplain Management Plan, an effort headed up by Tom Thornton. That effort resulted in 320 points earned by Avalon; without this Plan and Committee, our prior point totals barely exceeded 100 points. And valuable guidance has come out of that plan for the Borough.

Mr. Bruton engaged us in a discussion to potentially join the Atlantic Cape Coastal Coalition. This Coalition is a volunteer organization consisting of about a dozen coastal communities in Cape May and Atlantic counties, comes at no expense to the Borough, and potentially could earn Avalon a significant number of points in the CRS program.

The Coalition’s focus is creating a Multi-Jurisdictional Program for Public Information, or PPI for short. The Coalition members meet monthly and discuss various public information outreach campaigns to their individual communities that provide some benefit. For instance, the flood threat map that we discussed at the last Council meeting could be a potential item for other communities to consider with their public information efforts. Let me discuss the benefits of being in this PPI.

Participation from the Borough is required with these steps: First, we may attend any of these monthly meetings but we are obligated to attend two specific meetings a year that would require attendance from Mr. Tracy and a member of the public for which we designate. Second, any public information efforts enacted by the Borough is shared with the Coalition electronically as idea starters for other member communities. They may take an Avalon idea, adjust it for their community, and implement a similar program.

Another major benefit for Avalon is this: Participation in a PPI will earn the Borough a 40% increase in all public information points currently credited to the Borough.

There is no obligation or commitment from the Borough needed outside of a Letter of Intent and an initial package of information to be filed electronically with the PPI. I had a meeting with Tom Quirk who provided me with additional details and I feel comfortable being a part of this Coalition as we continue to share flood mitigation ideas, public information, and earn more points for the CRS program.

Ed Dean noted there is no cost to the Borough to join the Atlantic-Cape Coastal Coalition.

Council President Hudanich spoke in support of joining the coalition and noted the 40% increase in public information points is an incentive for municipalities to join. She asked how far north the coalition reaches.

Scott Wahl responded the coalition reaches the Ventnor, Longport and Margate area. He added there are additional Cape May County municipalities that have expressed interest in joining as well.

After brief discussion, Council agreed and supported Avalon joining the Atlantic-Cape Coastal Coalition.

Status and progress of the stipend program for the Avalon Volunteer Fire Department.

Ed Dean reported the program has been a success since its implementation in October 2016. There are 35 firefighters currently participating in the program, and two new firefighters have been added to the department membership rolls since the program began. Since the program began in October there has been a steady increase in staffing of the overnight stipend program with very few nights unattended. The month of February has been scheduled with coverage for all nights within the month and there are hopes that March will see the same staffing. Program participants are now more knowledgeable of their equipment as well as local buildings to aid a better response in the event of a fire. The equipment is now better maintained and ready, which has helped reduce response time during overnight hours to five minutes. There also has been an increased interest in additional training since the implementation of the program with four firefighters attending Firefighter 2 courses and two firefighters signed up to attend the Instructor Level 1 course. Morale has also increased with the increase of team-building exercises during overnight hours. Due to the higher morale, there is also increased response by members not “on shift”. Overall, the program has been much more successful than originally anticipated. He thanked Council and all involved for their support of this program.

Council commended all involved in the implementation of the program for a job well done and expressed their support of the continuance of the program.

Update on current status update of Borough’s Declaratory Judgment action and a request for an additional $3,000.00 contribution from the Borough for legal and expert expenses in the state litigation.

Jim Waldron reported in March of 2015, the NJ Supreme Court granted a motion of the Fair Share Housing Corporation that essentially stripped the Council of Affordable Housing (COAH) of its legal standing to deal with issues of affordable housing. The court did that on the basis that it concluded that COAH was virtually nonexistent. As part of that decision, the court granted to municipalities, such as Avalon, which had not received COAH certification the opportunity to file a declaratory judgment action. Council approved that action which was filed in July of 2015. Thirty communities in Atlantic and Cape May County filed such actions and they are all

Jim Waldron (continued) assigned to a Mount Laurel Judge, Judge Nelson Johnson. Judge Johnson consolidated all thirty cases for management purposes, however decided that the cases would be tried individually in the event there was not a settlement achieved that was satisfactory to the court and to Fair Share Housing Corporation. The court also decided that in order to manage the cases, it was necessary to appoint a special master. Retired Judge Steven Perskie was appointed to that position. Judge Johnson and Judge Perskie decided the hiring of an Independent Planner on behalf of the courts was necessary, and Richard Reading of Reading Associates. Early on in the litigation, Fair Share Housing Corporation had developed a model for affordable housing for all communities in the State which was going to be imposed on the towns. The affected municipalities formed a municipal group known as the consortium which retained Rutgers University and Dr. Robert Burchell to create a worthwhile counter plan. Dr. Burchell was the original author of the Round 1 COAH regulations, which was a benefit to the consortium. Unfortunately, during his work with the consortium, Dr. Burchell suffered medical complications that prevented him from completing the project. The consortium then retained Econsult Solutions from Philadelphia. At that point, Judge Trancone in Ocean County ruled that the COAH legislation required a gap assessment. A gap assessment would require each municipality to calculate the need for affordable housing for a fifteen year period. It is estimated that the gap assessment formula could increase the number of units in the State by approximately 300,000 units in addition to what would be reached and achieved under the planning process. That case was appealed. Another judge also in Ocean County decided that all data obtained by the consortium had to be turned over to the Fair Share Housing Corporation. That ruling was also appealed and is still going through the appeal process. On July 11, 2016 the Appellate Division ruled there is no reason for a gap calculation as it does not exist in the law. Fair Share Housing Corporation appealed that decision to the Supreme Court. On January 18, 2017 the Supreme Court agreed with the Appellate Division in their ruling, however it was decided to redefine the present need to include the gap assessment. All of the reports that have been prepared to date must now be revisited and recalculated. The consortium is requesting Avalon contribute an additional $3,000.00, which would bring the Borough’s total contribution to $9,000.00 over a three year period. He recommended Council approve the additional expenditure. He added when the declaratory judgment was filed in July of 2015, Avalon was given temporary immunity, which expires on March 31, 2017. Judge Johnson has convened a management conference that Mr. Marcolongo will be attending several days before that. It is reasonably anticipated that the temporary immunity will be further extended. However, it is also expected that there are going to be timelines and other bench marks that will need to be met. Avalon has retain its own planning expert. There are preliminary reports and there have been preliminary meetings with Judge Perskie and Mr. Reading. The reports will need to be modified to the extent that the Supreme Court decision has changed the landscape of the calculations. There is legislation that was introduced in the Senate and a companion bill in the Assembly in May of 2016 that was introduced before the Appellate Division decision in July that parallels exactly what the Appellate Division did, however hearings for the legislation have not been scheduled. The Chairman of that committee is Jeff VanDrew.

Council President Hudanich suggested the matter be brought up at the Cape May County League of Municipalities meeting held February 23, 2017 to try to get hearings for the legislation scheduled.

Council agreed to proceed with a Resolution to be prepared for the March 8, 2017 Regular Meeting.

Update on the 2017 Winter Hydraulic Beach Fill Project.

Scott Wahl reported the beach fill project is in Stone Harbor and there have been significant gains by getting 400 feet of Stone Harbor’s beach front done in a reasonably short amount of time. The project was billed to include rough seas and mechanical failures, and there have been two mechanical issues on the dredge and no safety issues. The mechanical failures have been resolved and since then the project has been running smoothly. Due to the CRBA problem that prohibits the use of material in Hereford Inlet due to federal dollars being used, there are now some concerns that there may not be enough available sand I the borrow area to complete the Stone Harbor portion of the project. However, the Army Corps of Engineers and the State are working earnestly to obtain quick approvals to slightly expand the borrow area for one-time use to complete this project.

Public Comments:

None.

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

ROLL CALL VOTE: Councilman Covington Aye
Councilman Dean Aye
Councilman Deever Aye
Council President Hudanich Aye
Council Vice President McCorristin Aye

Work Session adjourned at 7:52 p.m.

 Respectfully submitted,

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 Marie J. Hood, Borough Clerk

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 Nancy M. Hudanich, Council President