

November 16, 2020

A Work Session of the Borough Council of the Borough of Avalon was held on Monday, November 16, 2020 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 2

Reporters ----- 1

The Meeting was called to order by Council President McCorristin.

Pledge of allegiance.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
R. Edward Dean, Fire Chief
James Craft, Chief Financial Officer
Paul Short, Code Enforcement Official
William Macomber, Director of Public Works/Utilities
Jeffrey R. Christopher, Police Chief
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Doug Gaffney, Deputy Practice Leader in Coastal Engineering, Mott Macdonald

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 24, 2020. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding 2021 plan renewal for health and prescription benefits through the State Health Benefits Program.

Scott Wahl read the following report:

AON is the plan manager for the State of New Jersey and the broker of record, and sets the rates. Avalon's total rate increased this year would be at 2.8% including actives, early retirees, and medical retirees. The percentage decreases and increases for the actives, early retirees, and the Medicare retirees. For both the early retirees and the Medicare retirees, the State of New Jersey had significant drawdowns of their reserves in the past 12 months which results in a rate increase for communities like Avalon. Council may recall that in 2019, as this work was bid by the State, there was a 37% decrease for early retirees, and a 36.9% decrease for Medicare retirees. In 2020 these rates were flat. In 2021, the increases are from the drawdowns of reserves and the previous rate decreases or rate holds. The HRA Card program for copays and prescriptions works very well for the Borough. In 2019, we did not spend \$104,347 that was reserved for the program. We budgeted \$16,945 a month and only in one month did we have a payment of over \$10,000. In speaking with Kathy Coar today, our account representative from Marsh, we are trending even better in 2020.

James Craft explained in 2017, the Borough of Avalon switched from NJ Direct 10 to the Direct 2030 plan, which saved the Borough approximately \$211,000.00. This year, the net rate for active employees is increasing by 1.8% with \$250,000.00 being in the projected budget appropriation, which is \$140,000.000 below 2016 costs.

Council agreed to proceed with the preparation of a Resolution for the December 16, 2020 Regular Meeting.

Discussion regarding Floodplain Management Plan Evaluation Report.

Scott Wahl explained the Borough has been compiling these reports for 5 years with the Borough of Avalon being the first community in Cape May County to develop its own stand-alone floodplain management plan. This is a collaboration with not only Borough professionals, but also volunteers in the community. The Borough is mandated to have regular meetings and to post the plan on the website, which was done. In 2022, the Borough of Avalon will be required to give a much more comprehensive report than what Council has received for 2021.

Thomas Thornton reported this is a follow-up to the 2015 Floodplain Management Plan, which was a very detailed report. The Floodplain Management Plan Evaluation Report, which is completed every year, is to make necessary updates. The Floodplain Management Planning Committee meets three times a year to compile the updates, which are presented to Council in order to finalize the report and adopt the plan. The report is broken into six categories. The first category is Preventive Protection. Avalon continues to participate in the CRS Program, utilizing the services of Mr. Frank Bruton of the Borough's Engineering firm, Mott MacDonald, to oversee this process. In 2020, Avalon obtained a CRS Class 3 Rating, resulting in a 35% discount on flood insurance for properties that carry flood insurance. A higher CRS classification will be pursued in 2021. The second category is Property Protection. Stockton University implemented a flood depth sensor program where sensor devices were placed at thirteen strategic locations within the Borough to record the timing and depth of flooding at these locations. The final report on the findings was submitted by Stockton University in late 2019. Data provided in the report will be useful in planning and design of future flood mitigation efforts. The third category of items is the National Resources Protection, which includes protecting the dunes and dune fertilization. Avalon has partnered with The Wetlands Institute and the U.S. Army Corps of Engineers (USACE) to support an initiative, originally known as the Seven Mile Island Living Laboratory, which is designed to advance and improve dredging and marsh restoration techniques through innovative research, collaboration, knowledge sharing, and practical application. Through this program, now known as the Seven Mile Island Innovation Lab (SMIIL), elevation enhancements were achieved on Sturgeon Island, and fish habitat enhancements are currently in the design phase for Gull Island. In addition, the project provides a location for migratory pollinators and birds to stop during migration and serves as an example for property owners to implement similar improvements on their properties. Avalon will continue to support this initiative and maintain the pollinator habitat. In 2019, Avalon created a turtle habitat at the Bay Park Marina at 56th Street, to protect diamondback terrapins by providing an area for nesting between the tidal marsh and the County Road. The project has been effective in reducing terrapin deaths from vehicles at this location. The project builds on the success of previously implemented measures along Avalon Boulevard. Planned enhancements to the Bay Park Marina at this location will provide additional protection. Avalon will also implement appropriate measures, such as barriers, and seasonal signage at this and other locations. The fourth category is Emergency Services, under which the Borough provides pre-disaster contracts and a pet shelter in the event of a hurricane. One of the items for discussion this year was the LED enhanced signage. Avalon currently installs barriers and temporary signage in flooded areas while alerting the public to flooded streets through various media. In 2021, Avalon will evaluate the feasibility of installing LED-enhanced signage activated by flood sensors in flood-prone locations within the Borough, and will follow up with Cape May County to participate in this effort on County Roads within the Borough. The Borough continues to explore effective means of communicating flooding information to tourists, visitors, and new property owners. In 2021, Avalon will evaluate whether the information packets provided by realtors to buyers and renters can be enhanced. Sea Isle City has successfully implemented this program. Other items in the category include installing an official tide gauge in the back bay. The project would greatly increase the Borough's ability to accurately predict tidal flooding. Business Administrator Scott Wahl initiated contact with National Weather Service representatives regarding the feasibility of installing an official tide gauge in the back bay. The feasibility and cost of this effort will be investigated further in 2021. A similar action item would be high-water signage. An initiative will be advanced to erect signage at one or more locations within the Borough indicating the height of high water reached by major historic tidal floods. The mark will provide a frame of reference to the public to inform them of the potential extent of flooding from future events. This year, Scott Wahl researched various styles of signage. In 2021, Avalon will select a sign style, identify the optimal locations for the selected signs, and install the signs at the selected locations.

Thomas Thornton (continued) The next category, Structural Projects, includes elevating bulkheads to the standard of seven feet. When opportunities arise, Avalon encourages its residents to elevate their bulkheads to alleviate flooding. Avalon will consider replacing more bulkheads, including the 23rd Street, 29th Street, 33rd Street, and 34th Street bulkheads along Ocean Drive. The replacement of these bulkheads to a higher elevation will result in reduction in flooding from major tidal events. Mott MacDonald completed conceptual design and recommendations for various drainage improvements at the north end. Due to budgetary concerns and consideration of other necessary flood mitigation projects, Avalon decided to scale back the proposed drainage improvements to include pump upgrades at the 11th Street Pump Station and upgrades to the collection and conveyance system in Avalon Avenue. In 2021, Avalon will complete the pump station upgrades and consider a proposal from the Borough Engineer for the design of the Avalon Avenue improvements. Another priority is an investigation of the causes of flooding in the Dune Drive Business District and consider long-term solutions for mitigation and/or prevention. The study will include an evaluation of Borough-owned properties within the Business District for potential siting of a pump station building. Concerning the Bay Park Marina Improvements, Avalon developed a conceptual plan for a multi-phase flood mitigation project at the Bay Park Marina west of Ocean Drive between 53rd and 57th Streets. The plan consists of: replacement of the bulkhead along the Borough-owned marina; construction of an additional kayak storage area; ADA-compliant launch at 53rd Street; a new concrete boat ramp; living shoreline improvements between 55th Street and 57th Street; elevation of the easterly boundary of the park to prevent flooding within the developed areas; and replacement of bulkheads at 53rd and 57th Streets. The plan was submitted to the Cape May County Open Space Board for funding. In 2021, Avalon will proceed with planning and design of the improvements, the phasing of which will be contingent upon the potential receipt of County Open Space funding. Additionally, Avalon recently awarded a contract for the design of an addition and renovations to the Borough's firehouse. The proposed renovations, which are expected to be constructed in 2021, include elevating the ground floor of portions of the firehouse, which will allow equipment to be stored above flood elevation. Avalon will investigate the feasibility and cost of installing CCTV cameras at various flood-prone areas of the Borough for remote viewing by residents and visitors. The final category is Public Information, which includes the development and implementation of a system to provide the public with an understanding of the relationship between forecasted storm surges to actual flooding conditions. Avalon developed a program to represent storm surge and flood depths on markers to be installed throughout the Borough. The markers, which are color coded to represent various levels of flooding from storm surge, were deployed at selected locations in 2019. Public education efforts, such as internet videos depicting the relative depth of flooding corresponding to the markers, to illustrate the purpose and benefits of the markers, were also considered. In 2017, Avalon updated the flood map, improving the detail and formatting of the map, and adding areas subject to non-tidal flooding. The map was distributed to the public through various means and has proven a valuable resource for the public to obtain a general overview of where flooding is likely to occur in the Borough. In 2021, Avalon will consider further improvements to the map. It is being requested that Council consider adopting this report at the December 16, 2020 Regular Meeting.

Council President McCorristin thanked Thomas Thornton for the comprehensive report and expressed satisfaction with the work being done.

Councilwoman Hudanich thanked Mr. Thornton for the living, meaningful document, noting the Floodplain Management Plan is useful for the long-term needs of the Borough.

Council President McCorristin asked if the Borough will be implementing a tide chart for the Back Bay.

Scott Wahl replied yes, and explained in 2010, there was a hurricane and flood chart, to allow residents to prepare for any impacts. The goal is to have a thorough map and prediction available to residents before Summer 2021.

Councilman Deever requested more detail concerning the suggested LED-enhanced signage for flood prone areas.

Thomas Thornton explained the LED-enhanced signs would be placed in strategic locations, so when the water reaches a particular level, it activates the lights on the signs. This is a tool to alert the public of the flooded areas.

Councilman Wierman stressed the importance of educating the public to prevent the loss of private property during flood events.

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the December 16, 2020 Regular Meeting.

Discussion regarding Report of Quotes for Avalon Firehouse Driveway Replacement.

James Waldron explained three quotes were requested on behalf of Mott Macdonald with one quote being received for the Avalon Firehouse Driveway Replacement work, which consists of the removal and replacement of the reinforced concrete driveway slab. The quote received is from Charles Marandino, LLC located in Milmay, NJ in the amount of \$42,480.00. The quoted price is very favorable to the Borough. Charles Marandino LLC is very experienced with this type of work and has performed well on numerous projects throughout the Borough. Because of the nature of the work, there is coordination involved that takes on a degree of urgency, therefore it is being recommended that Council consider formal action on this item today. The fire apparatus that would be utilizing this particular driveway apron will be offsite for repair. It is feasible to have the driveway repaired while the apparatus is offsite. Furthermore, colder weather may increase the cost of construction.

Council President McCorristin agreed and stated special agents would need to be added to the concrete in order to keep the cement from freezing, which would increase the cost.

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

Discussion regarding a Resolution authorizing Change Order No. 4 & 5 for 8th Street Jetty Improvements, Contract M-116

Thomas Thornton explained Change Order No. 4 for Contract M-116, 8th Street Jetty Repair, is to repave the parking area located at the 8th Street Jetty. When the contractor demobilized the equipment, the heavy equipment damaged portions of the area, which must be repaired. The net increase associated with that work is \$12,500.00. Change Order No. 5 is the adjustment for the as-built quantities, which consist primarily of the reductions to reflect unused portions of Change Order Nos. 2 and 3, and increases due to significant quantities of re-handled stone for a net increase of \$490,245.12 bringing the total contract amount to \$4,026,855.12.

Councilwoman Hudanich voiced her concerns regarding the 20% threshold.

Thomas Thornton explained the 20% threshold was triggered under Change Order Nos. 1 and 3 for dredging purposes. Unfortunately, many unknown factors contributed to these Change Orders, such as the vast amount of stone and the extents to which the contractor had to move the stone.

Councilwoman Hudanich asked that Council be given more detailed narratives explaining the nature of Change Orders and the necessity of same in the future, to apprise Council of the concerns, unknown factors, and findings.

Council President McCorristin requested the initial contract award amount.

Thomas Thornton noted the amount of the initial contract was \$2,535,630.00.

Doug Gaffney explained the initial estimates submitted to FEMA were \$5,000,000.00. When bids were received for this project, they were significantly lower. However, the original Engineer's Estimate anticipated potential unknown increases.

Council President McCorristin inquired how the total amount of Change Order No. 5 was calculated

Thomas Thornton explained Change Order No. 5 is the reconciliation of the net of the additions and reductions made to the scope of the contract. The previous Change Orders were awarded on a time and material basis. For example, Change Order No. 2 was never utilized, which was for demobilization. This is a reconciliation not only for the bid items, but also for the unused portion of prior Change Orders. Change Order No. 3 was \$130,000.00 less than estimated.

Council President McCorristin inquired about the government's role with this program.

Scott Wahl stated FEMA's reimbursement on this project is 75%, and asked if FEMA will also be funding a percentage of the Change Orders.

Thomas Thornton replied FEMA has agreed to pay for the cost of the project. For major FEMA funded projects, FEMA will pay for the final cost of the project, regardless of the estimate. If there are portions FEMA deems outside of their original approval, they could deny payment for those portions only. This is considered a mitigation improvements project. Mott Macdonald is optimistic FEMA will fund this project.

Doug Gaffney explained this was submitted to FEMA approximately two months ago and reiterated the optimism that FEMA will fund this project. This new re-handled stone cost is so high compared to the estimated numbers because of the Hazard Mitigation Improvement added to the 8th Street Jetty. The outer edge of the jetty is a half foot higher than the original design. In the design phase of the project, the contractor was told there was a tolerance of plus six inches. The contractor raised the elevation in the jetty crest, which accounts for 500 cubic yards of the re-handled material.

Council agreed to proceed with a Resolution to be prepared for the December 16, 2020 Regular Meeting.

Discussion regarding Resolution appointing Class II Special Officers for a one (1) year term commencing December 12, 2020

Chief Jeffrey Christopher explained the Avalon Police Department appoints Class II Officers twice a year before the Academy begins. The individuals listed have met the necessary requirements to proceed to the Police Academy. Prior to these individuals attending the Academy, the Police Training Commission requires a Resolution be adopted before hiring these officers. The Academy begins December 12, 2020.

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

Discussion regarding Resolution authorizing the placement of a Handicap Parking Space at 226 26th Street

Chief Jeffrey Christopher explained the Avalon Police Department received a request for a handicap parking space from a resident. The Administrative Sergeant conducted an investigation and verified all of the supporting documentation submitted. It has been determined the applicant is in need of the parking space. Furthermore, the Administrative Sergeant also conducts a yearly audit of each handicap parking space to verify the original applicant still resides at the residence and still needs the space. If the spot is no longer needed or the original applicant no longer resides at the property, the Police Department will call Public Works to have the space removed.

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

Discussion regarding Resolution authorizing Change Order No. 1 to Contract No. 20-02, Custodial and Cleaning Services for Borough Facilities.

Scott Wahl explained this Resolution would authorize Change Order No. 1 for Contract No. 20-02, Custodial and Cleaning Services for Borough Facilities, to open and clean the Surfside Park restrooms for an additional month in an additional amount of \$1,650.00.

Council President McCorristin asked if the restrooms located at 13th Street are open year-round.

William Macomber replied the restrooms located at 10th Street are open year-round.

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

Discussion regarding Resolution renewing Contract No. 20-02, Custodial and Cleaning Services for Borough Facilities, for an additional term of one (1) year.

Scott Wahl recommended that Council renew Borough Contract No. 20-02, Custodial & Cleaning Services for Borough Facilities with ACB Services, Inc. for an additional one-year term commencing January 1, 2021. The current provider is performing satisfactorily.

Council agreed to proceed with a Resolution to be prepared for the December 16, 2020 Regular Meeting.

Discussion regarding Resolution authorizing a Shared Services Agreement with Stone Harbor for performing similar Public Works projects and public services.

Scott Wahl asked Council to consider authorizing the renewal of a Shared Services Agreement with Stone Harbor for performing similar Public Works projects and public services, which is set to expire on December 31, 2020.

William Macomber explained this agreement would authorize services between Stone Harbor and Avalon, such as assistance with collecting bulk trash or completing projects in the event of equipment failure. Traditionally, services are traded approximately five days per year, depending on the need.

Council agreed to proceed with a Resolution to be prepared for the December 16, 2020 Regular Meeting.

Discussion regarding Shared Services Agreement with Stone Harbor for conflict Code Enforcement Services.

Scott Wahl explained this is a Shared Services Agreement with Stone Harbor for Avalon to provide conflict-only code enforcement services to Stone Harbor. If Council is in agreement with this plan, it would be recommended to discuss and potentially consider formal action at the December 16, 2020 Council Meeting, at which time Council can be updated on discussions regarding a small stipend made available by Stone Harbor for this service. This request was made by Stone Harbor, as they have a member of Council who is a builder. At times, there are complaints in the community regarding compliance to Stone Harbor Borough Code with job sites. The agreement would allow Avalon's Code Enforcement Office to respond to any complaints that are considered in conflict. This is would be on a complaint only basis for sites under the responsibility of this member of Stone Harbor's Council. Avalon has had similar agreements before, including for backup Construction Official. This would allow Stone Harbor to have an independent vision and opinion on the conflict cases, if and when they arise.

James Waldron added a draft agreement has been drafted by Code Enforcement. This draft agreement was also sent to Special Conflict Counsel for review. If Council is of the opinion that this agreement should be considered, it is requested that this be in place by the end of the year.

After a brief discussion, Council agreed to potentially discuss this matter further and proceed with a Resolution to be prepared for the December 16, 2020 meeting.

Discussion regarding Resolution approving a revised Shared Services Agreement with the Borough of Stone Harbor for a Shared Municipal Court and supplementing Resolution 180-2020.

Scott Wahl stated the Municipal Court Judge in Stone Harbor sits until August 2021. The amended agreement allows the Judge to sit for the Stone Harbor cases until the end of his term. Avalon's Municipal Judge would continue to proceed over Avalon cases. At the end of the appointment of Stone Harbor's Municipal Court Judge, Avalon's Municipal Court Judge would preside over both Avalon and Stone Harbor cases.

James Waldron added Judge Cafiero's term expires in February 2021. He is permitted to hold over until his successor is appointed. It has been contemplated that he would not be reappointed until August, with his reappointment made by contemporaneous action by Avalon and Stone Harbor where he would be an independent judge for each municipality.

Council agreed to proceed with a Resolution to be prepared for today's Regular Meeting.

Further discussion concerning 5G Technology Implementation in the Borough of Avalon.

James Waldron explained Council is in receipt of a Memo with respect to the Ordinance Administration is asking Council to introduce tonight by title only with a Public Hearing to be held on December 16, 2020. This Memo sets forth the major steps involved in this Ordinance. At the December 16, 2020 Council meeting, Administration expects to present to Council a Master License Agreement, which is the operating document that each carrier will be expected to sign if they are going to avail themselves to have facilities in the right of way. The next large component of this is that Verizon has inventoried poles that are acceptable for their services, with 39 poles being identified. Those 39 poles have been inspected by Administration and have been found to be acceptable. This will be reduced to a Resolution, which will be brought to Council in January 2021. If Council approves this, it will be valid for five years. During this five-year period, Verizon will be able to utilize any pole on the list, after making the appropriate applications for Zoning and Construction Permits. Once the equipment is installed, it will have a life span of fifteen years. Dominic Villecco of V-COMM has reviewed the Ordinance and has offered some suggestions. There is pending legislation that addressed a fee structure. No one can foresee whether or not this legislation will be adopted. The fee schedule was taken from the proposed legislation and placed into the proposed Ordinance. Under this fee schedule, there will be an initial fee for existing poles. Any poles on the approved list would be accompanied by an application fee of \$250.00 with that fee being subsequently charged in each succeeding year, subject to a cost of living increase of 3%. If Verizon were to propose a new pole, there is a mechanism in the Ordinance that allows that to happen. A Site Review would take place by a committee. If the Site Review Committee approves it, it would come before Council for approval of the new installation. The new installation would carry a fee of \$1,000.00, which would be subject to annual recurring fees thereafter. Anything beyond the initial inventory of the 39 poles, must be approved by Council.

Council President McCorristin inquired if 5G is solely for phones.

Councilman Wierman replied 5G is initially for telephones, but will eventually include internet services.

Council President McCorristin replied the distance for 5G service on the poles is limited to 200 feet and question if it would be possible to have a wireless PC in the future.

Councilman Wierman replied there is technology being developed that can install a receiver on your home to receive the 5G nodes, which could potentially power all devices within the home.

After a brief discussion, Council agreed to proceed with an Ordinance to be introduced by title only at today's Regular Meeting.

Discussion regarding a Resolution releasing deed restrictions previously imposed upon the property known as 45 East 13th Street, Block 12.01, Lot 9

James Waldron explained this property is covered under the procedures set forth by Ordinance No. 809-2020. It is recommended Council adopt this Resolution at tonight's Regular Meeting.

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

Discussion regarding Resolution authorizing the appointments of various members to the Avalon Planning/Zoning Board

Council agreed to proceed with a Resolution to be prepared for the December 16, 2020 Regular Meeting.

Discussion regarding Resolution authorizing the re-appointment of Trustees of the Avalon Public Library.

Council agreed to proceed with a Resolution to be prepared for the December 16, 2020 Regular Meeting.

Public Comments

Thomas McCullough, 2659 First Avenue, spoke on behalf of American Legion Post 331 and thanked the Borough of Avalon and all representatives, elected and appointed, for their support throughout the year.

Martha Wright, 632 7th Street, informed Council of hunting recently taking place on Cedar Island and voiced her concerns with regards to the safety of boaters within the waterways near the island.

Council to check over the agenda for the Regular Meeting.

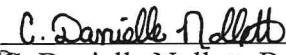
Council proceeded to check over the agenda for the Regular Meeting.

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

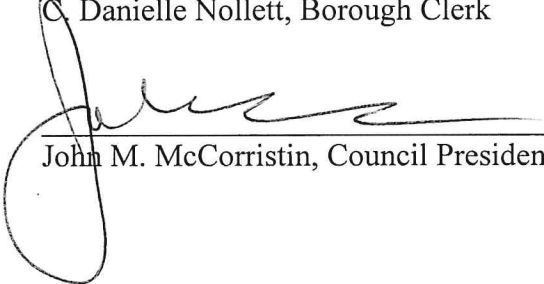
<u>ROLL CALL VOTE:</u>	Council Deever	Aye
	Councilwoman Hudanich	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McCorristin	Aye

Work Session adjourned at 5:21 p.m.

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



John M. McCorristin, Council President