

May 29, 2019

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, May 29, 2019 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 7

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, Gruccio, Pepper, DeSanto & Ruth, PA
James Craft, Chief Financial Officer
Paul Short, Code Enforcement Official
William Macomber, Director of Public Works/Utilities
Jeffrey Christopher, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Joseph Rizzuto, Executive Director for Cape May County Municipal Utilities Authority
Lyn Crumbock, Recycling Coordinator for Municipal Utilities Authority

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Work Session change was included in a Public Notice dated March 4, 2019. It was given to the news media and posted on the Official Bulletin Board as required by law.

Municipal Election Results from Tuesday, May 14, 2019 for Mayor:

Martin L. Pagliughi – 324

Municipal Election Results from Tuesday, May 14, 2019 for Council at Large:

Barbara L. Juzaitis – 265
Samuel D. Wierman – 272
James C. Lutz – 120

Presentation by Joseph Rizzuto of Cape May County Municipal Utilities Authority titled: Recycling at a Crossroad: Quality, Contamination, and the Changing Market Place

Joseph Rizzuto gave a detailed presentation, a copy of which is hereafter attached to these minutes.

Council President Deever mentioned there has been misinterpretations of recycling regulations, including the common misconception that plastic lids are accepted on bottles and other containers. He stressed the importance of proper education regarding acceptable recyclables.

Joseph Rizzuto noted prior to the industry changes, those misconceptions were a non-issue, as most materials were accepted. An additional underlying problem is program inconsistency not only across the United States, but also from County to County within individual States. There are proposals circulating through Congress for a standardized recycling program to allow for universal items that can be recycled regardless of the location across the United States. In Cape May County, the large tourist economy poses issues for recycling, as these individuals are recycling materials not accepted in this area.

Councilwoman Hudanich suggested the single stream recycling program could be a contributing factor to contamination, and recommended education campaigns aimed at the tourist community to include hotels and businesses. She stressed that all recycling efforts should mesh together, and suggested a county-wide initiative for municipally issued standard recycling receptacles.

Joseph Rizzuto reported the Municipal Utilities Authority is attending various symposiums and conferences in efforts to educate as much as possible.

Lyn Crumbock indicated a new education initiative has been launched, which sends weekly broadcast messages of contaminated items rejected at the recycling center to Municipal Recycling Coordinators throughout the County to heighten awareness of municipalities as to what is being encountered at the recycling centers.

Councilwoman Hudanich commended the Waste Wizard app and recommended hotels should promote the downloading of the app to all who check-in to their establishment to promote awareness.

Councilwoman Juzaitis further suggested handouts being circulated to realtors for rental properties to reach a broader audience.

Council Vice President Covington agreed with Councilwoman Hudanich's statements suggesting single stream recycling negatively affecting contamination of recycled goods, and asked if that angle has been considered.

Joseph Rizzuto reported single stream recycling has increased contamination across the board, however that contamination has only recently become an issue due to the recent industry changes. Some states are now attempting to move away from single stream.

Councilman McCorristin expressed his unawareness of plastic lids not being accepted.

Lyn Crumbock explained purchasers of the plastics originally did not accept those lids due to a different resin type, the industry has since evolved to allow more types of plastics. However, lids are not accepted due to consumers being more prone to leaving residual amounts of fluids or other types of contaminants within a container when the lid is on. Additionally, many lids come off and fall through and end up in the trash. Recycled items should be clean and dry for proper recycling.

Councilman McCorristin noted homeowners will most likely comply by recycling clean and dry items without lids, however mentioned compliance will be difficult and contaminated recyclables will be unavoidable in public places. He stated the contamination issue is not something easily addressed.

Lyn Crumbock reported while many organizations are gathering to discuss the ongoing problem of industry standards and contamination, not many are considering the origin. She stressed the importance of municipalities and those collecting trash and recycling being proactive and stated if municipalities work on the origin of the problem, it is a very proactive and manageable approach.

Discussion regarding bids received for Borough Contract No. 19-02, Lease of Space on the 3100 Dune Drive Municipal Tower and Ground Space for the Placement of a Small Cell Antenna System

Scott Wahl stated the Borough recently received a bid for cell space that would be available on the tower behind the Public Safety Complex. It was determined through the Engineer's studies that the tower could accommodate some small cell antennas that would boost a carrier's coverage and handle throttling issues during the year with increased service demands. The bid included three different positions on the tower. A minimum bid was set for each item in the contract and Cellco, representing Verizon Wireless, bid on all three locations for \$1,000 a month at each location for a period of five years with an anticipated revenue to the Borough of approximately \$180,000.00. This will handle increased cell capacity in the busy downtown area, as well as prevent the need for any nodes or boxes that would appear on utility poles. Shall Council agree to award this contract, Verizon customers will have vastly improved cell service and this will be a revenue generator for the Borough of Avalon.

Councilwoman Hudanich noted while the Borough has worked with Verizon Wireless in the past, Cellco Partnership is a new company. She recommended that the contract address the removal of equipment in the event such equipment becomes archaic. She stressed the importance of protecting the Borough's interest with certain language within the contract requiring the removal of equipment at the expense of Cellco Partnership in the event the installed equipment was to suddenly not be useful prior to the sunset of the 5 year period within the contract.

Scott Wahl mentioned the removal of any equipment is stated in the contract, and added Dominic Villecco of V-COMM will be overseeing this project for five years.

Councilman McCorristin asked if there is a sufficient amount of ground space to allow for this equipment.

Scott Wahl replied yes. Dominic and his team have confirmed the ground space is well within the limits.

Council agreed to proceed with a Resolution to be prepared for the June 12, 2019 Regular Meeting.

Discussion regarding Resolution approving additional 2019 Jitney Licenses.

Scott Wahl explained there was a delay with receiving some annual jitney applications. The Jitney Association has indicated these additional three applications are the final applications for the 2019 licensing year. All documentation has been reviewed and appears to be in order.

Council agreed to proceed with a Resolution to be prepared for the June 12, 2019 Regular Meeting.

Discussion regarding Water Meter Reimbursement Request received from Bill Hand concerning the property located at 380 24th Street.

Councilwoman Hudanich asked if Council instituted any sort of processing fee by Ordinance for refunds concerning applications such as these.

James Waldron explained the implementation of processing fees is on case-by-case basis. If an application is withdrawn in certain cases there is an Administrative fee, however it is not across the board.

Councilman McCorristin noted there is a \$100 application fee for water meters. The water meters are inspected and the customer is required to pay the difference.

William Macomber agreed with Councilman McCorristin and noted the application fee is non-refundable.

Scott Wahl clarified the \$100 non-refundable fee has been deducted from the total amount due.

Council agreed to proceed with a Resolution to be prepared for the June 12, 2019 Regular Meeting.

Discussion regarding proposals submitted by Mott MacDonald for the following projects:

- **Reconstruction of Various Streets**
- **Reconstruction of 68th Street between Dune Drive and Ocean Drive**

Thomas Thornton stated these two proposals cover the second year of the five-year road program. The overall program consists of 68th Street from Ocean Drive to Dune Drive; the entire length of Sunrise Drive; and 7th Avenue, which connects Sunrise Drive to 21st Street; and 5th Avenue south of 42nd Street. The property owners along 5th Avenue were trying to organize the relocation of the electric utilities underground, therefore the project was deferred until there was a resolution to those efforts. At this point in time, it appears this will no longer happen, however the costs associated with that portion of the project are a separate line item on the proposal in the event there are any changes. The reconstruction of 5th Avenue is to ensure certain changes to

Thomas Thornton (continued) driveways and similar changes are properly addressed. The Sunrise Drive and 7th Avenue reconstruction includes the replacement of the water system, as the system is currently comprised of asbestos cement system, which needs to be replaced. The reconstruction also includes an underdrain system on Sunrise Drive. The proposal for 68th Street between Ocean Drive and Dune Drive and received a grant from DOT in the amount of \$150,000 to cover the roadway reconstruction. The utility sanitary sewer system will also be replaced. Both projects should be completed by Memorial Day 2020.

Councilwoman Hudanich asked if Mott Macdonald has notified the home owners of the impending road reconstruction, per Borough Ordinance.

Thomas Thornton explained Mott Macdonald will send out a letter, as required by Ordinance, however will request a waiver from the one-year period. If, for some reason not all affected property owners agree, this project would have to be deferred.

Councilwoman Hudanich stressed the importance of Council being aware of waivers of regulations set by Ordinance being requested of members of the public.

Council Vice President Covington asked when these projects would begin if a waiver of the one-year notice was not granted.

Thomas Thornton replied construction would not be permitted until after one year from the time of notification.

Councilwoman Hudanich asked if the Borough would lose the DOT grant if it is not used within the calendar year.

Thomas Thornton replied no, and noted Council would not be required to waive the regulations set by Ordinance, as long as the home owners agree to waive their right to the one-year period. The waiver is attached to the letter sent to the home owners. Provided all waivers are received, the paving will begin in March 2020.

Council agreed to proceed with a Resolution to be prepared for the June 12, 2019 Regular Meeting.

Discussion regarding a Resolution authorizing the release of a Maintenance Surety Bond Pertaining to Ken's Shore Thing, LLC and Construction of Improvements to an Unimproved Section of Fourth Avenue at 24th Street.

James Waldron explained Kenneth Parsons, operating as Ken's Shore Thing LLC, approached Council in 2016 requesting permission to construct certain improvements to a portion of Fourth Avenue, which was unimproved at the time, to provide access to a property at the end of the unimproved Street, for which a DEP permit had been granted to construct a duplex residence, however it was without access. Council entertained a hearing on notice to all of the property owners within 200 feet. At the conclusion of that hearing, Council granted permission to construct certain improvements subject to a number of terms and conditions. Those terms and conditions have been met. The road was constructed meeting Borough requirements and a certificate of occupancy was issued for the dwelling. As part of that process, the developer was required to post a maintenance bond in the amount of 15% of the certified engineering costs, for a total amount of \$15,345.00. The developers elected to post that bond in cash. The Borough has had this amount in an interest-bearing account since May 10, 2017. The statute requires that the bond can be held for two years and if there are no claims against it, it should be released. This matter has been investigated by the appropriate departments. It has been determined that everything is in order, there are no charges that have been made against the escrow, and no charges pending. It would be appropriate at this time to adopt a Resolution authorizing the release of the bond plus accrued interest. If Council agrees with this, there is a Resolution on today's regular meeting for consideration. The adoption of the Resolution will then generate a voucher the developer be required to sign and return to release the funds and the interest. This will most likely be presented to Council at the next Council meeting on June 12, 2019.

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

Discussion regarding potential Shared Services Agreement with the Borough of Woodbine for Chief Financial Officer Services.

James Waldron reported this was a matter of discussion at the closed session meeting on May 8, 2019. There were certain issues identified that required follow-up. Discussions took place with Jim Craft and Council Vice President Covington regarding some issues in need of a resolution. The agreement before Council is a marked-up copy of the Shared Services Agreement originally submitted. The Borough of Woodbine was the author of the agreement. Avalon submitted changes and Woodbine has advised that those changes are in process. Council is being asked to approve the agreement with submitted changes.

Councilwoman Hudanich indicated she originally had some concerns, which have been addressed. She commended Mr. Craft on his exemplary performance in the position of Chief Financial Officer and noted this agreement stems from having qualified individuals in such positions.

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

Public Comments:

Thomas McCullough, representing American Legion Post 331, expressed appreciation to the Mayor and Council for conducting a wonderful Memorial Day Service and Parade and noted the hard work and dedication displayed by each and every department under this jurisdiction exemplifies the culture which has been developed and maintained in the community over the last several decades. He spoke on behalf of all Veterans and thanked the Borough for its meticulous attention to detail in respect to all Veterans events. He specifically thanked the Police Department and Public Works for their sincere dedication shown to Post 331 and all Veterans. He closed his statements by thanking Council Vice President Covington for his service and wishing him luck in the future.

Council President Deever thanked Thomas McCullough and all Veterans for their service.

Martha Wright, 632 7th Street, thanked the MUA for such an educational presentation regarding recycling efforts. She expressed disappointment with regards to learning the majority of these products will make their way to the land fill. She encouraged Council to consider reducing the Borough's tipping and landfill contribution by allowing scavenging rights on bulk trash. She reported Stone Harbor has put forth this concept and will be instituting a 72-hour period before bulk trash pick-up which would allow people to take what is on the curb. She noted there are many seasonal residents throwing away useable items, as they do not have time to donate these items to Habitat for Humanity or other charitable businesses that accept such merchandise. She asked Council to consider permitting scavenging for 72-hours prior to bulk trash pick-up.

Michael Boughman, 497 24th Street, recognized and thanked Council Vice President Covington for his many years of service. He reported an issue with the bulkhead and subsequent dock installation on 5th and 24th Streets. He mentioned a conversation with the contractor of the project when construction first began, and the contractor indicated the anticipated completion date was Memorial Day weekend of this year. He voiced disappointment that over the last few weeks, work has been progressing very slowly and expressed his frustration with the contractor's lack of concern to fulfill their obligations.

Thomas Thornton stated Wickberg Marine, the contractor for this project, is a general contractor and has completed the work can be done at this point. Instead of utilizing the traditional dead man anchor design, this design included a helical anchor pile, which is not something this particular contractor has the ability to do. For this part of the project, a sub-contractor should have been retained by the contractor. May 22nd was the official deadline for this project. Emails have been sent reminding the contractor of the liquidated damages clause in the contract, which is \$300 per day. The liquidated damages clause is an agreement upfront of the value of certain viable costs to which both parties agree. In this case, the damages are clear. The project is not complete, which has caused inconvenience to the home owners in the area. The contractor is fully aware that the Borough intends to impose those liquidated damages. At this point, the contractor should be giving the sub-contractor's information to Mott Macdonald along with a plan of the method to be used for the helical anchors. The Project Manager for this contractor has worked in Avalon previously in connection with the 8th Street. Wickberg Marine indicated some bulkhead experience in their bid submittal.

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Councilwoman Hudanich asked for the total contract cost for this project.

Thomas Thornton indicated this contract was awarded for \$306,000.00 for two bulkheads at two different locations.

Councilman McCorristin added neither project is finished.

Thomas Thornton noted the contractor has indicated they do not yet have a sub-contractor that can complete the work. At this point, the corners have been completed and work is being done on a different anchor at 32nd Street, which is a concrete block. There are hopes the contractor will have submittals and a helical contractor out to the site this week to finish the job.

Council Vice President Covington inquired if Mott MacDonald has any recommendations for appropriate sub-contractors.

Thomas Thornton noted it is suspected the general contractor is currently working to finalize a sub-contractor, therefore no recommendation would need to be made.

Councilman McCorristin requested an update on the Townsends Inlet Bridge project.

Scott Wahl reported the County Engineer has indicated the pier strike was successful. Without holding any dates or timeline, there is optimism that the project could be done sooner than advertised. The stumbling block that was holding up the project has been surpassed and the project is moving forward.

Councilman McCorristin thanked Scott for the update and reported a job well done by the Cape May County Bridge Commission when repairing a large sink hole on the 25th Street bridge. He also commended Public Works and the Police Department for their quick action to ensure the safety of all travelers of the bridge.

Bill Macomber added the County took the matter very seriously and have indicated steel plates will be installed on the east side of the bridge as well.


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

ROLL CALL VOTE:

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

Work Session adjourned at 5:14 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


James Deever, Council President