

A Regular Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, March 14, 2018 at 4:30 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 3 Reporters - - - - - 1

The meeting was called to order by Council President McCorristin.

<u>Roll call:</u>	Council President McCorristin	Present
	Councilman Covington	Present
	Councilman Dean	Absent
	Council Vice President Deever	Present
	Councilwoman Hudanich	Present

Also present:

Scott Wahl, Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
Jim Waldron, Assistant Business Administrator
Captain John Roscoe
Steven Camp, Assistant Director of Public Works
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Jim Craft, Chief Financial Officer

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included in the Annual Schedule of Meetings dated June 28, 2017. It was given to the news media and posted on the Official Bulletin Board as required by law.

Public comments regarding Resolutions:

None.

Resolution No. 54-2018: A RESOLUTION AUTHORIZING A MAINTENANCE SERVICES AGREEMENT WITH CM3 BUILDING SOLUTIONS FOR HEATING AND AIR CONDITIONING ANNUAL MAINTENANCE AND INSPECTION OF BOROUGH BUILDINGS FOR A ONE YEAR TERM COMMENCING JANUARY 1, 2018

Motion made by Council President McCorristin, seconded by Council Vice President Deever that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 55-2018: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH D & M ELECTRICAL LLC FOR DEPARTMENT OF PUBLIC WORKS EMERGENCY GENERATOR CONTRACT NO. M-107 IN THE AMOUNT OF TWO HUNDRED FIFTY-NINE THOUSAND (\$259,000.00) DOLLARS

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Resolution No. 56-2018: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR DEPARTMENT OF PUBLIC WORKS EMERGENCY GENERATOR, CONTRACT M-107 ON A REIMBURSABLE BASIS FOR AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND FIVE HUNDRED (\$28,500.00) DOLLARS

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that the resolutions be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 57-2018: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH WICKBERG MARINE CONTRACTING, INC. FOR RECONSTRUCTION OF VARIOUS BULKHEADS CONTRACT NO. M-108 IN THE AMOUNT OF THREE HUNDRED SIX THOUSAND SEVEN HUNDRED FIFTY (\$306,750.00) DOLLARS

Resolution No. 58-2018: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR RECONSTRUCTION OF VARIOUS BULKHEADS, CONTRACT M-108 ON A REIMBURSABLE BASIS FOR AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND (\$32,000.00) DOLLARS

Motion made by Council President McCorristin, seconded by Councilwoman Hudanich that the resolutions be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 59-2018: A RESOLUTION AMENDING RESOLUTION NO. 37-2018, ADOPTED FEBRUARY 7, 2018 AUTHORIZING THE EXECUTION OF CONTRACTS FOR VARIOUS SPORTS AND EDUCATIONAL CAMPS FOR THE 2018 SEASON

Resolution No. 60-2018: A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR MUNICIPALLY OWNED AND/OR CONTROLLED PICKLEBALL COURTS

Motion made by Councilman Covington, seconded by Council Vice President Deever that the resolutions be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

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Resolution No. 61-2018: A RESOLUTION AUTHORIZING CHANGE ORDER NOS. 1, 2, & 3 FOR OCEAN DRIVE SANITARY SEWER SYSTEM IMPROVEMENTS, CONTRACT 55

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 62-2018: A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT, NON-FAIR AND OPEN, WITH 7 MILE PUBLISHING AND CREATIVE GROUP, LLC OF AVALON, NJ FOR PUBLIC RELATIONS AND ADVERTISING SERVICES FOR THE BOROUGH OF AVALON FOR A TERM OF ONE (1) YEAR COMMENCING APRIL 1, 2018

Motion made by Council Vice President Deever, seconded by Councilman Covington that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 63-2018: A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE DESIGN SERVICES, PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR SANITARY SEWER SYSTEM IMPROVEMENTS 76TH AND 6TH STREET FOR A LUMP SUM FEE OF SEVENTEEN THOUSAND FOUR HUNDRED (\$17,400.00) DOLLARS

Motion made by Council President McCorristin, seconded by Councilman Covington that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 64-2018: A RESOLUTION OF THE GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

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Motion made by Councilwoman Hudanich, seconded by Council Vice President Deever that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Resolution No. 65-2018: A RESOLUTION AUTHORIZING PAYMENT OF
BILLS

Motion made by Council Vice President Deever, seconded by Councilman Covington that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Introduction and first reading by title only of Ordinance No. 772-2018:

Motion made by Council President McCorristin, seconded by Council Vice President Deever that Ordinance No. 772-2018 be brought on for first reading by title only.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Borough Clerk read aloud Ordinance No. 772-2018:

Ordinance No. 772-2018:

AN ORDINANCE AMENDING CHAPTER 14 (WATER AND SEWER) OF
THE CODE OF THE BOROUGH OF AVALON, 2013 IN ORDER TO
CHANGE THE QUARTERLY EXCESS CHARGES FOR WATER AND
SEWER SERVICES

Motion made by Council President McCorristin, seconded by Council Vice President Deever that Ordinance No. 772-2018 be passed on first reading and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Second reading, public hearing and final action on Ordinance No. 768-2018:

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 768-2018 be brought on for second reading, public hearing and final action.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

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Borough Clerk read aloud Ordinance No. 768-2018:

Ordinance No. 768-2018:

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Council President McCorristin opened the meeting for public hearing on Ordinance No. 768-2018 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Motion made by Councilwoman Hudanich, seconded by Councilman Covington that Ordinance No. 768-2018 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Second reading, public hearing and final action on Ordinance No. 769-2018:

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that Ordinance No. 768-2018 be brought on for second reading, public hearing and final action.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Borough Clerk read aloud Ordinance No. 769-2018:

Ordinance No. 769-2018:

AN ORDINANCE AUTHORIZING THE SALE AND RELEASE OF ANY AND ALL
PUBLIC INTEREST IN A CERTAIN EASEMENTS AND RESTRICTIONS
HERETOFORE IMPOSED BY THE BOROUGH OF AVALON IN A 1979 DEED OF
CONVEYANCE UPON BLOCK 67.03 LOTS 26, 28, 53 AND 55 FOR A
CONSIDERATION OF TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS
SUBJECT TO CERTAIN EXCEPTIONS

Council President McCorristin opened the meeting for public hearing on Ordinance No. 769-2018 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Motion made by Councilwoman Hudanich, seconded by Council President McCorristin that Ordinance No. 769-2018 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Second reading, public hearing and final action on Ordinance No. 770-2018:

Motion made by Council Vice President Deever, seconded by Council President McCorristin that Ordinance No. 770-2018 be brought on for second reading, public hearing and final action.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Borough Clerk read aloud Ordinance No. 770-2018:

Ordinance No. 770-2018:

BOND ORDINANCE PROVIDING FOR VARIOUS WATER/SEWER IMPROVEMENTS IN AND BY THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$919,050 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$873,096 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council President McCorristin opened the meeting for public hearing on Ordinance No. 770-2018 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Council Vice President Deever, seconded by Council President McCorristin that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

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Motion made by Council Vice President Deever, seconded by Council President McCorristin that Ordinance No. 770-2018 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Second reading, public hearing and final action on Ordinance No. 771-2018:

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 771-2018 be brought on for second reading, public hearing and final action.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Borough Clerk read aloud Ordinance No. 771-2018:

Ordinance No. 771-2018:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF AVALON, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$6,204,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,329,380 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council President McCorristin opened the meeting for public hearing on Ordinance No. 771-2018 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Motion made by Councilman Covington, seconded by Councilwoman Hudanich that Ordinance No. 771-2018 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Reports of Officials:

Scott Wahl read the following report:

Cellular Nodes/Verizon Request: At the direction of Council President McCorristin and Council Vice President Deeve Avalon hosted a meeting in this room following the last Council meeting to have a sit down with Verizon regarding the request for the cellular nodes. Also in attendance were Mr. Barse and our telecommunications expert, Dominic Villecco. This followed the initial conversation on an ordinance that was held by Council earlier this month. It became apparent to our team that there is an inherent need for proof to be provided to the Borough that this request is justified before any additional resources are expended on this issue. The company was tasked at the meeting to provide this proof and so far there has been no response nor justification. In my conversations with other administrators and elected officials and their individual experiences in dealing with this issue and requests from carriers that it is critically important for the Borough to conduct our due diligence as representations made to local governments are not necessarily what is ultimately fulfilled.

Coastal Barrier Resources Act: Since last year's beach fill project was completed, the Borough has worked with our neighboring communities of Stone Harbor and North Wildwood over what the Borough believes is the inappropriate application of the Coastal Barrier Resources Act which prevents federal money being used to extract sand from Hereford Inlet for traditional beach fill efforts. The application of this Act to last year's beach fill unnecessarily drove up the cost of the beach fill to our federal and state partners, threatened the completion of the project, and caused unnecessarily and costly delays. Avalon initiated a meeting yesterday that included our beach advocate in Washington, Howard Marlowe; the mayors of North Wildwood and Stone Harbor, Dr. Farrell, along with myself and Mr. Waldron. The reason for the meeting was precipitated by the United State Fish and Wildlife Services proposed expansion of the Act in Hereford Inlet, not the elimination or restriction. During our conversation we learned some very compelling information and strategies that will allow us to take necessary action to reverse this proposed expansion which has a public comment policy through early July. It may require a visit to Washington, D.C. on May 10, 2018 which we are prepared to do in order to protect our 50-year nourishment program.

Council President McCorristin asked how far the proposed expansion of the site would reach.

Scott Wahl responded it is proposed to expand the area to the North Wildwood seawall.

Councilman Covington expressed confusion that the borrow area can be accessed with any funding other than federal, however it is prohibited to use federal funding to borrow material from that area.

Scott Wahl agreed with Councilman Covington that there is a discrepancy in the reasoning of the federal government when it comes to this borrow area.

Councilwoman Hudanich inquired if there is being any data presented to support this extension of the footprint.

Scott Wahl responded there has been no data presented at this time. A request was made to the Secretary of the Interior, however still no data has been shown.

Status of the Beaches: We conducted multiple evaluations of the beachfront following the two nor'easter storms that had an impact on our area. Reviews were conducted by Mott MacDonald, Dr. Farrell, Public Works, Avalon OEM, and myself. I photographed the beaches following the two storm events. The team reached a consensus conclusion that courtesy of the last beach fill project where over 1 million cubic yards of sand were placed on the beaches at an expense well under \$1 million to the Borough, the beaches held up with one notable exception. It appears that the entire beachfront was thinned slightly by the storms; that sand may be redeposited on the beaches. Salt hay that washed up on the beachfront has been purposefully left on the beach as it tends to trap sand that comes ashore following storms of this nature. However, we do have a problem area between 9th Street and approximately 14th Street. A large amount of sand was washed away and during high tide during the first coastal storm, the water was up to the dune line. Most of the new sand fence was untouched, and virtually all of the dunes were untouched

as well. In one hotspot near 11th Street, the first row of dune grass that was planted was uprooted onto the beach. The irony of this first coastal storm is that during the actual storm event, much of the beach remained, but in the three days to follow with high tides and a strong wind, the erosion occurred. The second nor'easter did not produce any significant change to the condition caused by the first storm. Immediately we discussed the situation with our team, the Mayor, and Council President McCorristin. We are in the process of exploring a backpassing operation for resiliency in advance of the heart of the summer season. Mott MacDonald is in the process of evaluating the availability of sand and pursuing state and federal permits for a potential project. I have worked with Tom on having discussions on the State and Federal levels about the need for quick turn around for the permits. Public Works has moved on the potential availability of equipment shall a project be needed.

Tom Thornton explained Mr. Chris Constantino, from the Bureau of Coastal Engineering within the Department of Environmental Protection has been contacted to convey the seriousness of this problem. The Borough is in the process of submitting a request to the NJ Department of Environmental Protection for an emergency permit authorization to allow the Borough to proceed with this project prior to submitting the permit application. The US Army Corp of Engineers has also been contacted regarding obtaining an individual permit for the backpassing project. The Reviewer of the projects is working with the Borough and understands the urgency of the situation. The Army Corp does not offer emergency authorizations, which would require an individual permit. There are hopes to move forward with that process as expeditiously as possible. A survey crew has reviewed the fill area as well as the borrow area. The borrow area is between approximately 32nd Street and 39th Street, which is where sand will be excavated and moved to the fill area. The actual application will be from 9th Street to 16th Street, which allows a couple of blocks to transition. Calculations are being done of the volumes both required in the fill zone based on the surveys as well as what is available in the borrow area based on the surveys. There are hopes to complete those calculations by Tuesday, March 20, 2018. As a reminder, the backpassing project consists of scraping to a depth already determined to be allowable from the agencies. There is no guarantee at this point that there is sand available in the borrow area. That will be determined by evaluating the survey data, which is expected to be completed March 15, 2018. However there is no reason to expect the sand wouldn't be there, as it is an accretionary beach. There is hope that 30,000 and 50,000 yards of sand will be available for excavation. The type of damage at the north end is exactly why the backpassing option is so valuable. He noted the beaches between 9th Street and 14th Street typically are affected the most by erosion, which is what occurred during these storms.

Council President McCorristin asked about the southerly borrow area.

Tom Thornton explained it was determined not to include that borrow area in the application process, as the endangered species issue of the piping plovers may prolong the application. To avoid prolonging the process, it is planned to focus solely on the northern borrow area. As Council is aware, the permit issued to the Borough includes a northern and a southern borrow area. In between those two borrow areas, is a protected piping plover zone, which extends from approximately 38th Street to 60th Street. The southern borrow area was only used for the initial scraping project in 2012. There has been three backpassing projects since then, and the northern borrow area has provided all of the necessary sand. Based on the preliminary review, if there is not enough sand within the northern borrow area, the Borough would need to mobilize quickly to go borrow from the south end, however it would be difficult to move the material, as the piping plover season is upon us.

Scott Wahl added the driving restrictions for the piping plover beaches go into effect tomorrow, March 15, 2018.

Council President McCorristin announced Councilman Dean is excused from attendance from all Council Meetings held this afternoon due to health concerns.

Public Comments:

None.

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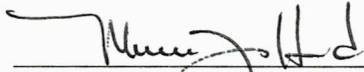
Motion made by Council President McCorristin, seconded by Council Vice President Deever to adjourn the Regular Meeting.

ROLL CALL VOTE:

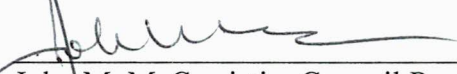
Councilman Covington	Aye
Councilman Dean	Absent
Council Vice President Deever	Aye
Councilwoman Hudanich	Aye
Council President McCorristin	Aye

Regular Meeting adjourned at 4:56 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President