

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, September 11, 2019 at 4:03 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 3

Reporters ----- 1

The Meeting was called to order by Council President Hudanich.

**Council President Hudanich called for a moment of silence, prayer and reflection to remember the impacts of September 11, 2001 and the losses as a result.**

Pledge of allegiance.

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

Also present:

James Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Borough Solicitor  
William Macomber, Director of Public Works/Utilities  
Police Chief, Jeffrey R. Christopher  
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald  
Steve Camp, Assistant Director of Public Works/Utilities  
Dr. Lisa Ferguson, Director of Research and Conservation, The Wetland's Institute

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 26, 2019. It was given to the news media and posted on the Official Bulletin Board as required by law.

**Presentation by The Wetlands Institute concerning the Diamondback Terrapin Nesting Habitat Enhancement Project.**

Dr. Lisa Ferguson, spoke representing The Wetlands Institute on behalf of Dr. Lenore Tedesco, and referenced the project at Bay Park Marina to enhance habitat for the Diamondback Terrapins. She explained this is a long-term relationship between The Wetlands Institute and the Borough of Avalon helping to protect this species, get the community more involved, and enhance the marshes. As Council is aware, the Borough obtained a grant through Sustainable New Jersey to help fund this project, and the Wetlands Institute also received funding from the New Jersey Cooperative Corporate Restoration Wetlands Program. This project was initiated to help reduce issues for Diamondback Terrapins, particularly on the main roads of Avalon and to explore new approaches for improving conditions for female terrapins. The female terrapins are coming out of the marshes from May through July to nest and lay their eggs. Many females feel the need to travel over roadways to find proper nesting areas, which unfortunately results in many terrapin deaths. Because of this, the population of terrapins is not doing well, and their habitat has changed due to the development of the barrier islands and the introduction of roads across the marshes where they live. Actions have been taken to try and mitigate and reduce losses through barrier fencing, education, signage, and other methods. These efforts are made to avoid losing the population of this species and for the health of the marsh and coastal ecosystem. Bay Park Marina is a known location of nesting terrapins and is a location that could benefit from additional barrier fencing. The barrier fencing is effective and Avalon Boulevard demonstrates this quite well. Data has been collected over the years concerning where terrapins have entered the roadways. The west side of the Boulevard does not have the barrier fencing, but rather black corrugated tubing on either side of the road, which serves the same purpose. Avalon sets the standard for how the tubing and fencing should be maintained. The better maintained it is, the more effective it is for keeping terrapins off the road. Data collection does show a reduction in the number of terrapins that are able to access roadways with these barriers. Not only does this fencing keep the terrapins off the road, it is also providing high ground between the barrier and the marshlands for females to lay their eggs. There are hopes to apply these



Dr. Lisa Ferguson (continued) methods in a site-specific manner at different locations. There have been complaints received from members of the public stating that the tubing barrier is not attractive, and those complainants would like an alternate, less obtrusive approach to turtle barriers. One of the goals of this project was also to test the effectiveness of new types of fencing, which provides a great opportunity to engage and educate the public by making people more aware of this species, what their conservation needs are, and the risks and threats to the species. This is also an opportunity for restoration, trialing new techniques for conservation methods, and improving the quality of the habitat at Bay Park Marina. Since 2017, there has been a reduction of turtles found crossing Ocean Drive. In March 2019, a sandy patch was placed at the Marina to create an ideal nesting area.

Council President Hudanich thanked Dr. Lisa Ferguson for the overview and asked for questions from the public or Council.

Council Vice President McCorristin noted with the Borough's codes continually changing, Avalon is replacing bulkheads and raising the elevations. On 7<sup>th</sup> and 24<sup>th</sup> Streets, there is a natural slope or retaining wall, but no bulkheads at these locations. He suggested evaluating those areas to expand the fencing locations.

Dr. Lisa Ferguson explained any location where there is a loss of a bulkhead causes a funnel effect with turtles trying to get to higher ground. Over the summer, it was found that the turtles are using the nesting mound in place at Bay Park Marina, however there are issues regarding managing the areas. She agreed it would be a good idea to expand to other locations with known access points.

Council Vice President McCorristin stated he would like to see these areas and the wildlife living in these areas protected.

Council President Hudanich spoke in support of the project stating this is the best way to replicate best practice.

Dr. Lisa Ferguson added maintenance, monitoring and learning from past practices are helping to implement these methods in other locations with a similar need.

Councilwoman Juzaitis spoke in support of the project, however noted she has experienced people causing driving hazards by stopping unexpectedly to avoid hitting the turtles crossing the roadways, and advocated proper education concerning safe practices to the public.

Dr. Lisa Ferguson noted as the number of turtles crossing the road reduces, so will the dangers on the road with regards to the traffic when turtles are crossing.

Councilman Wierman mentioned seeing a post on the Avalon Facebook page concerning safety protocols when stopping for turtles crossing, such as slowing down and/or tapping your brakes to warn people. He spoke in support of educating more people on safety when it comes to turtle crossings.

Martha Wright, 632 7<sup>th</sup> Street, asked for more information concerning trenching, predators, and caging methods. She mentioned Sea Isle uses different caging methods and inquired if this is something Avalon is considering as well.

Dr. Lisa Ferguson noted concentrated turtle nesting areas and can attract predators, which can become an issue in an area where skunks and crows are prominent. Trying to manage the factors that lead predators to these areas can be challenging, however a barrier or some sort of protection will be needed to keep predators away from these areas. Larger areas for the turtles to walk underneath the ground could be constructed and would include material to cover the top to protect turtles and their nests from birds. In terms of trenching, there is another type of barrier fencing that was tested over the summer. The material is made specifically for wildlife on the roadways and can be installed in various ways, however it does get trenched into the ground to prevent turtles from being able to get under the corrugated tubing. This trenching reduces the passage of turtles across a barrier fence.

Council thanked Dr. Lisa Ferguson for her time.



**Discussion regarding rejecting bid previously awarded to Cellco Partnership d/b/a Verizon Wireless for Borough Contract No. 19-02.**

James Waldron reported bids were received on May 14, 2019 for the placement of a small cell wireless antenna on the radio tower in the parking area of the Municipal Complex, with Verizon being the only bidder. Per Borough procedure, the bid package was sent to Alan Gould who determined Local Contract Law compliance was present. Along with Joseph Clark, QPA, it was determined that the bid met the bid specifications and complied with the requirements of the Local Public Contracts Law. A unique feature of this bid required the apparent successful bidder to then submit “technical information” to be reviewed and approved by the Borough’s Telecommunications Consultant, V-COMM. The documents thereafter submitted did not comply with the bid specifications and differed substantially and materially. More specifically, the weight and size of antennas and the amount of square footage on the ground that would be required to accommodate installation. Primarily, Administration has identified six major issues of deviation and eleven minor issues of deviation, which are subjoined within the six majors. After consultation with the Purchasing Agent, Telecommunications Consultant, and Mr. Alan Gould it has been unanimously concluded that these deviations are so deficient that they cannot be corrected by an addendum and it is recommended that the bid received on May 14, 2019 be rejected for the reasons stated in the proposed resolution. If Council is agreeable to this, the project would then go out for rebid, which would be handled slightly different. Once new bids were received, the successful bidder would be required to submit the technical specifications within a finite period of the 60-day award period the Local Public Contract Law allows. Administration is recommending that Council give favorable consideration to reject the bids and it is being requested that Council give consideration to adopting a Resolution concerning same tonight, to begin the process to resolicit bids.

Council President Hudanich noted due to the technology and specifics this project, it makes sense to get a well-qualified bidder and a time frame within the 60 days to compile the specifications that are directly correlated to the original request.

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

**Discussion regarding Resolution scheduling a public hearing concerning potential deed restriction release for the property known as Block 22.09, Lot 66, 756 21<sup>st</sup> Street.**

James Waldron stated this is a standard procedure that Council has developed over the course of the last few months in dealing with these issues. Between now and the public hearing, Administration will give a very detailed examination of the records and identify if there are any other parties that need to be recorded. A report will be given to Council at the time of the Public Hearing. It is recommended to schedule the public hearing regarding this matter for September 25, 2019 at 3:55 p.m.

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

**Discussion regarding Resolution approving payment in the amount of Ten Thousand (\$10,000.00) dollars to Southern Shore Regional for 2019 Travel Show Cooperative.**

James Waldron stated this payment would apply to services received for the 2019 tourism year. Administration had granted conceptual approval to this. The money was appropriated into the budget, and has been confirmed of its availability by Chief Financial Officer James Craft. The invoice has been submitted and reviewed. Council is being asked to approve payment for these services this calendar year. The CFO is satisfied with the documentation that has been submitted and has no objection to proceeding.

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



**Discussion regarding Resolution cancelling Tax Sale Certificate 15-00004 and accepting deed in lieu of in rem foreclosure.**

James Waldron reported the Borough has three Tax Sale Certificates that were struck off in 2014-2015 as a result of non-payment of municipal taxes. All properties involved are non-buildable. Two of the properties are marshland, while the third property cannot be located. While the third property appeared at one point on the tax map, Administration suspects this was prior to the major storm of 1962, and unfortunately many of those records no longer exist. The Borough is looking to remove these properties from the tax records by way of foreclosure. The Borough has been in negotiations over the past several months with an heir of the estate of one of the properties. That property owner has agreed to grant the Borough a Quit Claim Deed in lieu of foreclosure, which is a substantial benefit to the Borough because it allows for the title to be cleaned up without the necessity of an individual rem foreclosure. Council originally addressed these items in 2017, with the title work being prepared, however the work has not moved forward recently. Special Counsel, Alan Gould, has reviewed the files and has indicated his preparedness to pursue the in rem foreclosure as to the remaining parcels. The Borough has negotiated a fee not to exceed \$2,000.00 plus disbursements to the Court for these services. Administration will present a Resolution at the next meeting that will allow the filing of action and appoint Mr. Alan Gould as Special Counsel to pursue that litigation through conclusion. Much of the preliminary work has already been done by the Tax Office, and the documentation they have provided identifies parties and interests.

Council President Hudanich asked Nicole Curio if this has been certified.

Nicole Curio replied yes.

Council President Hudanich stressed the importance of having everything filed with the County Clerk's Office.

James Waldron added the title company involved will also provide the Borough with a Certificate of Regularity, which will be submitted to the foreclosure office. He requested authorization from Council to proceed with two Resolutions regarding the remaining properties and their foreclosure at the September 25, 2019 Regular Meeting.

Council President Hudanich replied yes.

Council agreed to proceed with a Resolution to be considered at tonight's Regular Meeting for the property discussed this evening, with additional Resolutions for the remaining properties and the authorization of deed preparation of same to be prepared for the September 25, 2019 Regular Meeting.

**Public Comments:**

Elaine Scattergood, 75 30<sup>th</sup> Street, referenced an initiative in Colorado where signs stating "speed kills bears" are posted to alert drivers of possible bears in the roadway and to remind drivers to practice safe and diligent driving. She spoke in support of turtle crossing signs to help ensure the safety of turtles and promote driver's awareness of such crossings for a safer migration season of the turtles in areas where no turtle barrier is available to keep them from crossing roadways.

James Waldron asked to address one additional item pertaining to the 8<sup>th</sup> St Jetty. He explained he has been advised by the CFO that a Bond Ordinance will be required in order to fund a significant portion of this project. In order to meet the FEMA imposed deadline, which is 265 days from the date of the award, and to adhere to the projected schedule that Thomas Thornton has prepared, it will be necessary to introduce said Bond Ordinance at the next Council Meeting. The overall cost of the project is approximately \$5,000,000.00. The CFO is still identifying available funds in other Ordinances that can be applied to this; however, the worst-case scenario is a Bond Ordinance that approaches \$5,000,000.00. Due to the time restraints, it will be necessary to both discuss and introduce, so it can be adopted at the October 16<sup>th</sup> Council meeting. Council is to be reminded that the Borough will be reimbursed for a large portion of the project cost by FEMA.

Council President Hudanich asked if the Bond Ordinance will be introduced by title only.

James Waldron stated the whole Ordinance will be ready for Council's approval at the September 25<sup>th</sup> Council Meeting. Administration is recommending Council deal with that at both the Work Session and the Regular Meeting on September 25<sup>th</sup>, so it can be finally adopted on second reading at the October 16<sup>th</sup> Council Meeting to allow the requisite time to award the contracts.

James Waldron asked if Council will consider a Resolution on tonight's meeting regarding soliciting bids for this project.

Council President Hudanich replied yes.

James Waldron explained with this timeline, by the time the Borough receive bids and they are analyzed, the Bond Ordinance will be available and the CFO can certify funds.

Council President Hudanich asked for confirmation that the funds are available to solicit the bids.

James Waldron replied yes, the funding is secure, available and in place.

C. Danielle Nollett noted the Certification of Funds has been received from the Chief Financial Officer and has been attached to the Resolution.


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

ROLL CALL VOTE:

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

Work Session adjourned at 4:40 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
Nancy M. Hudanich, Council President