

March 24, 2021

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, March 24, 2021 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 McCorristin.

<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  
William McCormick, Director of Public Works/Utilities  
Jeffrey R. Christopher, Chief of Police  
James Craft, Chief Financial Officer  
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
Paul Short, Code Enforcement Official  
Michael Garcia, Ford Scott & Associates, LLC  
Joseph Maffei, Planning & Zoning Board Engineer

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.

**Further discussion regarding amendments to Chapter 27 (Zoning), as recommended by the Avalon Planning/Zoning Board.**

James Waldron indicated Council has been provided with photos of an inground pool and an onground pool to help distinguish the difference between the two.

Joseph Maffei explained the proposed changes to Chapter 27 have been reviewed and the redundant language has been removed. To streamline, the final language change included any pool located on a lot contiguous to the bulkhead should be set back 7 feet from the rear lot line and any pool located on the oceanfront should be at least 15 feet.

Council President McCorristin asked for further clarification regarding the landscaping buffers for onground versus inground pools.

Joseph Maffei explained the onground pools are elevated above the grade level, which allows neighbors to be in the line of sight. Therefore, an additional two feet landscaping barrier is being required.

Councilman Wierman made note that due to onground pools being elevated approximately two feet above the grade level, the two-foot landscaping buffer would help eliminate noise and allow more privacy.

Councilwoman Hudanich complimented Joseph Maffei for the detailed amendments and thanked him for his time.

Council President McCorristin voiced his opposition to the landscape buffer requirements and thanked Joseph Maffei for his time.

Councilwoman Hudanich asked Council President McCorristin to explain the reasoning behind his opposition.

Councilman McCorristin replied he is displeased with the two-foot buffer, while noting residents along the bay are forced to install an onground pool to avoid the risk of salt water entering the pool during flooding events affecting the bay. He mentioned the zoning and bulkhead elevations have been modified to allow for higher grade levels, and opposed the additional landscaping buffer for such pools.

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Councilwoman Hudanich spoke in favor of this change at the recommendation of the Planning/Zoning Board.

James Waldron explained the final version of the Ordinance must go before the Planning/Zoning Board and adjoining municipalities.

Councilwoman Hudanich added the P/Z Board has made these recommendations to Council and expressed hope the final version will be approved.

Council agreed to proceed with an Ordinance to be prepared for referral to the Planning/Zoning Board and introduction at a future Regular Meeting.

**Discussion regarding Water/Sewer credit in the amount of \$3,182.75 in connection with 547 42<sup>nd</sup> Street, Block 89, Lot 43.**

After a brief discussion, Council agreed to proceed with a Resolution to be prepared for the April 14, 2021 Regular Meeting.

**Discussion regarding bids received for Contract 21-02, Dune Drive Replanting**

Scott Wahl reported one bid was received during the bid opening for Contract No. 21-02, 2021 Dune Drive Replanting 19<sup>th</sup> St-34<sup>th</sup> Street on March 16, 2021. The low bid was received from Jola Site Contractors, LLC in the amount of \$123,875.00, which was \$1,000 under the Engineer's estimate. Alan Gould has offered an opinion that the contract falls in line with all necessary guidelines. Council is in receipt of a report of job performance from the landscape architect, Taylor Design Group. The landscape architect has also checked all references, which provided favorable responses. It is recommended that Council award this project to Jola Site Contractors, LLC.

Councilwoman Juzaitis spoke in support of Jola Site Contractors and mentioned her disappointment that more bids were not received.

Scott Wahl explained timing was a factor as well as availability of materials due to COVID.

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

**Discussion regarding Princeton Harbor Emergency Dredging Project**

Scott Wahl introduced Thomas Thornton and explained Mott MacDonald has provided the Borough with a graphical depiction of the Harbor, which shows the areas of concern.

Thomas Thornton explained the Borough was recently made aware of a sandy shoal that has formed across the west end of Princeton Harbor, causing an obstruction to marine navigation at low tide. A hydrographic survey of the harbor was performed to quantify the area of unnavigable water and the approximate volume of sand required to be removed to restore a navigable channel in the harbor. Based on an analysis of the hydrographic survey data, it was determined that the shoaling is significant and warrants an emergency response. A hydrographic survey plan of the entire length of Princeton Harbor was prepared, which demonstrated the extent and severity of the shoaling. It is being proposed to dredge a 60-foot-wide channel along the north side of the lagoon to an approximate two-foot depth, extending several hundred feet at the approach to Graven's Thorofare. The proposed dredging will create an acceptable channel within the lagoon to allow safe navigation. Due to the emergent conditions posed by the shoaling, such as risk of injury resulting from vessels striking the sandy shoals, and the difficulty of fire-response vessels to access portions of Princeton Harbor during low tide conditions, it is recommended that the project advance in an expedited manner through an emergency permit authorization from the New Jersey Department of Environmental Protection (NJDEP) and potential award of emergency contract pursuant to New Jersey Public Contracts Law. This proposal would result in a 60-foot-wide channel to provide a water depth of five feet at mean low water. The channel will be dredged along the northerly side of the harbor, which will provide for two-way navigation through the channel while also providing access to private boat slips at approximately ten residential properties in this area. In order to provide additional safety improvements, the dredging operations will remove materials from a more severely shoaled portion of the harbor south of the proposed dredge channel. The dredging is not taking place in the middle of the Harbor so that accessibility to the boat slips will not be inhibited. An Emergency Authorization will be requested from the NJDEP to mechanically dredge the harbor to restore a navigable channel through a portion of the shoaled harbor. Based on the precedent established under the 2019 emergency dredging of



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Thomas Thornton (continued) Pennsylvania Harbor, it is expected that placement of the dredged materials at an NJDEP-approved site will require demonstration that the material is greater than 90% sand by way of a grain-size analysis of the shoaled materials. Per DEP regulations, a Waterfront Development permit will be required for the proposed work. The United States Army Corps of Engineers (USACE) Individual Permit covering the 2014 back bay dredging project contains a 10-year maintenance provision. The USACE will be contacted to confirm that the emergency dredging methods are authorized within the current maintenance provision. The dredging of the harbor will also require a Tidelands Instrument as a condition of the NJDEP's issuance of a WFD permit. Additionally, there is a potential impact on nearby osprey nests. There is an osprey nest platform within several hundred feet of the westerly limits of the project area. At this point, no nesting birds have been observed on the platform. In 2019, during the Pennsylvania Harbor emergency dredging project, there was a platform within the normal buffer, but it was determined it was not significant and the work would not cause an impact.

Scott Wahl added this will be approximately a ten day to two-week project.

Thomas Thornton confirmed, but noted the project timeline will also depend on the efficiency of the contractor. It is estimated that 200 cubic yards of material will be removed per day. Based on an analysis of the hydrographic survey, there is a total volume of approximately 3,000 cubic yards of material required to be removed to restore the channel to navigable conditions. If Council awards this project at the April 28, 2021 meeting, the contractor would be required to mobilize immediately in order to complete the project in advance of Memorial Day weekend.

Council President McCorristin asked if the contractor will use the CDF Facility at Graven's Thorofare to dispose of the dredged material.

Thomas Thornton replied no. In 2019, the materials were taken to the Tuckahoe Turf Farm as they have an Acceptable Use Determination (AUD) from the NJDEP, which allows them to take materials to their sod farm and incorporate it into their operations. This disposal method will not be identified as the sole option for material disposal. When bids are solicited, it will be made clear that the material can be taken to any site with an active AUD, at the discretion of the contractor.

Councilwoman Hudanich asked for Mr. Thornton to provide an estimated cost of the total contract.

Thomas Thornton estimated up to \$120 per cubic yard, for a total of 3,000 cubic yards totaling \$360,000. A mobilization fee would cost between \$15,000 and \$40,000.

Councilwoman Hudanich asked if the Borough pays the Tuckahoe Sod Farm to receive the materials.

Thomas Thornton replied yes and explained that cost will be included in the bid.

Councilwoman Hudanich asked if there was room at Graven's Thorofare.

Thomas Thornton said it is a possibility; however, that is a more expensive alternative, as that disposal facility is best utilized when dredging is being completed hydraulically.

Council President McCorristin asked if the homeowners along that area of Princeton Harbor will have an opportunity to pay the company to dredge out their slips.

Thomas Thornton replied this was not implemented due to concerns about completing the project in advance of Memorial Day.

Council President McCorristin voiced his concerns about slip debris entering the channel.

Thomas Thornton noted sloughing from other areas will be minimal, as only two feet will be dredged.

Councilman Deever asked about the depth during low tide.

Thomas Thornton replied the depth of the channel is approximately four feet during low tide. Ideally, the goal would be to increase that depth to six feet, which would be much more costly. It is recommended that this site and other channels be regularly revisited to observe shoaling.

Councilman Deever asked how will boaters know where to go when the channel is completed.

Thomas Thornton explained the marine police will set up channel markers.

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Councilwoman Juzaitis asked if there was additional funding to help pay for this project.

Thomas Thornton noted he is not aware of any other funding that may be available. The bidding services are unconventional due to the nature of the project. Engineering services would include ensuring the contractor is working in the correct areas and dredging to the required depth. Two interim surveys will be conducted to monitor the dredging depth. The contractor will not be paid for volumes that exceed the depth of the permit.

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

**Discussion regarding confirming the Mayor's appointment of William McCormick as Director of Public Works and Utilities.**

James Waldron reported when Director McCormick was appointed in December, there were a number of open questions, which remained unanswered for an extended period of time due to COVID and the inability to interact with certain state agencies. These open questions mainly focused around concerns that Mr. McCormick is a Borough retiree and therefore collecting a pension. Specifically, there were concerns if Mr. McCormick would be subject to a cap on the number of hours he would be permitted to work for the Borough of Avalon. As a result of these unanswered questions, Mr. McCormick was named Interim Director on a part-time basis. Since then, all issues have been resolved, with a determination being made that Mr. McCormick is not subject to any working limitations. Additionally, all waivers are now in place concerning pension contributions and healthcare. A new Mayoral Executive Order has been issued seeking the permanent, full-time appointment of Mr. McCormick as Director of Public Works and Utilities retroactive to December 17, 2020, the date of the initial appointment. Mr. McCormick's salary will remain unchanged. Such an appointment requires Council's consent and approval. It is being recommended that Council look favorably upon this appointment.

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

**Public Comments:**

Martha Wright, 632 7<sup>th</sup> Street, voiced her support of the dredging project and expressed the opinion that the presence of ospreys should not delay or impact this project. She spoke on the landscaping buffers of inground and onground pools, noting pools above grade often have decking subsequently above grade, which causes storm water run-off. By allowing six feet of landscaping on either side, this allows for a larger pervious surface area to absorb the storm water run-off and not impact the neighbors. Furthermore, more greenery in between houses causes less noise pollution and more privacy providing a greater quality of life.


Councilman McCorristin expressed his concern regarding the chemicals being used on plants within landscape buffers entering the bay by way of runoff.

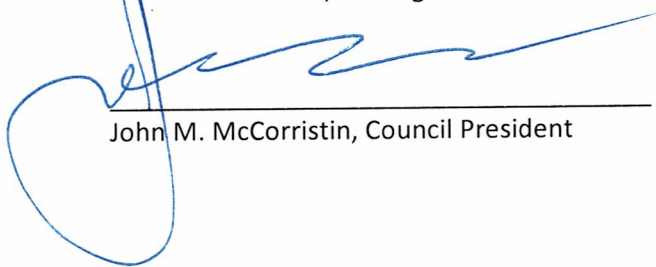
Motion made by Councilwoman Juzaitis, seconded by Councilman Deever to adjourn the Work Session.

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

Work Session adjourned at 4:38 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
John M. McCorristin, Council President