

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, September 26, 2018 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 11

Reporters ----- 2

The Meeting was called to order by Council President Deever.

Pledge of allegiance.

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

Also present:

Nicole J. Curio, Esquire, Borough Solicitor  
William Macomber, Director of Public Works/Utilities  
Jeffrey Christopher, Chief of Police  
Paul Short, Code Enforcement Officer  
James Craft, CFO  
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
Dr. Edward Mahaney, Mahaney Consulting Group

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 27, 2018. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding proposal from Mott MacDonald concerning North End Flood Project Design Services.

Tom Thornton explained the report on the Drainage Study of the North End included recommendations for improvements and cost estimates for various design storms including the 25, 50, and 100 year storm. In subsequent meetings with the Borough, it was decided that a 50 year design storm was the appropriate event to use for the design of those improvements. A proposal submitted for the design and engineering of the project details many issues, summarized by five tasks. Those being surveying and base map preparation, engineering and design services, permitting, preparation of plans and specifications, and bidding services. The construction cost estimate for the 50 year storm was approximately \$9.5 million, which will need to be completed in phases over several years. This proposal includes the bidding services for the first phase of construction. The surveying and base map preparation includes the surveying of all of the stormwater infrastructure within the work area, between 8<sup>th</sup> and 27<sup>th</sup> Streets and First Avenue and the beach. The design services is the bulk of this proposal and highlights the preliminary design and development of concept that would be presented to Council. There are some very large items that would be associated with this improvement, which requires accurate design and exploring all options to realize savings. It is expected that the preliminary design and concept development could take several months to complete. The planning of this project will require coastal analysis of the wave height, wave periods, sedimentation, and erosion in the area of the 22<sup>nd</sup> Street outfall. At this point, it is expected to increase that outfall pipe from 24 inches to 36 inches. Considering the outfall is located within an area prone to erosion, it is possible the pipe will be elevated significantly above the beach after erosional events, which allows for larger waves and increased forces on a greater cross-sectional area of the pipe, which will need to be accounted for. For the outfall at the 11<sup>th</sup> Street pump station, there is consideration to have the pipe travel through the Army Corps seawall parallel to the existing 12 inch force main at the northwest of the 8<sup>th</sup> Street jetty, which can be costly, due to the scope of work necessary, therefore other alternatives are still being explored. Most of the work for the hydrological study has been done in the study phase, however minor work still needs to be completed to be Tom Thornton (continued) updated and finalized. The collection conveyance system design is primarily for the replacement of the pipes in both the streets and the dunes. Pump station design

is a large portion of this proposal, as there are two pump stations that need to be replaced. It is suggested to replace the existing pump stations with very large pump stations in terms of both the capacity of the pumps and the footprint of the structures. There will be an increase in the size of the footprint including the wet well and the vault, and there will also need to be an elevated structure in place, which can be designed to seamlessly blend in with surrounding structures so as to not look out of place. Due to the flood zone where the structures will be located, they will be elevated approximately seven feet above the existing grades. The pumps are being replaced with pumps that will be designed to accommodate both the stronger storms as well as weaker storms that occur more frequently. It is also recommended to install an automatically raked screen to help clear debris. There is also intent to include emergency generators for both pump stations which would be powered by natural gas. There are a number of permits that will be required for this work through the Department of Environmental Protection, Tidelands, and Army Corps of Engineers. There is also an approval required from the Army Corps of Engineers due to impact of the federal infrastructure, which will be done by going through the dune at 22<sup>nd</sup> Street with the new pipe and through the seawall at 11<sup>th</sup> Street. Assuming Council authorizes Mott MacDonald to proceed with this project in October of this year, it is expected to receive bids in July of 2020 for the first phase of the project, which would allow for the start of work in the fall of 2020. The overall cost for all services included in this proposal is \$646,000.00 and represents approximately 6.5% of the construction cost, which is at the low end of the industry scale. The certification of available funds for the entire cost of the project could not be provided at this point, therefore it is recommended that a certification of funds of \$120,000.00 be provided for the preliminary design and concept development, so that work can be done until 2019 when the next certification of funds would be needed.

Councilman McCorristin inquired if the 22<sup>nd</sup> Street pump station structure would be on the easterly side of the boardwalk.

Tom Thornton responded yes.

Councilman McCorristin asked where the 11<sup>th</sup> Street pump station structure would be.

Tom Thornton explained it will be near the tow of the dune.

Councilman McCorristin questioned how the outfall pipe for the 22<sup>nd</sup> Street pump station would be designed so as not to impede beach travel for Borough Officials and Lifeguards.

Tom Thornton noted options are still being explored with regards to the outfall pipe. One option could be to potentially lower the pipe so that it emerges from the sand further water ward. However, if that option is explored further, it would still be necessary to design a structure for the pipe that could withstand the wave forces that result in the worst case condition after an erosional event. There are hopes to compile a graph of different options for this pipe and its construction to be presented to Council once the design is complete. This proposal for the preliminary design will provide a clearer picture of the costs, the benefits, input from various stakeholders and Borough officials. Once all of that feedback is obtained, there will be enough information to make a decision to proceed with the design for what is selected out of all alternatives. That would apply not only to the outfall pipe, but even to the overall system as a whole. Regarding the 22<sup>nd</sup> Street outfall pipe, several years ago the Army Corp design kept failing and contributed to loss of several hundred feet of pipe. In 2011, the Borough worked with the Army Corp to extend the pipe using the Borough's stronger design with more closely spaced piles. With the larger pipe this project is recommending, there is a larger area for the wave forces to act against. If the pipe can be lowered and the lowering of the pipe doesn't cause issues with the end of the pipe becoming clogged with sand, it could be a beneficial way to handle the pipe.

Council Vice President Covington asked if it is intended to receive bids for each phase of the construction of the project separately.

Tom Thornton responded yes, and indicated there was a recommendation to do each phase separately with no overlap. Although the construction will be completed in different phases, the planning and design of the project will be done as a whole to allow for consistency, even if different contractors win each bid.

Council Vice President Covington asked for a breakdown of Mott MacDonald's cost per year according to this proposal.

Tom Thornton noted the preliminary project schedule included in the proposal assumes the beginning of engineering work in October of this year with the final plans and specifications being completed by April 2020. An approximate breakdown would be \$120,000.00 for 2018, \$406,000.00 for 2019, and \$120,000.00 for 2020. A more accurate breakdown can be provided to Council.

Councilwoman Hudanich inquired if the software to be used when planning will be updated regularly to provide accurate data for what is considered a 50 year storm.

Tom Thornton responded yes and explained the software will be used along with the absolute latest hydrographs available for accurate data and planning.

Councilwoman Hudanich stressed the importance of ensuring the software to be used in the new pump stations will be able to communicate effectively with the Borough's SCADA system. She asked that the logistics be carefully reviewed when considering breaching the Army Corps seawall for the 11<sup>th</sup> Street outfall pipe.

After brief discussion, Council agreed to discuss this matter further at the October 10, 2018 Work Session.

Discussion regarding bids received for Reconstruction of Various Streets, Contract M-111.

Tom Thornton explained this project is for the reconstruction of 40<sup>th</sup> Street between Ocean Drive and Fourth Avenue, 20<sup>th</sup> Street from the beach to Avalon Avenue, and 20<sup>th</sup> Street from Avalon Avenue to First Avenue. Water and sewer are being replaced on 40<sup>th</sup> Street, the beach block of 20<sup>th</sup> Street, and sewer is being replaced on the block of 20<sup>th</sup> Street between Avalon Avenue and First Avenue. The engineer's estimate for the construction is \$1,360,000.00. Competitive bids were received with the lowest bid submitted by Asphalt Paving Systems being 17% below the engineer's estimate. It was recommended to award the project to Asphalt Paving Systems in the amount of \$1,146,600.00. Special Counsel Alan Gould has reviewed the bids and is in agreement with the award.

Council agreed to proceed with a Resolution to be prepared for the October 10, 2018 Regular Meeting.

Discussion regarding renewal of Shared Services Agreement with the Cape May County MUA for Solid Waste Disposal and Recycling Services for a one year term.

Nicole Curio explained the Borough has a Shared Services Agreement in place with the Cape May County MUA for Solid Waste and Recycling Services. This agreement is a one year continuation of that agreement and contains no new objectives or rate structure, and would continue the seven year agreement in place that is due to expire December 31, 2018. Mr. Wahl had a conversation with the Executive Director of the Cape May County MUA on September 17, 2018, at which point it was indicated that this is only a one year renewal versus a seven year renewal due to the recycling market being very volatile. Due to a new policy, China is accepting much less recycling material that contains a contamination rate of greater than .5%. The volatility of the market is expected to settle down within the next 12 month period, and there are hopes to find other companies willing to receive the recycling material in that time period. The one year agreement has been presented to and accepted by all other municipalities in Cape May County.

Council agreed to proceed with a Resolution to be prepared for the October 10, 2018 Regular Meeting.

Discussion regarding potential changes to the Borough Code, Chapter 20 (Building and Construction) & Chapter 7 (Police Regulations) concerning construction.

Nicole Curio explained there have been several discussions at previous Council Meetings regarding construction issues. Borough officials have been working to review these issues and have pledged to offer suggested changes that would help address some of these concerns. All of the concerns raised on this topic have been noted, and at a minimum, will be explored, including construction hours and trailers. The Borough officials have made a commitment to begin the process of reviewing the Ordinances to implementing these changes by next summer. Potential changes for discussion on Chapter 7 and Chapter 20 of the code have been provided to Council. Once Council has agreed upon any proposed changes, there is intent to hold a meeting with contractors for their review and input. Two of the Borough's top priorities were addressing a stop work order and also to address construction during holidays. Those two items have been prepared for discussion for today. Chapter 20 entails building and construction regulations. Potential language is being proposed to give the Code Enforcement Official the ability to issue a stop work order for repeated violations where the construction of a structure is being undertaken contrary to the provisions of the regulations or other applicable laws or Ordinances. The proposed language has been lifted directly from the State code. Additionally, the stop work order would state the reasons for such order and the conditions under which the construction can resume, including corrective action plans that may be implemented and approved by the Code Enforcement Officer. Potential changes to Chapter 7 include the prohibition of construction work from the Saturday through the Monday of Memorial Day Weekend, as well as the Saturday through the Monday of Labor Day Weekend. It is also proposed to prohibit construction activity on the 4<sup>th</sup> of July. If the 4<sup>th</sup> of July were to fall on a Friday or Saturday, there would be no construction activity permitted on the Friday, Saturday, or Sunday. If the 4<sup>th</sup> of July were to fall on a Monday, there would be no construction activity permitted on the Saturday before the holiday through that Monday. It is also being considered to expand the summer season. Currently, Chapter 7 defines the summer season as June 14<sup>th</sup> through September 15<sup>th</sup>. It is also being proposed to expand the definition of construction to include any related noises including the discarding of materials into dumpsters, hosing down of sidewalks, and things of that nature.

Council Vice President Covington referenced many public comments made regarding shortening construction hours in the summer months suggested aligning the Ordinance with Stone Harbor to provide for consistency across the island. He also suggested having a chart included in the Ordinance for construction hours and days that construction is not permitted for a more user-friendly approach. He inquired as to the status of the "construction zone" that was being considered at previous meetings.

Nicole Curio indicated the "construction zone" would fall under the section of the Ordinance pertaining to trailers, which has not been discussed at length with Council as of yet, and is still being considered by Borough officials.

Council Vice President Covington suggested inviting a committee of the public to review these changes prior to Council considering an Ordinance on first reading. He questioned if all regulations will be changed at one time in one Ordinance.

Nicole Curio noted the objective is to have a new Ordinance in place prior to the 2019 summer season and spoke in support of holding discussions on certain topics separately, but adopt all new regulations in one Ordinance.

Council Vice President Covington expressed concern that the definition of construction noise may be subjective, and suggested that the definition be more concise to avoid confusion.

Nicole Curio noted Stone Harbor recently changed their regulations to prohibit outdoor construction on Saturdays and noted Stone Harbor will need to be consulted on whether they intend to keep such regulations in place in the future, if Council wishes to align with their Ordinances.

Councilman McCorristin asked if the construction hours are remaining the same during the off-season under this proposed language.

Nicole Curio responded yes.

Councilman McCorristin noted there were conversations in the past that included restricting construction hours during the week in the summer season also.

Council Vice President Covington suggested prohibiting construction activity on Sundays year-round, rather than just during the summer season.

Councilwoman Hudanich indicated there may be a conflict in restricting those hours year round, as some property owners only have the opportunity to work on or maintain their properties on the weekends during the off-season.

Council President Deever inquired about the stop work orders.

Paul Short noted the Ordinance currently allows the issuance of a stop work order in regards to dewatering pools and pool fencing.

After brief discussion, Council agreed to discuss this matter further at a Work Session meeting in the future.

Public Comments:

Napoleon Monroe, 75 East 23<sup>rd</sup> Street, noted prior discussions concerning the flooding at the north end indicated that time is of the essence when considering solutions to the flooding, and reported one year ago there was extreme flooding in the area that caused water to enter garages and first floors of homes. He voiced concerns about the proposed timeline discussed by Tom Thornton and encouraged the Borough to move as rapidly as judiciously possible due to risks that the Borough is assuming with the extended schedule. He suggested the engineering proposal also consider the risk mitigation and conduct a risk analysis of this extended project timeline. He further suggested the planning accommodate the needs of the community in terms of noise abatement.

Julie Donatelli, 2989 First Avenue, referenced the discussion of construction held by Council and asked that Council also consider regulating Azek and plastic debris during construction by requiring contractors to utilize collection bags when cutting such material to keep the dust and debris contained. She also asked that Council consider prohibiting all construction activity on Saturdays and Sundays during the summer season, from Memorial Day through Labor Day. She also suggested Council require the removal of all construction trailers from the street at the end of each work day, as is done in Sea Isle City. She also voiced concerns about the damage large dumpsters can cause to the streets as well as the safety concerns they create and asked Council to consider reducing the size of dumpsters permitted. She noted many shore communities north of Long Branch require that dumpsters be placed on the construction site, and not on the streets or sidewalks, with a construction barrier and asked that Avalon consider the same. She volunteered to be involved on any committee considering Ordinance changes and expressed hope that Avalon can come to a decision that will be beneficial to year-round and summer residents.

Martha Wright, 632 7<sup>th</sup> Street, spoke about the construction discussion held by Council and expressed hope that Avalon will be more courteous to its property owners than Stone Harbor by placing stricter regulations on construction hours, such as Monday through Friday 8:00 a.m. to 5:00 p.m., and no Saturdays or Sundays in season. She noted construction brings dumpsters, trailers, and many vehicles that cause congestion on residential streets. She also asked for the elimination of dumpsters on the street or the mandated reduction in size of dumpsters permitted. She stressed that the requests for limits are driven by safety and parking concerns. She noted that the definition of noise can be addressed by specifying equipment that may or may not be used, such as compressors, pile-drivers, chop saws, blowers, grinders, nail guns, heavy machinery, etc. She agreed that noise is subjective, as stated by Council Vice President Covington, however noted if outdoor construction is prohibited on the weekends, the noise level would be much lower, and the Borough would be safer.

Travis Marshall, 885 21<sup>st</sup> Street, expressed the belief that John Tracy, as Construction Official, is a stand-up employee of the Borough that made an honest mistake by issuing Certificates of Occupancy for newly constructed modular homes without the required state-approved home warranty. He noted the Borough should learn from these mistakes and draft policies to prevent such mistakes from being repeated.

Councilwoman Hudanich left the room to take an emergency call at 5:05 p.m.

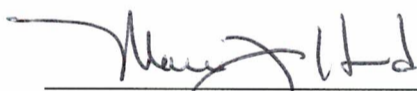
Travis Marshall noted Borough Council voted to go through a lengthy legal process in appealing the sanctions imposed upon Mr. Tracy instead of acknowledging the mistake and working to correct such a mistake by making affected property owners whole. He referenced the lengthy and costly litigation he was recently a party of against the Borough of Avalon and expressed unrest that the Borough is willing to go down a similar path. He noted the Construction Official did issue Certificates of Occupancy to multiple property owners without the proper state required homeowner warranty, and therefore the punishment issued was justified. He stated the taxpayers are responsible for paying for this litigation at both the Borough level and the State level and questioned the ethics of the individuals providing legal advice to the governing body. He referenced recent Council Meetings where taxpayers implored the Borough not to pursue litigation against the Department of Community Affairs for the sanctions imposed upon the Construction Official. He expressed upset at the imposition of a five minute time limit on public comments. He asked that the Borough reconsider the litigation against the Department of Community Affairs and instead focus funding on continued education for its employees and to purchase approved home warranties for the affected property owners in this debacle.

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

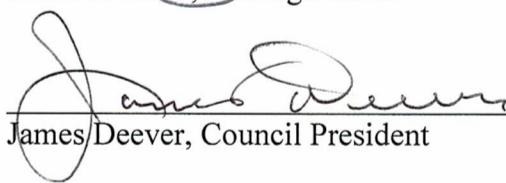
<u>ROLL CALL VOTE:</u>	Council Vice President Covington	Aye
	Councilman Dean	Absent
	Councilwoman Hudanich	Absent
	Councilman McCorristin	Aye
	Council President Deever	Aye

Work Session adjourned at 5:10 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



James Deever, Council President