

June 26, 2019

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, June 26, 2019 at 4:01 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 9

Reporters ----- 2

The Meeting was called to order by Council President Deever.

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

Also present:

Mayor Pagliughi

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Nicole Curio, Esquire, Gruccio, Pepper, DeSanto & Ruth, P.A.

William Macomber, Director of Public Works/Utilities

Paul E. Short, Sr., Code Enforcement Officer

Jeffrey Christopher, Police Chief

Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald

Council President Deevers 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.

Presentation of Proclamation to Council Vice President Covington by Mayor Martin L. Pagliughi.

Jack Keenan, President of the Avalon Home and Land Association, thanked Council Vice President Covington and recognized his contributions, not only during his many terms on Borough Council, but all Council Vice President Covington has done in support of civic associations to better our community throughout the years. In recognition of Council Vice President Covington's efforts, AHLOA has made a contribution in the amount of \$300 to the Helen Diller home for blind children in Council Vice President Covington's name. He offered Council Vice President Covington best wishes and thanked him for his many contributions to the Borough of Avalon.

Lynda Pagliughi expressed her heart-felt thank you for a long and healthy retirement. Lynda stated it is not easy being the wife of an elected official in today's world and saluted Lynn Covington.

Councilwoman Hudanich noted change is difficult and mentioned she has had the distinct pleasure of serving with Council Vice President Covington throughout his full 28 years. She noted not only were they a team, but they were a synergistic group made up of individual minds and celebrated the expertise of each individual. She presented Council Vice President Covington with a photo of Council to remind him of this time in his life as he enters this next phase. She further presented Council with a photo of Council Vice President Covington, notwithstanding or diminishing the expertise of Samuel Wierman, who will be a Council Member on July 1, 2019. She gave Council Vice President Covington a heart-felt thank you for all he has done for the Borough and stated he will be greatly missed.

Council Vice President Covington mentioned his wife Lynn would have loved to attend this meeting, but was unable, and made the following statement:

My biggest accomplishment would be the Borough's balance sheet. As part of the Council Finance Committee, Dr. Hudanich and I have worked closer with the Mayor, Business Administrator and Chief Financial Officer to manage the Borough's operating costs, expenses, debt and surplus. The results have been a low municipal tax rate, capital program with a triple A bond rating, and on track to be debt free in 2020. Not to take anything away from the importance of the beach maintenance, which has not only protected all of the homeowners in Avalon, but also helped to stabilize our rates as well. Another accomplishment is the effective transition of the Cape May County Library system to the Avalon Free Public Library system. Another thing that helped shape Avalon, is when we revitalized Dune Drive. Financially, we successfully lobbied the state of NJ to annually return the excess funds from the library to the tax payers, which adds ¼ to ½ mil dollars to our budget each year. 39th St and 8th St recreation facilities, and the newest addition Surfside Park. Financially again, the Borough has committed itself to maintaining the Boroughs infrastructure. We decided early on in the budget that we would dedicate funds in the budget every year to maintain the infrastructure and we have done that. Prioritizing the labor intense and injured prone services in the Borough, has saved the Borough lots of money, if not direct cost, indirect costs with healthcare. Finally got bike paths on Dune Drive and Avalon Avenue, which has improved the safety for the bikers and for the runners. As you all know the Governing Body can propose and legislate, but without the acceptance of the voters and public, these changes may not have happened, but certainly would have taken a long time to achieve. It has been a privilege to work with everyone in all of the departments including Council members of the past and present. It has been a privilege to work with Mayor Pagliughi throughout his tenure as Mayor and I wish his well over the next four years. This has been a life changing experience. I've served in the finance committee with my dear friend, Nancy Hudanich, who suggested in 1991 that I run for Council. Most importantly, it has been my privilege to serve the people of Avalon. I like to think I made a positive impact on the Borough and always served with the best interest of the Avalon home owners throughout my time as a member of Council. It's time to say good-bye and see what the next chapter has in store for me and Lynn. This is my last meeting and it has been a good run. It is my pleasure to have served in the Borough as a Council person, thank you.

Councilman McCorristin reminisced about his many years working with Council Vice President Covington in the private sector prior to serving on Council together and noted some of their joint accomplishments, such as removing the Borough of Avalon from the Cape May County Library, which was a bonus to Avalon Elementary School and to the community. He thanked Council Vice President Covington for all of the guidance throughout the years, for his service and expressed how much he will be missed.

Councilwoman Juzaitis stated she has had the pleasure of working with Council Vice President Covington for many years through the Avalon Planning/Zoning Board as well as on Council, and noted Council Vice President Covington will be greatly missed. She thanked him for his many years of service and for doing a fantastic job as a Council Member and citizen.

Council President Deever noted Council Vice President Covington first encouraged him to join the Planning/Zoning Board, which was a great experience, and thanked Council Vice President Covington for his encouragement. He announced this Council Meeting is his last Council President, and read the following list of accomplishments achieved by the Borough of Avalon over the last year:

- We approved the most sweeping changes of the construction regulations in Borough history.
- The Borough's elimination of single use plastic bags and non-recyclable products.
- The approval of a budget that included the lowest municipal tax of any developed community in the state of NJ. Also, zero increase in taxes, beach tags, water + sewer.
- A special thanks to the finance committee, Councilwoman Hudanich and Councilman Covington.
- The construction and completion of Surfside Park. Opening day was spectacular. It was a really great day.

- Additional shared services, \$150,000 grant for 68th St, a large sand back-passing project under budget, hiring Municipal Clerk, Tax Assessor, Zoning Official, and Licensing Clerk, dredging projects, success in keeping Macchia Road (CDF Facility) open, and the maintaining of AAA bond rating. There was a group effort to put all of this together. We have a team mentality in Avalon and the players are the Borough of Avalon employees, the volunteers of the Borough, the staff who are always in attendance at the Borough meetings, Council members, the Mayor and many others. On a personal note, I would like to thank Kimberly Mastriana, Kristen Gannon, Danielle Nollett, James Waldron and Scott Wahl for all of the help and support throughout the year. Council Vice President Covington will truly be missed.

Discussion regarding Resolution requesting approval of revenue and appropriations for a Department of Environmental Protection Clean Communities Grant in the amount of \$27,373.37.

Councilwoman Hudanich asked if there was a guarantee that the Borough of Avalon would be receiving the funding.

James Craft reported the payment of this grant has been received.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the July 10, 2019 Regular Meeting.

Discussion regarding Resolution authorizing Mott MacDonald to submit grant applications for NJDOT Municipal Aid Program.

Thomas Thornton reported the street being recommended for this application is 69th Street between Dune Drive and Ocean Drive. As Council is aware, the DOT awarded a grant for reconstruction of 68th Street between Dune and Ocean in the amount of \$150,000 last year. 69th Street is in similarly poor condition and is in the same area, so similar arguments would be made concerning the street's importance to the Borough. It is recommended to add a Resolution authorizing a grant application to the next agenda if Council agrees.

Council Vice President Covington inquired if an application would eventually be made for the reconstruction of 80th Street.

Thomas Thornton expressed confusion that previous applications for 80th Street were denied. He noted the Borough has experienced better luck with other streets, therefore it is recommended to err on the side of caution by requesting funding for streets more likely to be approved.

Council agreed to proceed with a Resolution to be prepared for the July 10, 2019 Regular Meeting.

Update from Mott MacDonald regarding the design of the North End Flood Project.

Thomas Thornton thanked the Council for their time and gave a very detailed report via Power Point presentation, as attached.

Councilman McCorristin noted the Borough has had discussions in the past about storm damage and what measures would be necessary to protect one of the Borough's weakest zones, which is near 22nd Street. While protecting the north end has been a big concern, it was also a major cost. If pipes are run behind the dunes to rely on the gravity feed, he inquired how far those pipes would need to be buried.

Thomas Thornton indicated there would be a certain slope in that pipe over a long distance. The pipe at the minimum slope would be below water level. As the pipe were to travel north to 11th Street, a decision would need to be made as to how to handle the pipe. There would be different options to consider; the first being to continue the box covert past the 11th Street pump station, with it passing through the Jetty at a low depth, which means part of it will constantly be flooded, however there will still be the hydraulic ability to discharge the rain water though due to the difference in elevation of the water. Another option is to have a shallow pipe at that location. The pipe would come in low at 11th Street and then would have a hydraulic jump, which means there would be a higher pipe extending from 11th Street through the 8th Street jetty. It would be

Thomas Thornton (continued) shallow and easier to maintain, however there would be complications with maintenance due to water not flowing straight through. The third option would be to stop the gravity main at the 11th Street pump station and have the 11th St pump station just pump everything. The disadvantage is there would no longer be a reliance on gravity. The final design would optimize those various options, but there may be some overlap.

Councilman McCorristin inquired if the 8th Street covert can handle the extra flow.

Thomas Thornton responded no, an explained it would have to be upgraded. Multiple models of this scenario were run, and those have proven it can work if the pipe size is increased to a 36 inch pipe, and the pipe is extended to 16th Street, which would pick up all those flows and would be coming through the same location. One approach would be to set up the system to rely solely on gravity for anything smaller than a two-year storm, and for a more serious storm, the pumps would take over. However, even if Council elects to move forward with that model, it would be prudent to periodically exercise the pumps.

Councilwoman Hudanich commented on the many pros and cons for every design and idea, however noted closing down 22nd Street is a radical concept. She agreed the Borough's track record with gravity and force mains has been less than stellar on Ocean Drive. She stressed the importance of being cautious and taking adequate time to properly analyze this project to evaluate the total costs, including the intangible environmental costs.

Thomas Thornton explained the purpose of tonight's presentation was to provide Council with a snapshot of the current progress. A detailed report with the pros, cons, and costs will be provided to Council.

Mayor Pagliughi noted there are a lot of options that have yet to be considered, for example, the size of the pumps; different stages; multiple pumps with step feed; and less pumps with variable speed, to name a few.

Councilwoman Hudanich inquired if there will be models and prototypes provided to Council.

Thomas Thornton noted computer-generated models can be provided.

Councilwoman Hudanich commended Mott MacDonald for taking the time to evaluate this problem and providing many options for Council to consider, however noted it is difficult to embrace the disruption to hard structure, the dunes and the cost.

Mayor Pagliughi reviewed how the 22nd Street outfall pipe into the ocean has exasperated the erosion rate at the beach because of currents around the pilings. He advocated the importance of removing the 22nd Street outfall pipe off the beach.

Councilwoman Hudanich agreed with Mayor Pagliughi, however expressed concerns about the gravity and questioned if removing the outfall pipe would be moving a problem or solving a problem.

Thomas Thornton made note that flooding along Ocean Drive is tidal, which is more difficult to model. The flooding being addressed in this study is rain water and is easier to model.

Discussion regarding Resolution authorizing Change Order No. 6 for Contract M-109, Surfside Park Site Improvements.

Scott Wahl explained this Change Order totals \$1,168.00 and it is expected to be the final Change Order for this project. While finishing this project, it was determined there was not appropriate signage for the Changing Rooms near the restrooms. This Change Order eradicates that issue.

Council agreed to proceed with a Resolution to be prepared for the July 10, 2019 Regular Meeting.

Discussion regarding Resolution establishing standing committees and designating appointments of Borough Council.

Councilwoman Hudanich reviewed the potential standing committees with all members of Council.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the July 1, 2019 Re-organization Meeting.

Discussion regarding Resolution appointing James McDermott as a Class IV Member of the Avalon Planning/Zoning Board.

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

Public Comments:

Scott Wahl read the following report:

I am providing Council with an update on Borough Contract M-108 construction of bulkheads at 24th Street and Fifth, and at 32nd Street and Ocean.

Multiple meetings and conversations were held among our professionals, including our engineer, solicitor, administration, and purchasing agent since Council last met. The engineer and contractor met last week at which time the contractor was presented with a letter of default of the contract unless certain milestones were met. A closed session matter is included on today's agenda for further discussion.

We appreciate the interest and patience from neighbors in both areas on these two projects. This project is an anomaly for the Borough and the contractor's prior continuance of ignorance to perform work has been documented and will be handled appropriately when this project is concluded. Since our last meeting and presentation of letter of default, the contractor has taken steps to accelerate work with assistance from another marine contractor.

At 24th Street and Fifth, the helical piles have been installed and the bulkhead cap was installed, along with proper grading. Forms for concrete were set and concrete poured today.

Remediation of the area will occur this week. The Borough has secured a contractor who will be installing the pier and dock to pre-existing condition and is on standby to assist the Borough.

At 32nd Street, the new marine contractor subbed by Wickberg will do the five helical anchors at 32nd Street. This contractor believes all five can be done in the same day. Wale splices and concrete collars are expected to be done today. Restoration may begin before the weekend.

Simply stated, the Borough has dealt with a contractor who failed to respond to appropriate policies and deadlines until the threat of default was made. That has resulted in the project being five weeks behind schedule and the dock/pier to be contracted to a company for which the Borough intends to seek full reimbursement for this, and other matters related to the project. In our spare time, Mr. Waldron has begun to review the specs and contract language for future projects put out to bid. These specs and language have served the Borough well in dozens of prior projects, but not this one, and a full review and reconstruction will include administration, engineering, the solicitor, purchasing agent, and others who have interest.

Since this matter is scheduled for a closed session at the conclusion of the regular meeting and likely will involve either mediation or litigation, it is in the Borough's interests to refrain from further public discussion on this matter.

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Michael Boughman, 497 24th Street, noted the close proximity of one of the bulkheads being repaired to his property and thanked Scott Wahl, Thomas Thornton, and other involved Borough Officials for their time and attention to this matter. He expressed concerns that the extended length of construction at the bulkhead has had an economic impact on the neighborhood, and noted there are many residents and visitors that use that dock. He challenged the Borough to establish safety standards for contractor completed jobs within the Borough to change the culture of how work is done, and advocated the importance of safety for the town as well as employees completing the work. He further stressed the importance of the Borough ensuring there are competent Project Managers appointed to each project.

Elaine Scattergood, 75 30th Street, reported a former Avalon resident, Emma Conte, recently passed away and lamented what was, in her opinion, unfair treatment by Borough Officials of Ms. Conte concerning the state of Ms. Conte's property on 38th Street.

Lisa Fisher, 225 Freemont Avenue, Woodbine, spoke on behalf of her employer, Mennan Machines, and referenced the recent construction regulations adopted by the Borough of Avalon. She requested the Borough consider changing the in-season to begin July 1st of each year, when demolition is prohibited. She noted demolition equipment is most times too large to fit within the construction zone. Additionally, she cited hardships Mennan Machines is encountering with being unable to store their large equipment overnight. She noted public roads typically allow legal vehicles to be parked for 48 hours.

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 5:03 p.m.

Respectfully submitted,

C. Danielle Nollétt
C. Danielle Nollétt, Borough Clerk

Nancy M. Hudanich
Nancy M. Hudanich, Council President