

May 9, 2018

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, May 9, 2018 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 6

Reporters ----- 1

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	Absent
	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  
William Macomber, Director of Public Works/Utilities  
Paul E. Short, Sr., Code Enforcement Officer  
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald  
Jeffrey Christopher, Police Chief

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 Resolution requesting approval of items of revenue and appropriations for Click it or Ticket 2018 Seat Belt Mobilization in the amount of \$5,500.00.

Chief Christopher reported in 2017, there were 626 fatalities resulting from motor vehicle accidents in New Jersey. The New Jersey Division of Highway Traffic Safety has concluded that the best way to avoid injury or death if you're involved in an accident is to wear your seatbelt. The National Highway Traffic Safety Administration estimates that 135,000 lives were saved by seatbelt usage between 1975 and 2000. The Avalon Police Department has been awarded a grant from the Division of Highway Traffic Safety in the amount of \$5,500.00 to be used to increase patrols during the Click It or Ticket campaign, and the intent is to raise awareness to the use of seatbelts. The campaign starts on May 21, 2018 and continues through to June 3, 2018. He respectfully requested that Council approve the receipt of funds and support this effort and advocated that this campaign is about saving lives. There are plans to alert the public in advance of the campaign via the Department website, Facebook page, and use of electronic signs.

Council agreed to proceed with a Resolution to be prepared for the May 23, 2018 Regular Meeting.

Discussion regarding Resolution authorizing the Mayor to enter into the group dental insurance plan as proposed by Delta Dental.

Scott Wahl read the following report:

Summary: The dental benefit contract between the Borough and Delta Dental is set to expire on June 1, 2018. Delta Dental has offered both a one year and a two year agreement to the Borough for these management services.

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Past Rates: In recent prior years, the Borough has held the line on the management rates charged by Delta Dental. The rate history for the Borough appears below:

6/1/2013 \$6.35  
6/1/2014 \$6.60  
6/1/2015 \$6.85  
6/1/2016 \$6.85  
6/1/2017 \$6.85

We were able to hold the line on the management rates for three consecutive years. Similar to many other management and insurance plans, rates traditionally increase.

Proposed Schedule: The Borough of Avalon's rate schedule would increase by two percent for the next 12 months. If the Borough agreed to a two year extension, it would be a two percent increase each of the two years. If the Borough went for a one year extension, the subsequent year's two percent increase is not guaranteed. Our rate would go from \$6.85 to \$7.15 starting 6/1/2018 and remain for 24 months. We did ask Delta to keep the one year rate at current and 2 Years at 2% and they came back saying that the rate increase is justified at these amounts because Avalon has been paying \$6.85 since 6/1/2015. Their position, in our opinion, is justifiable.

Update on May 9, 2018: Due to a request by the Business Administrator, Delta Dental has agreed to honor an increase from \$6.85 per unit to \$7.00 per unit for a 24-month period, starting on June 1, 2018. The previous agreement would have been a 30 cent increase per unit for a 24 month period. This will reduce the additional costs from 4.38% to 2.19%.

Other research: We did task our partners at Marsh wish searching for other management plans for the dental service. The research showed that members in the network would be paying additional out of pocket expenses for dental service while paying similar or higher management costs. Delta Dental presents the best deal for the Borough of Avalon.

Approval of the CFO: The Borough's Chief Financial Officer has reviewed this proposal, is in agreement with the two year schedule for Delta Dental, and certifies that funds remain available.

Delta Dental: Members using Delta Dental PPO will enjoy discounted dental fees in addition to protection from balance billing for charges above the dentist's maximum allowable charges. Dependent children are covered until the age of 26, which mirrors the State Health Benefits Program. Delta Dental continues to offer the broadest network and most significant savings to employees.

Tom Rotundi indicated while reviewing the dental plan, other options outside of Delta Dental were reviewed, however when disruption to the employees and cost was factored in, it was determined it would be in the employees best interest to minimize the impact to the employee, both financially and through the networks. Delta Dental has a great network, and it Delta Dental has been very receptive to the Borough's efforts to maintain a consistent rate.

Councilwoman Hudanich inquired if the Borough's dental plan is self-funded.

Tom Rotundi responded yes.

Council agreed to proceed with a Resolution to be prepared for the May 23, 2018 Regular Meeting.

Discussion regarding Sand Backpassing project.

Scott Wahl reported the intent of the backpassing project is to re-nourish the north end beaches. Many conversations, meetings, and site visits have included Tom Thornton, Bill Macomber, and Steve Camp. All permits are in place and the project has begun. By completing a similar project in 2016, the Department of Public Works has learned better efficiencies of how to move and place the sand. On May 7, 2018, the Department of Public Works moved 2,872 cubic yards of sand, on the May 8, 2018 3,512 cubic yards of sand was moved, amounting to a two-day total of 6,384 yards moved. He publicly complimented Public Works not only for participating in this project but also for conducting diligent research to secure the necessary equipment at the best price available to the Borough for what is an emergency project to restore the beaches following the four coastal storms during the month of March, 2018.

Tom Thornton reported dozers have been creating stockpiles of sand within the borrow area by pushing sand from below the mean high water line. Scraping began at the southerly area of the borrow area and is migrating north as the project progresses. The permit application submitted to the agencies originally requested a scraping limit approximately 70 to 80 feet away from the tow of dune, which was known to be a generous estimate when submitting the application. The planned scraping limit was estimated to be between 20 and 120 feet east of the permit application limit. When the Public Works Department began scraping the sand bar itself, higher volumes than anticipated were being realized. With that new data, the scraping limit for this project has been revised, which would limit all scraping to the wet beach. There are hopes the dry beach will not be impacted by this project in any way. If the project continues as it has been moving, it is possible that the project would eliminate the existing gully at least temporarily. Accretion will still occur within that area, and it is likely the scraping will be completed in less than two weeks.

Council President McCorristin asked if the sand is being moved into the fill area.

Tom Thornton noted a wind row stockpile is being formed as scraping occurs, however there are efforts taking place to relocate the sand, which is showing a northern migration of the stockpile. So far the accretion has been very advantageous.

Scott Wahl reported additional surveys of the borrow and fill areas were conducted immediately in advance of the project beginning, and asked Mr. Thornton to report on those surveys.

Tom Thornton reminded Council the permit application was submitted to the agencies prior to measurements of the impact of the final nor'easter being taken. In order to complete the permit applications in a timely manner, it was estimated the fill area could have lost an additional 10,000 to 15,000 cubic yards of sand due to the most recent storm. He indicated the most recent survey of the fill area showed a loss of 5,600 cubic yards of sand, which is significantly less than was anticipated when the permits were submitted. Instead of it being necessary to remove 55,000 cubic yards of sand from the borrow area, only 30,000 cubic yards will be removed. This can be credited to additional accretion that has occurred even in the fill area due to the southerly flow. When the borrow area was surveyed most recently, more sand has accumulated which has allowed the smaller excavation area than anticipated. Currently, the stockpile is located 200 feet east of the beach access at 35<sup>th</sup> Street, with the scraping occurring 50 feet east of the stockpiles. Additionally, the accretion within the borrow area is so rapid that material is being replaced in the areas where scraping has already taken place, which is adding to the hopes that the dry beach will not need to be impacted during this project.

Bill Macomber indicated the Public Works Department began moving the sand to the north on May 7, 2018 and the sand is being leveled at the moment.

Council President McCorristin noted there have been favorable tides recently aiding with the project.

Bill Macomber mentioned there are forecasts for higher tides within the next week, so there are hopes to get as much done as possible before those tides come in to minimize impact on the dry beach when moving sand.

Tom Thornton also noted scraping is not going as deep as permitted.

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

Discussion regarding Resolution appointing Class I Special Officer for the Borough of Avalon.

Chief Christopher explained there was an unexpected vacancy within the ranks of the Class I Special Officers previously approved by Council. That vacancy has been filled within recent weeks, and it is recommended that Council approve this appointment.

Councilwoman Hudanich asked if this appointment will have any impact with respect to the cycle of training and remunerating the Borough.

Chief Christopher responded no, this vacancy took place prior to the beginning of any training.

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

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

Scott Wahl explained this Resolution is a requirement by the JIF and simply memorializes the current and past practices of the Borough in regards to the Civil Rights Policy.

Council agreed to proceed with a Resolution to be prepared for the May 23, 2018 Regular Meeting.

Public Comments

Susan Edwards, 154 36<sup>th</sup> Street, advocated the importance of notifying the community, community involvement in projects, and proper planning for projects in the future to hopefully use both borrow areas when backpassing is again needed. She noted concerns brought to Council from residents near the northern borrow area, such as hazardous conditions created by a gully within the area and expressed concerns that the Borough obtained a ten year permit utilizing only the northern borrow area. She reported that she sent a letter to the Mayor in 2016 requesting that a letter be sent to affected property owners in advance of any project beginning to allow for community input. However, no letter was sent and many homeowners learned of the project by reading the Herald. She referenced comments made by Dr. Farrell in 2016 regarding anticipating backpassing projects to allow for utilization of both borrow areas, if possible, however two years later Council has again voted to conduct a backpassing project by borrowing only from the northern borrow area. She expressed the opinion that the Borough should have used the time between backpassing projects to devise a comprehensive plan that could be used to utilize all of the borrow areas to minimize the impact, and possibly have stockpiled sand in advance of the piping plover nesting season. She indicated the Borough should be prepared to react to storms that seem to impact the Borough during the months of February and March every year, and should follow the guidance of Stockton in 2016 asking for such a plan. She noted discussions that took place at a prior meeting when Councilman Covington had asked what the volumes of material were in the southern borrow area, to which the reply was that those quantities have not been measured. She questioned why the quantities within the southern borrow area have not been measured and again alluded to a comprehensive plan that could be put in place to treat both borrow areas equally. She expressed the opinion that the best community planning involves community input. She indicated by attending meetings it has become clear that the members of Council are trying to understand what the community wants in some fashion, however that understanding is coming after the start of the project, which is difficult with no proper communication with the community. She noted Mr. Thornton's indication that the requirements for the southern borrow can be looked into, and requested Council formally take action on such an initiative, and authorize the design of a plan that is comprehensive and that Stockton agrees with.

Scott Wahl reported absent of the four nor'easters that impacted the Borough in March, the Borough may not have had to apply for a backpassing project since the infusion of over 1 million cubic yards into the system through a dredging project in 2017. Due to the emergent condition of the north end, to make the application for the north borrow area was made consciously. If the southern borrow area had been included in the permit application, it would have greatly delayed the permit application and shortened the window to have the repairs to the beach completed prior to the hurricane season beginning June 1. It should also be noted that trucks cannot be driven through the piping plover nesting area after March 15 of each year, and the trucks are not street worthy. Meetings have taken place with the Mayor and Tom Thornton to take a look at the ten year permit and make a conscious effort to use the southern borrow area in the event storms affect the Borough prior to the piping plover nesting season. During the last beach fill project, 61 project updates were posted on the front page of the website, and currently on the website there is not only discussion of the project, but also photos of the project, the permit application, and the public notice issued by the Army Corps of Engineers. He indicated the Borough makes many efforts to communicate with the public, strongly encourages community input, and promotes transparency.

Tom Thornton added the ten year permit held by the Borough prior to the current permit was a result of significant planning and permitting. In 2016, a sub-consultant was obtained to evaluate the impact of the backpassing project in the restricted piping plover area. The ten year permit included both the north and south borrow areas, and it was carefully planned each year which

Tom Thornton (continued) borrow area would be used. This year, it was not possible to use the south borrow area, because the piping plover season had already begun. In this case, the Borough simply applied for the available ten year permit while making this application. If the process had been prolonged any longer, it would not have been possible to complete the project early in the season. A ten year permit was requested because it is the same process for both a ten year permit and a one project permit.

Susan Edwards noted Borough officials are calling this project an emergency, however the emergency will not last ten years, as the permit suggests. She asked that the Borough work on a plan to utilize both borrow areas and anticipate use, possibly by stockpiling sand in advance of the detrimental storm season. She further noted that although the information was posted on the website, she learned of the project by reading the Herald, and asked that Council consider sending a courtesy letter notifying affected property owners of projects in the future. She further noted that comments submitted by neighbors were received by Council after the project was approved.

Council President McCorristin noted this project was designed and a permit was obtained within five weeks of the major nor'easter storms that affected the north end. He noted that stockpiling sand prior to any storms may not be possible, as sand cannot be spread if there is not a need for the sand. Therefore, if a stockpile is created and no storms affect the area, those stockpiles will be required to remain as they are and possibly create a health and safety hazard on the beach. It is the responsibility of the Borough to protect the whole coastline. The state designates the borrow areas and the piping plover zone within the Borough, and those locations cannot be changed. Unfortunately, due to the piping plover nesting season beginning March 15, it is difficult to begin projects prior to that date, considering many storms adversely affect the beaches in the spring season. The Borough is very fortunate to have two beaches that continuously accrete to allow for backpassing projects. Borough Officials work very hard to plan and protect the entire shoreline. An emergent situation that eliminates the possibility of having extensive team meetings about projects. Currently, the north end is in desperate need of a beach fill, and the Borough is working hard to provide that fill and maintain efforts to minimize the impact on the northern borrow area. Due to previous concerns brought to light by residents near the north borrow area, the Borough is working hard to approach this project differently than has been done in the past. The Borough is also working consciously to keep the public informed as much as possible during the progress of this project.

Councilman Covington noted planning for all possible outcomes in advance may not be possible.

Councilwoman Hudanich clarified that experts are consulted with prior to beginning any project, and their suggestions are utilized.

Tom Thornton further noted Dr. Farrell has been a part of the planning effort for the Borough for decades and is not a separate entity that is recommending plans and actions that the Borough is not following. The Borough and all its professionals are working as a team to accomplish the objectives that Dr. Farrell and the Borough agree on. He expressed he is not aware of any recommendation that Dr. Farrell has made that the Borough has not adhered to. When the emergency permit was obtained, there was no time to consider the south end. Soon after this project is completed, an amendment to the permit utilizing the southern borrow area will be sought.

Susan Edwards stressed the importance of proper planning in the future to hopefully use both borrow areas.

Councilwoman Hudanich indicated the Borough has a 100 year plan by using the data in the past and moving forward, along with following the water lines. She clarified that the ten year permit differs from the plans of the Borough. A ten year permit was obtained because it was the most efficient and effective use of tax dollars and time spent. She asked Tom Thornton to provide the costs associated with the permit.

Tom Thornton indicated this emergency permit cost the Borough approximately \$50,000.00.

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Councilwoman Hudanich also noted outside of the permit there are additional regulations in place by other agencies that would need to be complied with. She commended all Borough officials and departments that have been involved in this project to help expedite this process as much as possible. She noted the Borough considers analyzing and using data and experts a high priority when planning projects.

Susan Edwards asked when the southern borrow area will be added to the permit.

Council President McCorristin explained the southern borrow area will be added to the permit within a year of the project completion date.

Scott Wahl noted the quantity of sand in the southern borrow area will continuously change, as the accretion will continue. Only surveys completed at the implementation of a project can provide a clear picture of what is available in any borrow area. He thanked the neighbors for their involvement in the community and noted their activism could also be used in the Jersey Shore Partnership that is asking the State of New Jersey to increase its commitment for beach nourishment projects annually from \$25 million to \$50 million a year.

Council President McCorristin asked if legislation has moved forward to use spoils from the Delaware Bay for Bayfront communities.

Tom Thornton explained any community receiving material from the Delaware Bay would need to obtain an acceptable use determination from the Department of Environmental Protection.

Martha Wright, 632 7<sup>th</sup> Street, noted Ms. Edwards makes a compelling case for livestreaming Council Meetings. She expressed the opinion that the Borough does an excellent job communicating information on the Borough website, and that reporters for the Herald also do a great job in keeping residents informed. She suggested that the Borough consider livestreaming Council Meetings and questioned when that consideration might move into action or inaction?

Council President McCorristin expressed his hope that Council will be discussing such an item at a meeting before the end of his term as Council President.

Martha Wright mentioned she has shared two articles with Council regarding Long Beach Township recently eliminating the use of plastic bags. She reminded Council of a similar discussion she brought to light when Council was considering eliminating the release of helium balloons. She further mentioned she and another property owner, Janet Cass, kayak around Cedar Island and had removed 130 balloons and 655 plastic bags from April 27, 2017 through December 12, 2017. From January of this year to date, 19 balloons and 108 plastic bags have been pulled from the bay. She encouraged Council to take serious action and look into eliminating the use of plastic bags in the Borough.

Council President McCorristin noted Clean Ocean Action has publicly stated plastic bags and cigarette butts are some of the most commonly found object in the waterways.

Councilwoman Hudanich stressed the importance of educating the public of the detrimental effects littering has on the environment.

Claire Daniels, 110 36<sup>th</sup> Street, asked if the southern borrow area will be added to the permit prior to March 15, 2019.

Tom Thornton indicated the plan is to add the south borrow area to the permit to allow the Borough to collect that sand when possible. He clarified that if a storm event occurs to close to the March 15 piping plover season, the southern borrow area cannot be utilized, even if it is included in the ten year permit. The option of stockpiling sand from the south end has been considered, however the current permits to not allow the Borough to remove sand from any beach without there being a need to place the sand in a fill area.

Claire Daniels discussed the dangers posed by the gully that formed on the beach at 36<sup>th</sup> Street shortly after the 2016 backpassing project and expressed concern that the northern borrow area will consistently be impacted when backpassing is needed.

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Councilwoman Hudanich empathized with Ms. Daniels' concerns and referenced a similar ongoing issue within the Technical School District that is affecting the students' curriculum.

Council President McCorristin stressed the intent of avoiding the problems that arose after the last backpassing project and expressed hope that this backpassing project will help in improving the beach within the northern borrow area by attempting to eliminate the existing gully.

Susan Edwards inquired if the southern borrow area will be used if a January storm occurs that affects the north end beach, as long as that southern borrow area is included in the permit.

Tom Thornton explained there is always a challenge of getting work started after a detrimental storm. Even with an existing permit, the fill and borrow areas need to be surveyed, and the mobilization of all efforts to get a project started could take as long as two months. If it is evident early enough in the season to access the southern borrow area by the implementation of the project, it will be the intent of the Borough to utilize the southern borrow area.

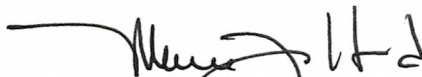
Council President McCorristin also mentioned the Borough had utilized the southern borrow area and moved the sand via trucks on the roads to mobilize the material to the south end while avoiding the piping plover area. Due to the detrimental effect that mobilization had on the roads and residents along the driving route, the Borough has determined that is no longer a viable option.

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

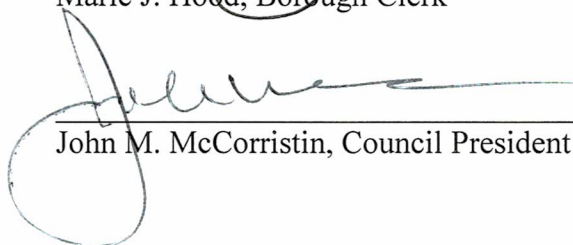
<u>ROLL CALL VOTE:</u>	Councilman Covington	Aye
	Councilman Dean	Absent
	Council Vice President Deever	Aye
	Councilwoman Hudanich	Aye
	Council President McCorristin	Aye

Work Session adjourned at 5:00 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President