

February 28, 2018

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, February 28, 2018 at 4:04 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 7

Reporters ----- 2

The Meeting was called to order by Council President McCorristin.

Pledge of allegiance.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
Paul Short, Code Enforcement Official
James V. Craft, Chief Financial Officer
Steven Camp, Assistant Director of Public Works/Utilities
Jeffrey Christopher, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Charles McDonnell, Recreation Director
Dr. Ed Mahaney, Mahaney Consulting Group
Dr. Brian Reynolds, Chairperson, Environmental Commission
Dominic Villecco, V-COMM, LLC
Monica Coskey, 7 Mile Publishing, LLC
Dr. Lenore Tedesco, The Wetlands Institute
Jennifer Young, Government Liaison, Verizon
Joseph Lomax, Lomax Consulting, LLC
Scott Taylor, Municipal Planner, Taylor Design Group

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Work Session 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.

Discussion regarding Ordinance concerning DAS Technology.

Scott Wahl reported a presentation was given to Borough Council in January of 2017 regarding a proposal to approach what is to be the future of telecommunications services that would enhance what telecommunication carriers already provide through wireless nodes. Council and other Borough representatives had many questions at the conclusion of the presentation. Since then, meetings have taken place with Steve Barse, Jim Waldron, and Domini Villecco in an attempt to understand what this technology is and how it would impact current and future requests. Soon, every municipality in New Jersey will need to address the possibility of having wireless nodes installed to enhance the service currently provided by cell phone companies beyond the antennas that exist on current water towers. Recently, cell phone companies have begun taking a look at how you can provide more service and capacity and handle demand. Shore communities are in a unique position considering data usage in the community varies depending upon the season. The meetings held attempted to identify goals that will benefit Council as well as all residents and visitors. As a result, an Ordinance has been drafted that would allow this type of technology to exist in the Borough, protect the visual integrity of the Borough, and meet the needs of the cell phone carriers. At this point, there is a request from only one cell phone carrier, Verizon, to install this technology. It is possible requests from other cell phone carriers could be submitted in the near future. It is important to establish a set of criteria that must be met prior to allowing work to begin. A node is a square metal box that gets mounted to an existing utility pole, which

Scott Wahl (continued) essentially holds the equipment that would allow the expansion of the cell phone coverage with an antenna mounted at the top of the pole. Each node would have a range of approximately 1,000 feet of additional coverage. If future cell phone companies submit requests for nodes, co-location could be discussed. Co-location could include more than one box per pole or possibly all carriers co-existing in one box per pole. If more than one node is installed on a utility pole, only one antenna would be needed, and each node would provide an additional 1,000 feet of coverage for each cell phone carrier. However, if two carriers use the same box, the signal range is not the same per carrier. For two carriers to use the same box, each carrier would have a range of 500 additional feet of coverage. If four carriers use the same box, each carrier would realize a signal boost of only 250 feet per node. Another option to expand cell phone coverage could be the installation of a mono pole. A mono pole is a structure whose sole purpose is to provide expanded cell phone coverage. This proposed Ordinance prohibits monopoles. Another option for cell phone carriers could be the construction of a stealth structure. A stealth structure, as defined in the Ordinance, would look like a wooden utility pole whose sole purpose would be to house a wireless node. It must align with neighborhood and business characteristics of the surrounding area to avoid an eyesore. The draft Ordinance before Council prohibits nodes or antennas on any utility or decorative pole in the Dune Drive Business District between 20th Street and 34th Street. The proposed Ordinance permits the installation of a stealth structure as an option of extreme last resort. It also establishes a review committee, a permitting process, and a Master License Agreement between the carrier or the entity desiring to install the nodes and antennas. Some communities have taken the approach of allowing cell phone companies to place nodes as they see fit. Other communities have had an approach of issuing a Master License Agreement prior to negotiations of the project scope. It is not recommended that Avalon take either of those courses of action. It is recommended to authorize a Master License Agreement to use the utility poles that are in the public right of way after the issuance of an approved permit. Other items included in the Ordinance address safety, work schedules, and outdated equipment. The Ordinance would require any outdated equipment to be removed from the poles, would ensure no ground structures, and all equipment to be installed above flood elevation.

Dominic Villecco explained the functionality of each node location proposed by Verizon was thoroughly analyzed from both a pragmatic and regulatory standpoint. There have been some companies in the wireless industry that have requested to construct a mono pole in the right of way that is potentially 90 feet in height in other communities. The purpose of this Ordinance was to attempt to understand the needs for service. In the past, the Borough of Avalon has been proactive in trying to balance the aesthetics and the need for service along with a regulatory permitting process. In regards to cell phone service, the high amount of usage in one area slows down service, although it appears that full cell phone coverage is available in the area. The capacity of the network is unable to handle the volume of usage and data streaming in certain areas due to network congestion. The primary goal of the Ordinance is to utilize existing structures. If a new structure is required, this Ordinance would ensure that it fits in with the streetscape in that area and would provide an opportunity for Borough representatives to review the application. Since the presentation given to Council in January of 2017, additional information has been received and Verizon has provided more detailed information as far as requested locations and the poles to be used.

Council President McCorristin asked what distance a mono pole would cover.

Dominic Villecco responded the range would depend on the height of the pole, however a 35 foot mono pole would provide approximately the same range of coverage.

Council President McCorristin inquired if it would be possible to place fewer mono poles and still provide adequate coverage.

Dominic Villecco indicated it could be possible to do so with 90 foot poles.

Council President McCorristin questioned if it were possible to mount the antennas typically used on mono poles on top of water towers around town to provide appropriate coverage without requiring the installation of numerous nodes throughout the Borough.

Dominic Villecco noted if that route was taken, it may provide capacity relief for a short period of time, however additional requests would most likely be received shortly after the installation. Lately, the data grove is growing by 100% every year, which requires the network be doubled annually.

Council President McCorristin asked how nodes would be installed in areas where there is underground services.

Dominic Villecco noted in those areas, a stealth pole could be constructed, but it would be required that the pole look similar to the light poles in the area, as long as that pole is between 25 and 35 feet in height.

Council President McCorristin estimated the proposed plan could request that nodes be installed on poles on every other block, and inquired if that would increase as additional requests from other cell phone providers are received.

Dominic Villecco indicated Council President McCorristin's estimation is close to being accurate and noted more nodes could be necessary if another carrier submits a request. He reminded Council that these nodes are needed as an overlay to supplement current cell service provided through the town via antennas on water towers. It would be recommended to install these nodes in areas other than where the cell towers are currently located. Essentially, the purpose of the nodes is to provide hot spots to help relieve congestion.

Councilman Covington noted this Ordinance will be amending Chapter 26, which is associated with Land Use Law. He inquired if the Planning and Zoning Board should be involved with this Ordinance.

Jim Waldron explained this technology is developing with such rapidity that the Planning Board does not have the expertise to regulate this, however this Ordinance creates a Review Committee. That Review Committee consists of the Borough Engineer, the Planning Board Engineer, the Zoning Officer, the Borough Solicitor, and the Borough Business Administrator. An application would be submitted to the Zoning Officer. It would then be reviewed by the Review Committee for the technology. If there is a request that deviates from this Ordinance, the requestor has the right to have a hearing before the Review Committee. The Review Committee has the ability, based on the technology arguments that are presented at that level to grant them a municipal consent or a deviation. If the Committee chooses not to grant a deviation or chooses not to approve the application, the appeal then goes before the Planning Board. At that point, the Planning Board will have a record that has been developed up to that point, and they have a basis upon which they would be able to render a decision. One of the fears is that with advancing technology, these carriers may decide at some point that they no longer need these nodes. There is a provision built into the Ordinance that if the equipment is abandoned, they have a period of time within which to remove it. If they choose to challenge a decision as to whether or not the equipment has been abandoned, that comes before Borough Council. Borough Council can either hear the matter, or Council has the right to hire an Independent Hearing Officer who would develop the record, view the technology issues, and come back to Council and advise if there is an agreement that the equipment has been abandoned and should be removed, or if there is not an agreement that the equipment has been abandoned, in which case, the 15 year Franchise Agreement regarding the equipment would continue. At the end of the 15 years, either a new application would need to be submitted, or the equipment must be removed. By way of clarification, this is not a Land Use issue. The existing telecommunication Ordinance allows for antennas on the water tanks, and it also allows the construction of new antennas in certain zones within the community. The Ordinance also permits the construction of a monopole, however that requires site plan approval by the Planning and Zoning Board.

Councilwoman Hudanich suggested considering fewer stealth structures rather than having a high number of nodes on poles. She inquired how the height of the node is determined.

Dominic Villecco responded the owner of the pole dictates the height of the mounted node. Often times a power company will restrict an antenna's location and would determine certain poles unusable.

Council President McCorristin suggested installing antennas from the monopoles on top of existing utility poles to decrease the number of necessary antennas and avoid the visually unpleasing nodes.

Dominic Villecco noted that may still pose a problem with the growth of the traffic of these devices, and more units would be necessary in the near future.

Councilwoman Hudanich asked if an antenna can be put on a pole without a node.

Dominic Villecco responded no, the two items must co-exist on one pole.

Councilwoman Hudanich asked if nodes work as boosters for networks.

Dominic Villecco explained nodes are a scaled down version of the cell towers in place on the water tanks. He noted nodes can be placed on taller poles, however it is a possibility that it would be a short amount of time before requests for additional nodes were submitted to the Borough in an attempt to accommodate the 100% growth.

Council President McCorristin stated that scenario is still possible if the Borough were to grant Verizon's requests now.

Councilwoman Hudanich agreed and suggested changing the abandonment language of the Ordinance. She suggested having the Ordinance state when the technology is no longer desirable, necessary, pertinent, or sufficient, the cell phone provider should remove the hardware from the utility poles immediately.

Council Vice President Deeever asked what range a mono pole covers.

Dominic Villecco explained the coverage could range from ½ to ¾ mile if the poles were between 70 and 80 feet high.

Council Vice President Deeever noted the coverage area of 1,000 feet per node only covers four blocks of the Borough.

Dominic Villecco stated while technology could advance in making the nodes or equipment smaller, there are large hurdles when attempting to increase the range of such equipment. When this runs in parallel with the 100% growth per year due to streaming, it is the cell phone provider's responsibility to supply the demand.

Council President McCorristin mentioned while the data usage may continue to increase, the Borough most likely will not see extremely increasing population figures due to the lack of vacant lots that may bring in more residents and visitors.

Dominic Villecco agreed with Council President McCorristin, however commented that while the population figures will remain similar, the data usage of those individuals is essentially doubling.

Council President McCorristin asked for more information on the varying types of antennas and the coverage areas each can handle. He suggested putting additional antennas on the water towers with a small amount of supplementing nodes throughout the Borough.

Dominic Villecco stated nodes cannot be added to the water tank.

Council President McCorristin asked how many nodes Verizon is requesting.

Dominic Villecco responded Verizon is requesting approximately 32 nodes south of 38th Street and between 38th Street and 13th Street.

Council President McCorristin requested that Mr. Villecco determine how many antennas would be needed if the mono pole antenna is placed on top of the existing metal utility poles along Ocean Drive.

Councilwoman Hudanich suggested constructing stealth mono poles in designated locations throughout the Borough to avoid unsightly nodes.

Council agreed to hold further discussion regarding this item at a future Work Session meeting.

Discussion regarding a Resolution executing a maintenance agreement with CM3 Building Solutions.

Steve Camp explained this Resolution is for the maintenance agreement with CM3 Building Solutions which would cover the heating and air conditioning systems in the Public Safety Building, Public Works Building, and Community Hall. The total amount for the contract would be \$23,628.00.

Councilman Covington inquired if these are contracts that are being renewed.

Steve Camp responded yes.

Councilwoman Hudanich asked if the Borough has been happy with the services provided by this company in the past.

Steve Camp indicated this company is very knowledgeable, reliable, and are able to resolve problems in a timely manner.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the March 14, 2018 Regular Meeting.

Discussion regarding grant application to the Sustainable Jersey Program.

Scott Wahl read the following report:

Introduction/Slide One: We are presenting a request to Borough Council to consider an application to the Sustainable Jersey program that seeks up to \$20,000.00 in funding for the potential creation of an innovative pilot project that would provide a turtle nesting area near Avalon's Kayak Park. The only reason we are able to even present this request is the three consecutive certifications in Sustainable Jersey by the Borough. This Council encouraged us to apply for certification to have the Borough appropriately recognized for our environmental achievements and policies. A three time certification only comes with not only the support of Council but from the Borough employees and volunteers who provide us with the documentation and skills necessary.

Summary of Actions:

Summer of 2017: During a Council meeting, Council was asked to recognize and potentially find a solution for the elimination of terrapin turtles who have crossed the road for suitable nesting areas. They often cross from west to east and each year turtles are lost along Ocean Drive due to traffic.

Soon after the meeting, Mr. Macomber informed us he had extra turtle fencing that currently exists along Avalon Boulevard and we could install in a good faith attempt to keep the turtles on that side of the roadway. However, the installation of the nesting was more of a problem than a solution as turtles who had crossed could not get back, so it was removed immediately and we agreed to pause to get a better solution. We also learned at that time of citizen involvement by engaged property owners on Ocean Drive who have conducted best efforts and practices to save as many turtles as possible. Their efforts through the years shall be applauded by the Borough

August, 2017: We agreed to have a meeting that involved members of the public, the Wetlands Institute, Councilman Covington, and our municipal planner Scott Taylor who has experience with these types of issues. At the time we discussed various ideas and strategies that may be implemented, including the creation of a pilot project to see if a more attractive and suitable nesting area for the turtles could be potentially created.

January 2018: This Council took very necessary steps to move us forward on this and other matters by approving agreements with the Wetlands Institute for environmental planning and

consulting, and with Dr. Edward Mahaney to pursue various grant opportunities. At this time, Dr. Mahaney and I spoke about potential solutions to this issue and made us aware that grant funding existed through Sustainable Jersey that would likely finance all of the construction costs with this project. I relayed that information to Mr. Taylor.

Today: Mr. Taylor and Dr. Mahaney are both here to discuss this project. This grant proposal provides total inclusiveness for the residents and general public from start to finish. We want the neighbors to be vested contributors in the planning, designing, construction, and evaluation of this pilot program for our attempt to develop a cost effective, safe, and permanent turtle barrier solution which could be a model throughout southern New Jersey in critical turtle nesting areas.

As I turn this over to Mr. Taylor, I would like Council and the public to know that the support for this project has been nothing less than enthusiastic and positive, with support coming from but not limited to AHLOA, the Avalon Environmental Commission, the Avalon Free Public Library, the Avalon Green Team, and other community based organizations.

Scott Taylor explained multiple topics have been discussed when approaching the subject of protecting the diamondback terrapin turtle population in the Borough. Many tourists have inquired about the black PVC pipe that runs along the Boulevard. The Borough has worked hard to educate tourists that the piping they are seeing is actually fencing to prevent nest searching diamondback terrapins from crossing the roads. The terrapins are having a tough time with the degradation of salt marsh habitat. Potential opportunities for a permanent solution have been reviewed, as well as solutions to try to hide the piping. A possibility would be to create a meadow habitat along the area of the piping, which could provide valuable habitat for songbird and pollinator species as well as create a screening of the visibility of the turtle barrier, however still keeping a mow strip on the water side to avoid vegetative bridging of material that the turtles could then climb up and over. This grant application includes the installation of approximately 1,000 linear feet of the temporary black PVC turtle fencing along Ocean Drive, starting behind the kayaks at Kayak Park and moving north. The Wetlands Institute suggested creating some sandy nesting areas in the area between the turtle barrier and the bay. In that area, there are several areas of lawn that are not used for recreation, and create unnecessary areas of mowing, increasing cost and carbon footprint. The plan is to attempt to convert some of those vacant areas into sandy turtle nesting habitats. Assuming positive funding in April of this year, the intent would be to immediately install the temporary PVC fencing along the full length of the project area and immediately allow that no-mow area that could be four to six feet wide in a very deliberate curvilinear line to mimic the appearance of a golf rough with a very strong and defined architectural form. To further educate the public about the no-mow area, it is proposed to erect songbird and meadow habitat signage along with a birdhouse, if the budget permits. By taking these steps, the perception of that area would evolve into a real environmental asset. In conjunction with the grant, it is also proposed to construct interpretive educational signage. The signs could address the nesting habits of diamondback terrapins as well as the reasoning for the Borough's actions in this project to coincide with the songbird and pollinator habitat meadow signage. The Wetlands Institute, also suggested the installation of nesting boxes to help protect the egg clutches from predators. All proposed signage will provide visual consistency with other signs throughout the Borough. There are many negative aspects of the PVC piping in addition to the visual drawbacks. One negative aspect is vegetation can grow under the tubing, creating an elevation of the barrier, allowing terrapins to pass under the barrier. Additionally, the piping is not UV stable and is easily broken down by mowers and a variety of other sort of cultural means, and is displaced significantly by storms. On average, the black PVC turtle barrier should be replaced every 3 to 5 years, which is not sustainable. There are desires for a more permanent solution. Dale Foster, the County Engineer, was consulted, and it was explained to Borough representatives that the construction of a concrete curb would not be possible in these areas, as a curb would impede the clear zone. Included in this grant application is 20 linear feet of a prototype of a possible long term solution to this problem. The prototype being developed would be a slanted curb that is at grade on the high side and drops down in a reverse cant along the bay side. This would potentially be something that the terrapins could not climb over, and would not be visible from the road. Also included with this application is a digital infrared camera to monitor the effectiveness of the prototype curbing. In the event the prototype is not effective, there will be black PVC turtle fence on the other side of the newly designed section. All turtle barriers would be set back approximately 20 feet or so from the roadway.

Councilman Covington asked if the prototype will replace the PVC barrier.

Scott Taylor explained in the 20 linear feet of the prototype concrete barrier will be installed between the nesting habitat and the PVC buffer. While the concrete barrier is approximately three times the cost, the life expectancy is significantly longer. If this prototype is successful, it is possible the black PVC buffer would no longer be needed.

Councilwoman Hudanich inquired if 20 linear feet would be adequate to gather appropriate data as to the success of this prototype.

Scott Taylor stated there are hopes this test area will be sufficient. If there are additional funds available from the grant when the project scope is finalized, it is possible to expand the test area. There will be a digital infrared wildlife camera installed which will gather all appropriate data from that test area to determine the success of the prototype.

Councilwoman Hudanich questioned if the camera has the capability to record video.

Scott Taylor responded yes, the cameras can record varying intervals of video or take a series of photographs when triggered by motion. The camera will be installed so that its field of view will cover the entire test area. Additional cameras may be added prior to the finalization of the project scope. These cameras would be installed to determine where the nighttime nesting occurs to aid with the placement of nest cages.

Councilman Covington asked if there is an alternate plan if the prototype is not successful.

Scott Taylor indicated the study of this prototype area would provide a frame of reference for what height and angle would be necessary to deter the turtles from attempting to climb over the barrier. Those new measurements would be used in a long term solution.

Council President McCorristin asked if there is vegetation in the project area.

Scott Taylor responded yes.

Council President McCorristin noted the terrapins will best if vegetation is nearby.

Scott Taylor agreed and added the tubing will be placed to cover a greater longitudinal distance of that transverse turtle traffic. All barriers will be field located with the assistance of The Wetlands Institute and residents in the area to ensure optimal placement.

Council President McCorristin inquired if traps will be placed to control predators in the area.

Scott Taylor responded yes.

Council President McCorristin asked if The Wetlands Institute is happy with this program.

Dr. Tedesco noted The Wetlands Institute is on board with attempting to find new solutions to protect the diamondback terrapin population.

Councilman Covington expressed concern that a meadow habitat would improve the aesthetic appearance of the PVC tubing and stressed the importance of predator control in the project area. He also asked Dr. Tedesco to explain the effectiveness of the nesting boxes.

Dr. Tedesco explained the nesting gardens will provide a place the terrapins would prefer to nest with softer sand. Nesting boxes are screened on the sides and the bottom to prevent predators from digging in sideways. If the eggs survive the nesting period, The Wetlands Institute will cover those nesting boxes over the top to further protect from predators. She agreed predator management will be a crucial aspect to the success of this program. She further noted the prototype curbing may not be possible in all locations throughout the Borough, as the drop down could pose hazards for pedestrians in the area.

Council Vice President Deever inquired if there is green PVC that could be used as a turtle barrier.

Scott Taylor responded yes, however noted it is more expensive and less UV stable. He advocated public education to prevent complaints about the visuals of the PVC tubing.

Councilman Covington disagreed that public education will lessen complaints from residents about the visibility of the tubing.

Scott Taylor expressed hope that the 4 to 8 foot wide no-mow strip will be a more dominant physical feature in the foreground of that area to help camouflage the piping.

Councilman Covington asked if the meadow will be grown in the first season of the program.

Scott Taylor explained the meadow will not be grown right away. Seeding will take place, however it will take time for the growing to occur.

Councilman Covington noted signage creates curiosity, and expressed concerns that individuals reading the signage will attempt to look for and possibly disrupt nesting areas. He stressed the importance of strategically placing the signage and encouraging the public not to disturb the nesting areas.

Council President McCorristin inquired if wildflower plantings are conducive to a meadow.

Scott Taylor explained there will be wildflowers planted in the meadow area. At this point, the area is primarily covered in crabgrass. Crabgrass is a sun-loving plant. As taller species grow, it will outcompete the crabgrass. In time, the meadow will be grassy material that can be cut once or twice per year. Meadows reduce mowing obligations and reduce suspected solids runoff.

Council President McCorristin asked if dune grass could be planted in the meadow area.

Scott Taylor indicated dune grass will not do particularly well in the project area. The goal of the meadow would be to provide a diverse mix that is drought and salt tolerant with many pollinator beneficial species. From a storm water management standpoint, it would be troubling to create a berm to accommodate dune grass. When creating the meadow, plant materials with a growth height of 18 to 24 inches would be optimal to screen the visibility of that pipe from along the roadway.

Councilman Covington asked how the success of this program will be measured.

Scott Taylor indicated The Wetlands Institute will assist with monitoring the program.

Dr. Tedesco explained there are road patrols in the area that provide counts of turtle roadkill that can be compared to historic data to determine if the project is preventing turtles from entering the roadway. The Wetlands Institute will also be monitoring the cameras to determine if the prototype curbing is successful and where nesting is taking place.

Council President McCorristin added the local neighbors could also provide input regarding if turtles are crossing the roads into yards.

Council President McCorristin asked if any members of the public would like to speak or ask questions regarding this agenda item.

Ed Mancinelli, 5611 Ocean Drive, noted he is attending the meeting at the request of Dan Thompson and his wife, who represented the neighborhood during past meetings regarding this issue. He expressed concerns that the neighbors were not notified that this item would be discussed at today's meeting. He asked how many turtles were killed on Ocean Drive near this project area.

Dr. Tedesco noted The Wetlands Institute maintains those records. She will retrieve that information and respond to Mr. Mancinelli's question with the proper data.

Ed Mancinelli expressed concerns that the turtles will be driven north and south by this project.

Scott Taylor explained that is not the intent of this project. During the meeting with neighbors in August of 2017, the proposed line of turtle fencing and the sandy nesting areas were drawn. The possibility of having a no-mow meadow and educational signage was also discussed at the meeting. All plans discussed in the meeting were transferred into this grant application. Unfortunately, due to budget constraints, this project was not able to be implemented this fall. However, once the Borough was notified of the Sustainable Jersey Grant, that design was used for the grant application. Furthermore, the Wetlands Institute studies have indicated that the turtle barrier reduces turtle mortality on roadways.

Rosemary Mancinelli, 5611 Ocean Drive, asked Mr. Taylor to explain the areas being impacted by this project.

Scott Taylor explained the fencing will run from the bay between the vegetation and the kayaks at Kayak Park, and 30 to 50 feet off of Ocean Drive. The fencing would proceed north into Bay Park Marina.

Rosemary Mancinelli noted turtles were observed climbing over the pipes when in place last season, and expressed concern that the prototype curbing area could pose a hazard to pedestrians who use the area to walk their dogs.

Scott Taylor explained the prototype curbing will be set back into the meadow. Any pedestrians would have to walk through many feet of the meadow prior to encountering the drop off created by the curbing.

Rosemary Mancinelli questioned where the cameras will be located and how they will be mounted.

Scott Taylor explained the cameras would be mounted on poles and would face the bay overlooking the habitat.

Dr. Tedesco clarified that the cameras will be mounted at ground level with a field of view inches off of the ground along the experimental fencing area.

Ed Mancinelli questioned if the turtles will be “corralled in”.

Dr. Tedesco expressed the opinion that “corralled in” would not be the correct term. She explained female terrapins seek higher ground to lay their eggs. The purpose of the barrier tubing is to prevent those females from walking onto the roadways. The tubing must be strategically placed to provide the terrapins a place to nest. In this proposed project scope, the tubing is placed with nesting areas so that the females no longer feel the need to search for a place to nest.

Ed Mancinelli pointed out there is concrete under the ground in the project area.

Scott Taylor explained there is a plan to excavate the concrete chunks and rubble out of the area prior to creating the sandy nesting areas.

Rosemary Mancinelli expressed concerns about the changes this project will make to that environment, especially if the prototype is not successful.

Scott Taylor clarified the PVC turtle fencing has been proven to reduce roadkill both from The Wetlands Institute and University studies along the east coast. Furthermore, creating a buffer will create a beneficial pollinator habitat that will reduce mowing costs. If the prototype curbing is not effective, those changes will remain a beneficial aspect of the project.

Ed Mancinelli stressed the importance of involving neighbors when meeting about this project.

Rosemary Mancinelli inquired how this project will move forward.

Scott Taylor explained the grant application is due by 11:59 p.m. tonight. There will be a public outreach component of this project moving forward.

Ed Mancinelli inquired if it is expected for cars to stop along the roadway to read the signage that will be in place in the area.

Scott Taylor noted it is not expected for individuals driving through the area to stop to read the signs.

Ed Mancinelli asked how this project developed between the meeting in August of 2017 and today.

Scott Taylor explained the Borough was recently notified of the grant opportunity of that project. The drawings taken during the meeting in August with the neighbors were incorporated into the project design before Council today, which is a conceptual design. Modifications can be made.

Councilman Covington asked if this project will be done for the upcoming nesting season in May.

Scott Taylor noted the tubing will be installed immediately. Unfortunately, the Borough will not have enough time after the award of the grant to implement any other portion of the project prior to the start of the nesting season. That delay will provide ample opportunity to consult with The Wetlands Institute and the neighbors about the project. He suggested starting the no-mow area as soon as possible also.

Rosemary Mancinelli asked if the PVC piping will be in place year round.

Scott Taylor indicated whether to leave the tubing in place would be a decision of the Borough, and can be discussed at any time.

Rosemary Mancinelli expressed concerns about disrupting a beautiful and natural area along Ocean Drive for this project.

Dr. Mahaney explained he recently found this grant opportunity and notified the Borough. This will be an innovative community project, which meets one of the actions under Sustainable Jersey. Furthermore, \$20,000.00 is the most that is offered through this grant, with funding preference going to certified municipalities. A key element in this project is community involvement and community engagement, which have been written into all six stages of the grant application for the project. Any meetings regarding this project would be open to the public. This project also must be cost effective, therefore the budget is being spent on materials for this project, including the wildlife cameras, rather than consultants or personnel. If this project is successful, it could be used as a model for other municipalities. He pointed out that this plan is conceptual at this time. There can be adjustments made in the project scope based upon recommendations of technical and professional experts as well as the neighbors, residents, and visitors. The primary intent of this project is to protect the turtles and the public in an environmentally pristine area.

Elaine Scattergood, 75 30th Street, stressed the importance of public involvement in this project.

Council President McCorristin clarified Council is merely considering applying for the grant at this time, which must be done by 11:59 p.m. The plan presented before Council is conceptual at this time. Prior to any changes outside of the initial installation of the PVC barrier, a community involvement will be sought.

Elaine Scattergood suggested also erecting signs alerting drivers to the presence of turtles in the roadway to further avoid turtles being killed.

Martha Wright, 632 7th Street, spoke in support of this project and urged Council to approve the grant application.

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

Discussion regarding Ordinance pertaining to the easements and restrictions imposed by the Borough upon block 67.03 lots 26, 28, 53, and 55 for a consideration of twenty-five thousand (\$25,000.00) dollars.

Jim Waldron reported this property is located on 67th Street. It was the subject of two applications before Council. There are two deeds that affect this property. A deed in 1954, and a deed in 1979. In April of 2017, following a public hearing, Council elected to release the restrictions imposed in the 1954 deed, however Council denied the application pertaining to the release of restrictions imposed by the 1979 deed. Subsequent to that action, new information was presented to Council and the Borough Engineer confirmed that the entire area of the easement was not necessary, and that a 10 foot easement adjacent to the sand dune would be sufficient to allow the Borough access to the dune to preserve and protect it. That information triggered a second public hearing held December 13, 2017. As a result of that, it was determined that Council would proceed by way of an Ordinance. With this Ordinance, the Borough is releasing everything except for the continuation of the 10 foot easement for a consideration of \$25,000.00. The proposed Ordinance has been vetted by all interested parties. The litigation that was instituted against the Borough as a result of the April decision is finalized with this Ordinance and the Ordinance calls for a closing to be held within 60 days of the effective date of the Ordinance, and it resolves all issues as to all parties with prejudice.

Council agreed to proceed with an Ordinance to be considered for introduction at today's Regular Meeting.

Discussion regarding Change Order Nos. 1 & 2 for Ocean Drive Sanitary Sewer System Improvements, Contract 55.

Tom Thornton explained Change Order No. 1 was a reduction of the contract. There was no bid item in the contract for a four inch wet tap, however that was what was required when the pipe was encountered. Change Order No. 1 was for the addition of a four inch wet tap into the project scope. Due to that Change Order, a six inch wet tap is no longer necessary. Change Order No. 2 is simply a collection of all of the claims that the contractor had submitted. This was a very large project that covered a long linear area along Ocean Drive, multiple existing pipes, and old pipes that were encountered. All items can be grouped in a few categories. Most of them are unmarked or mismarked pipes where the existing pipe underground was not correctly marked out. In that case, the Borough is obligated to pay the contractor for their downtime associated with that. Some of the larger line items were requests for improvements by Middlesex Water Company. The claims from the contractor were reviewed and discrepancies between the hours claimed by the contractor were found when compared to inspector records. Change Orders 1 and 2 account for approximately 4.3% of the original bid. The original scope of work in the contract is done. The contract is still open because there are more water system improvements that Middlesex Water Company would like addressed. That information has been submitted to Scott Wahl. Jim Craft is reviewing whether there is sufficient funds to allow for that work to proceed.

Councilwoman Hudanich asked if the amount of Change Order No. 2 is significantly lower than the original submission.

Tom Thornton responded yes, and explained the original submission was a collection along the way of various claims, which was thousands of dollars higher than the final amounts. Based upon the inspector's records, those corrections were made.

Council agreed to proceed with a Resolution to be prepared for the March 14, 2018 Regular Meeting.

Discussion regarding bids received and Construction Engineering Services for Various Bulkheads, Contract No. M-108.

— Tom Thornton reported three bids were received for this project. The low bid was submitted by Wickberg Marine Contracting in the amount of \$306,750.00. The second lowest was submitted by Channel Marine in the amount of \$318,000.00. The low bidder is a marine contractor with a lot of dredging experience. The New Jersey Local Public Contracts Law was complied with in the determination of whether the low bidder had demonstrated sufficient experience for to be considered a responsible bidder. Based upon research and calls to their references, and knowledge of subcontractors being used for this project, it was concluded that the bid is responsible. It is recommended to award the contract to Wickberg Marine. The proposal for construction engineering services for this project has been submitted to Council as well.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the March 14, 2018 Regular Meeting.

Discussion regarding bids received and Construction Engineering Services for Department of Public Works Emergency Generator, Contract No. M-107.

— Tom Thornton explained the Borough had received a grant in the amount of \$100,000.00 for this project. Several weeks ago, a request was made to extend that grant since it was due to expire in March of this year. The New Jersey Office of Emergency Management Representative has been contacted, and there did not appear to be any risk of the grant not being extended. The bids received were slightly less than expected. Three of the four bids were within \$40,000.00 of each other. The low bid was submitted by D & M Electrical, LLC. The contractor has submitted all required documents. Their references were contacted and vetted, and it is recommended that the Borough award this contract to the low bidder in the amount of \$259,000.00. The proposal for construction phase engineering services has also been submitted. That proposal includes the application and procurement of an air permit, which the Department of Environmental Protection requires for generators of this size.

— Councilwoman Hudanich asked Tom Thornton to verify the grant is being extended prior to the award of the contract.

Tom Thornton noted he will follow up.

Council agreed to proceed with a Resolution to be prepared for the March 14, 2018 Regular Meeting.

Discussion regarding professional services contract with 7 Mile Publishing for Public Relations and Advertising Services.

Monica Coskey reported the Recreation Guide is nearing completion, and there are two newsletters being proposed, one for the spring and one for the fall. The 2018 proposal is slightly less than the cost of the contract for 2017 due to reusable products being purchased. 7 Mile Publishing will continue designing flyers, signs, and event planning for Snowfest Saturday.

Council agreed to proceed with a Resolution to be prepared for the March 14, 2018 Regular Meeting.

Discussion regarding Resolution appointing Andrew J. Cafiero, Esquire as Judge of the Municipal Court.

— Jim Waldron reported Judge Cafiero was appointed by Council to serve the unexpired term of Judge Garrabrant who was herself serving the unexpired term of the late Judge George Neidig. The Mayor has nominated him for reappointment subject to Council's advice and consent.

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

Discussion regarding amending Resolution authorizing 2018 Sports Camps to include a tennis camp.

Chuck McDonnell reported a proposal for an additional tennis camp was received after the original Resolution authorizing the sports and recreational camps was approved by Council. The individual offering the camp is highly qualified, and has the experience and desire to work with tennis players of all ages. The proposal includes involving children as well as adults and two tournaments. He recommended amending the original Resolution to include this new tennis camp.

Council Vice President Deever asked if this will be a new program.

Chuck McDonnell noted there have been tennis camps in the past, however in recent years those have lessened. By adding this camp, there are hopes to enhance the tennis program further.

Councilwoman Hudanich inquired if all staff will be fingerprinted.

Chuck McDonnell responded yes, all employees and instructors of sports and recreational camps must be fingerprinted and pass a background check.

Council agreed to proceed with a Resolution to be prepared for the March 14, 2018 Regular Meeting.

Discussion regarding Resolution regarding pickle ball rules, regulations and fees.

Chuck McDonnell presented the proposal for the outdoor pickle ball courts located at 8th Street. The proposal includes the hours of operation, 8:00 am to 8:00 pm Monday to Sunday. Off season hours will be posted at the building as well as at Community Hall, on social media and the Borough Website. The proposed fees are for \$3.00 for a drop in rate for those that are here for a short time, and \$75.00 for an open play pass, similar to that of a tennis permit, for those who are here for the summer. Pickle ball will run from the Thursday before Memorial Day through the Sunday after Labor Day. The open play pass will only be good during set times of beginner, intermediate, and advanced. There will be no fee from 12:30 pm to 4:30 pm, to remain consistent with the tennis program. Evening hours will be posted once those are determined, as well. The rules and regulations mimic the tennis regulations, however they have been adapted specifically for pickle ball. Paddle rentals will be offered for \$2.00 and bottles of water can be purchased for \$1.00.

Council President McCorristin referenced discussions at a previous Work Session and suggested Public Works be notified to ensure the bathrooms are open and maintained for the evening hours.

Scott Wahl noted Recreation and Public Works have coordinated these efforts, and a minor Change Order to the maintenance contract will be brought before Council in the future.

Councilwoman Hudanich stressed the importance of the maintenance of the bathrooms, and suggested locking the bathrooms at the conclusion of the evening hours as well. She also brought gates needing repair to the attention of both the Recreation Department and Public Works.

Council agreed to proceed with a Resolution to be prepared for the March 14, 2018 Regular Meeting.

Discussion regarding Bond Ordinance providing for various Capital and W/S Improvement Projects.

Jim Craft reported there is a Water/Sewer Bond Ordinance scheduled for introduction this afternoon authorizing \$919,050.00 in appropriations and the issuance of \$873,096.00 in bonds or notes. All of the projects in the Ordinance is recommended by Middlesex Water Company, Mott Macdonald, or Public Works. All projects are listed in the budget that will be introduced this afternoon. Additionally, there is a General Capital Bond Ordinance scheduled for introduction this afternoon appropriating \$6,204,600.00 and authorizing the issuance of \$5,829,280.00 bonds or notes, of which \$2 million will be covered by Open Space grants, reducing the amount of bonds or notes. Improvements include installation of fire hydrants, a float control assembly system with a pump, catch basins, replacement of storm water pumps, north end drainage improvements, and the installation of sewer and water mains through the Water/Sewer Ordinance. The General Capital Ordinance includes vehicles for Recreation, Public Works, a beach rake, a radar station, bulkhead work, flood mitigation work, Surfside Park, the CDF road, and the chiller at the central plant.

Councilwoman Hudanich encouraged all to attend the March 28, 2018 Council Meeting where a budget presentation will be given detailing each of these items in more detail.

Council agreed to proceed with Ordinances to be considered for introduction at today's Regular Meeting.

Discussion regarding Resolution authorizing an additional payment of \$2,500 for Council on Affordable Housing.

Jim Waldron reported this is the court ordered assessment in the amount of \$2,500.00. The Resolution before Council tracks the history and the total investment or expense that the Borough has contributed toward the declaratory judgment action in the court assessments. An explanatory letter has been received from Judge Johnson in which it is indicated that there will be no further assessments. A fairness hearing is scheduled before Judge Johnson during the month of March. The adversary in that case, Fair Share Housing Corporation, has agreed to the plan that has been developed, and a signed settlement agreement is in possession of the Borough Clerk. The court will hold a summary hearing to determine the fairness of the plan as developed and whether it meets the constitutional mandates of every community's obligation for affordable housing. Paul Baldini with the assistance of Dean Marcolongo will be representing the Borough's interest at that fairness hearing. At this point, there is no anticipation that there will be any unexpected issues that will arise, and by March 31, 2018 the declaratory judgment action should be dismissed, at which point there should be an approved affordable housing plan in place. As a clarification, this payment is a result of the declaratory judgment action. The Borough has long since parted ways with the consortium. The Borough is not paying any of those assessments. The amount being paid by the Borough is being used to pay some of the expenses of the standing master Judge Persky and Mr. Reading, the court hired Planner to assess the various municipal plans in dealing with this issue. Judge Johnson has taken Judge Persky's fees and divided them among the communities with one exception. Communities that have been in contested issues and have directed a lot of time and effort, they're being assessed separately.

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

Discussion regarding a Resolution approving membership of Matthew Kelly in the NJ Fireman's Relief Association.

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

Discussion regarding Resolution approving donation of 200 metal chairs to Haitian relief efforts.

Scott Wahl reported while compiling the municipal budget, the Department of Recreation determined 200 metal chairs used for special events no longer provided the level of comfort for event attendees, and should be replaced. Will Haryslak and Chuck McDonnell had a conversation about what could be done with these chairs that still have some useful life. Mr. Harylsak has been very involved in the International Christian Development Commission that provides various relief efforts to Haiti. Mr. Haryslak is heavily involved with coordinating donations to Haitian relief efforts. A most recent example including the donation of a van filled with over a ½ ton of food along with bags of clothes and shoes donated by Hoy's Department Store. Mr. Haryslak expressed a deep interest in the chairs. Should Council agree to donate these chairs, they would be used in a school and for worshipping in Haiti.

Will Haryslak thanked Council for considering this donation and reported he began working with the International Christian Development Commission in October of 2014 and has since been to Haiti 10 times. He has helped design a second floor to the local school, which includes a worship center and classroom space. A third floor is currently being designed. For the past six years, the school's cafeteria has been used as a worship center. With the addition of these chairs, the school children will again be able to use their cafeteria for lunch.

Councilwoman Hudanich inquired if buildings constructed comply with hurricane codes.

Will Haryslak responded yes, and explained everything is built with reinforced concrete. The school building is also an area of refuge during storms for residents.

Council Vice President Deever asked how many individuals from Cape May County are involved.

Will Haryslak noted a group of 12 individuals traveled to Haiti in January of 2018, however there have been groups of 18 individuals from Cape May County in the past.

After further brief discussion, Council agreed to proceed with a Resolution to be considered at today's Regular Meeting.

Public Comments:

None.


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

ROLL CALL VOTE:

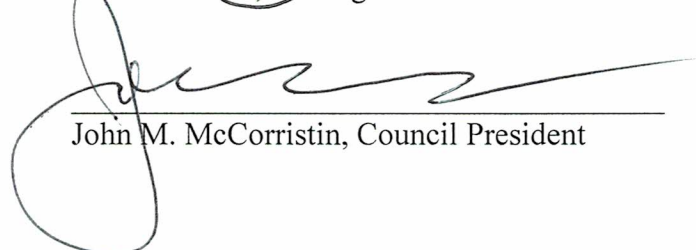
Councilman Covington	Aye
Councilman Dean	Aye
Council Vice President Deever	Aye
Councilwoman Hudanich	Aye
Council President McCorristin	Aye

Work Session adjourned at 6:19 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President