

June 12, 2019

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, June 12, 2019 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 Deever.

Pledge of allegiance.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
Jeffrey Christopher, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Paul Short, Code Enforcement Officer
Chuck McDonnell, Director of Recreation
Stacey Tracy, Superintendent of Avalon/Stone Harbor School Districts

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 potential shared services agreement between the Borough of Avalon, the Avalon School District, and the Stone Harbor School District.

Scott Wahl stated Avalon and Stone Harbor School Superintendent Stacey Tracy has approached the Borough with a potential Shared Services Agreement with the Borough of Avalon to utilize the services of Avalon Recreation Director Chuck McDonnell as Athletic Director for both the Stone Harbor and Avalon elementary schools. These duties would be above and beyond the duties Mr. McDonnell provides to the Borough in his Department, outside of his scope of work, and not conflicting with his regularly assigned duties by the Borough. Discussion will be led by Ms. Tracy; Scott Wahl; and Mr. McDonnell.

This concept was discussed during a meeting held on Wednesday, May 29th that involved Councilmembers McCorristin and Juzaitis (liaisons to Recreation); Ms. Tracy; Scott Wahl; Jim Waldron; and Chuck McDonnell. The proposal to have an Athletic Director for both schools is represented by Ms. Tracy as supported by both boards of education in the respective communities.

The intrinsic benefit to the children who attend both school districts is to further a culture of team sports with children who can participate on school athletic teams for the duration of their elementary school education. Currently, children in grades K-4 can play for school teams, with their friends and schoolmates. However, older children in grades 5-8 cannot play organized sports together because recreation league rules mandate children play for their hometown rec teams. Students from sending communities cannot play with their classmates. The establishment of school teams allow the children to go to school/practice/play together on school teams, regardless of hometown. This is a big request by parents and students and currently unfulfilled. It is the opinion of the districts that the establishment of school programs will help retain/attract children in the school districts while using school/borough facilities.

Scott Wahl (continued) Mr. McDonnell's duties as Athletic Director would be after school and Saturday mornings during the school year. A job description is part of your reading packet. He would have no duties when school is out of session.

There is a reasonable expectation to field basketball teams for the winter 2019-20 season; soccer for the fall of 2019 is possible; along with other sports driven by interest.

Each school district would contribute \$10,000/annually to this program with taxes/pension picked up by school districts (much like the recent SSA with Woodbine for CFO). It would be a three-year agreement with a 90-day out for either party.

Stacey Tracy thanked Council for their time and for considering Chuck McDonnell as Athletic Director for both Avalon and Stone Harbor school districts. She advocated that Mr. McDonnell would be a great fit, as he knows the students, is familiar with both schools and is connected to the leagues. As enrollment has increased, it is intended to implement more recreational activities for students. The school district has budgeted for a stipend for Mr. McDonnell if Council decides to proceed with a Resolution.

Council President Deever thanked Stacey for her time and agreed this would be a great opportunity for both school systems.

Councilwoman Hudanich asked if Stacey anticipates hiring coaches for each sports team.

Stacey Tracy noted there are a few existing coaches, however if additional coaches are needed, hiring will take place. Currently, the school does have an athletic student's budget.

Councilwoman Hudanich added the Director of Athletics would be the one to conduct the interviews, evaluations, and hiring for the school district. She commended Stacey on all of her hard work and noted students need the teamwork as much as they need the social skills.

Council Vice President Covington asked if all of the volunteers need to have back ground checks.

Stacey Tracy replied yes.

Councilman McCorristin noted when the school district's population began to diminish, it was difficult to have enough participants to create sports teams. Over the last five years, there has been an increase in population. He voiced the opinion that introducing different sports teams will be great for both Avalon and Stone Harbor.

Council Vice President Covington asked if the sports teams will play year-round.

Stacey Tracy replied no and explained basketball and soccer would start in September and as the momentum increases, other various sports teams will be added to the roster.

Councilman McCorristin added other schools in Cape May County have these programs.

Chuck McDonnell noted he has reached out to local Athletic Directors as well as Superintendents in the area and unfortunately, students within the Avalon and Stone Harbor school district are unable to play in the Cape Atlantic League because those districts do not have a high school. The program through this school district would be able to schedule games with Dennis Township, Lower Township, Wildwood Crest, Woodbine, and Middle Township.

Councilwoman Juzaitis recommended physical exams for all athletes be conducted by the school nurse, not by Mr. McDonnell. She added Mr. McDonnell should not be involved other than reviewing reports and meeting with the school nurse. She stressed the importance of following this procedure for his safety and the Borough's safety as well. She further clarified this agreement is separate from the Recreation Department, therefore the recreation staff should not be a part of this.

Stacey Tracy agreed and stated all of the physical exams will be given by the school nurse and reports will be given to Mr. McDonnell. She confirmed the Recreation Department employees will not be included.

Scott Wahl added one very important part of this is the positive growth in numbers.

Stacey Tracy noted the parents are very excited about sports, volunteering, and coaching. While being a part of organized sports is a big commitment, she mentioned the parents and school districts are ready.

Councilwoman Hudanich noted recent updates to the state statutes and suggested the statutes contained within the agreement documents be reviewed for accuracy.

Stacey Tracy assured Councilwoman Hudanich she would take another look.

Council agreed to proceed with a Resolution to be prepared for the June 26, 2019 Regular Meeting.

Discussion regarding Resolution establishing meeting times for the governing body for the period July 1, 2019 through June 30, 2020.

Scott Wahl stated Council is in receipt of a proposed meeting schedule. The Reorganization Meeting is proposed to be held on Monday July 1, 2019 at 12:00p.m. In the past, there have been times when Council has held only one meeting in November due to a conflict with the League. This year, the League falls between the two scheduled meetings, so Council could have two meetings during the month of November. It is proposed to hold the second meeting of November on Tuesday, as that falls during the week of Thanksgiving, and it is typical of Council to do so. There is one meeting scheduled during the month of December, as it has been past practice that Council does not have a second meeting due to the Christmas holiday.

Councilwoman Hudanich noted Council has had a single meeting in November in the past, and mentioned it could be possible this year as well. If Council is not agreeable to only having one meeting during November, she suggested moving the second meeting to the Monday prior to Thanksgiving to avoid competition with the County League. She inquired if it would be a hardship to have two months in a row with one Council Meeting each.

C. Danielle Nollett stated she will defer that question to Chief Financial Officer James Craft to ensure it would not be a hardship to have only one payment of bills for both November and December. As long as Mr. Craft is agreeable, the meeting schedule will be changed accordingly.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the June 26, 2019 Regular Meeting.

Discussion regarding Ordinance amending and supplementing Ordinance 782-2018 to conform Chapter 20 with Chapter 7.

James Waldron reported through the many revisions to Ordinance 782-2018, there was a mistake, which did not mirror the prohibition of driving piles during the month of July between Chapter 7 and Chapter 20 of the Borough Code. An Ordinance is needed to add this language to Chapter 20 to align appropriately with Chapter 7.

Councilwoman Hudanich inquired about the timeline.

James Waldron stated if Council introduces the Ordinance today and the Ordinance is finally adopted at the June 26, 2019 Council Meeting, Administration sees no reason Council would have to make it effective immediately due to the provision currently being in place within Chapter 7, which prohibits pile driving on Saturdays during July and August. Should there be a need for Code Enforcement to bring a violation under Chapter 20, that Chapter should conform to Chapter 7. If Council does not want to have a Resolution declaring an emergency regarding the effective date of this Ordinance at the June 26, 2019 Council Meeting, any violations can be written under Chapter 7 until this Ordinance takes effect.

Councilwoman Hudanich clarified pile driving would still be permitted on weekdays.

James Waldron replied yes.

Council Vice President Covington asked why the Borough would wish to create confusion by not making this Ordinance amendment effective immediately.

Councilwoman Hudanich agreed and supported Council approving a Resolution to make the Ordinance effective immediately. She inquired if this would qualify for NCGC.

James Waldron replied yes and stated on July 1, 2019 there are prohibitions that apply on Saturday and Sunday, which do not apply for the balance of the year.

Councilman McCorristin clarified pile driving on Saturday and Sunday is already prohibited under Ordinance 782-2018 within Chapter 7.

James Waldron stated there is an abstract of this Ordinance used for publication purposes which makes abundantly clear that this is not a change, it is merely for the purpose of conforming one section to another section.

Council agreed to proceed with an Ordinance on First Reading at today's Council Meeting with an Emergency Resolution to be prepared for the June 26, 2019 Regular Meeting to make the Ordinance effective immediately upon second reading and final adoption.

Discussion regarding Resolutions authorizing renewal of Liquor Licenses for the license term commencing July 1, 2019 through June 30, 2020.

Scott Wahl stated Council is in receipt of a report provided on May 20, 2019 by Detective Armstrong regarding the process to evaluate liquor licenses and the operations of the establishments. The report also notes that one of the licenses is inactive for the 2019 Season, formally Jack's Place.

Danielle Nollett reported these Resolutions are on for the Regular Meeting, so the State of New Jersey will have ample time to review and approve these licenses for issuance prior to July 1, 2019.

Councilwoman Hudanich asked Chief Christopher for a synopsis of each licensee that provides all of the criteria to provide more information on each licensee and what was done to recommend renewal.

Chief Christopher agreed to provide a synopsis of the report in the future.

Councilwoman Hudanich noted such a synopsis would save paper and Council would be able to read the document and extract the salient points quickly.

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

Scott Wahl read the following statement:

There has been substantive progress on the delays associated with the completion of bulkheads at 24th Street and Fifth Avenue, and at 32nd Street and Ocean Drive. This progress has been the result of many conversations, conference calls, and communications including the project manager, president of the company awarded the contract, professionals including our CFO, Solicitor, Purchasing Agent and continual dialogue with our engineer. This morning a progress meeting involving the Mayor, CFO, Mr. Waldron, and myself resulted in the Mayor approving of and appreciative of the progress that has been made.

The bulkhead construction used helical piles which required various submittals and performances by subcontractors, neither of which the contractor secured or produced in a timely manner. It was only through the intervention of the Borough where the submittals and approvals were conducted in a very expeditious manner to the point where the construction was able to begin today at both locations. I'll invite Tom Thornton to provide a few more specifics.

At 24th Street and Fifth Avenue, the exiting pier and steps were removed to allow the bulkhead work to be done. As Council is aware as of our last meeting, the contractor was obligated to

finish this project by May 22nd which provided public works ample time to rebuild. That window has since passed and public works is obligated to other projects, including replacing some boards on the boardwalk for safety reasons.

The Borough already has in hand the material to build the structure. There is a new greenheart material wood obligated by the NJDEP for being environmentally friendly, and it lasts a long time. The good news is when the structure is built, it will last decades. The bad news is because the material is so hard, instead of drilling the bolt or screw into the wood, you have to drill the hole first, then drill in the bolt or screw to hold it together. It takes longer to build with this material.

That being said, in the matter of public safety and efficiency, the Borough has received a quote from a private contractor to begin the construction as soon as the bulkhead is done, which is early to mid-next week. The contractor will use our materials to rebuild the structure exactly the way it was before. The contractor has verified that two of the pilings currently in the water are in very bad shape and strongly suggests we replace them before the structure is built, it's a one-day job and work can be done in the water while the structure is built landward.

The delays in this project were created solely and exclusively by the contractor. It is my intention to not only seek liquidated damages already in the contract, but to recover any and all expenses the Borough has to pay to professionals who worked nights and this past weekend reviewing and commenting on various submittals. In addition, it is my intention to have the contractor, and not the Borough, absorb the cost of hiring a private contractor to do the work that Borough could itself have done if the contractor lived up to the obligations in the contract, including the completion date of May 22nd. The private contractor represents that if everything goes as planned, construction of the structure begins next week and will be concluded on or about July 4th.

Thomas Thornton added the contractor had mobilized back in March to complete the basic component of this bulkhead. It became clear the contractor started to drag his feet on the helical anchors. As a result, Mott MacDonald sent several emails to the contractor asking for the appropriate submittals. The contractor originally had some issues hiring a subcontractor and had finally obtained a company to complete the job. The supplier of these helical anchors is Danboro, a very well-respected company. These piles must be subject to very precise load tests, and this company has calibrated gauges and equipment to do so. The contractor installing the helical anchors is a certified installer and is fully qualified. Equipment is expected to be delivered on Friday, June 14, 2019 where it is expected to install all of the anchors on both bulkheads in one day. After all of the anchors are installed, the contractor will need to test one of the anchors at each location. The general contractor will be backfilling and compacting those areas. Danboro will be doing additional proof tests on the anchors that extend through the wales. The contractor understands what needs to be done and it appears they have a plan.

Council President Deever noted it seems Mott Macdonald has found the right people and the right company. He expressed happiness things are moving in the right direction and thanked Thomas Thornton for all of his hard work.

Scott Wahl added the contractor who built the structure is ready to mobilize immediately when the bulkhead is completed. The anticipated finish is approximately two and a half weeks to rebuild the structure.

Public Comments:

Travis Marshall, 885 21st Street, expressed concerns about the bulkhead construction on 21st Street. He noted he is in receipt of a document which states funds would be appropriated for bulkhead replacement in that location within the 2018 Municipal Budget or through a Capital Improvement Bond Ordinance, and the Borough shall apply for all NJDEP permits after the CFO certifies the availability of funds. He stressed the importance of having this work completed in the near future, as he is improving the property, and is unable to proceed much farther until the bulkhead replacement is completed.

Martha Wright, 632 7th Street, asked Council to consider changing the time of the Council meetings from 4:00p.m. to a later time, so the working population can attend the meetings. She

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expressed the opinion that a 4:00 p.m. meeting time is not resident or constituent friendly. If Council is not in agreement with changing the meeting times, she suggested livestreaming or videotaping the meetings, so residents and constituents can either view the video in real time or at their own convenience, as very valuable information is disseminated at these meetings.

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

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

Work Session adjourned at 4:43 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


James Deever, Council President