

June 9, 2021

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, June 9, 2021 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 5

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
Paul Short, Code Enforcement Official
William McCormick, Director of Public Works/Utilities
John Roscoe, Police Captain
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Chief Matthew Wolf, Avalon Beach Patrol

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 Bond Ordinances in connection with the Current Fund and Water/Sewer Utility Fund.

James Craft reported this discussion is regarding two capital Ordinances for Council's consideration. One Ordinance is General Capital, while the other is Water/Sewer Capital. The General Capital Ordinance authorizes \$14,089,375.00 in appropriations for 11 projects. The State of New Jersey requires all General Capital Ordinances to include a five-percent down payment. All but two of the projects covered under the Ordinance have a 20 percent down payment. Those two projects are the fire house addition and renovations and the Bay Park Marina. The majority of the cost of the Bay Park Marina project will be covered by the grant funding received from the County. With the down payments calculated, the debt authorized would be in the amount of \$12,586,500.00. These projects fit into the debt service schedule. It is not anticipated to require issuance of any long-term debt, but rather one-year BANs. The projects included in this Ordinance are a John Deere loader, the Fire House expansion, Reconstruction of Various Streets, Bay Park Marina bulkhead, Bay Park boat ramp, 54th street kayak improvements through the Open Space project, bulkhead replacements, Dune Drive business district flood study, five-year Floodplain Management Plan update, ponding on 36th street, and the replacement and rebuilding of various stormwater inlets.

Councilwoman Hudanich clarified that these projects were all part of the budget as presented. Additionally, although the terminology indicates the presence of bonds, one-year BANs will be sought. There will be no permanent financing; therefore, no additional debt will be incurred.

James Craft agreed.

Councilwoman Hudanich noted these projects were all delineated in the budget presentation and the document itself.

James Craft explained the Water/Sewer Capital Ordinance authorizes \$6,420,875.00 in appropriations for 12 different projects. This fund is self-liquidating, which means no down payment is required; however, this Ordinance includes a down payment of almost 5 percent for all the projects listed, which brings the debt to \$6,132,700.00. This Ordinance brings the fund to the threshold of being self-liquidating; therefore, a minor rate increase may be necessary in 2022, depending upon collections in 2021 and future capital projects. The projects included are a Jet Vactor Truck; sewer work associated with the road improvements at 50th, 53rd and 54th Streets; Ocean Drive sanitary sewer improvements; 38th Street well house casing and well pump inspection; 38th Street well house replacement of pipe check valves, hydrants, and flow meter; wastewater pump station rebuilding and replacement; stormwater pump station rebuilding and replacement of various components; stormwater pump station check valve repairs at three different pump stations; improvements associated with 50th, 53rd and 54th Street tank repairs; and 12th Street well house inspection. All projects were included in the 2021 budget and capital plan.

Council agreed to proceed with the consideration of two Bond Ordinances to be introduced at the July 14, 2021 Regular Meeting.

Discussion regarding Resolution amending Resolution 63-2021 designating surfing beaches.

Chief Wolf requested that Council consider expanding surfing beaches in the north end, in between lifeguard stands where bathing beaches do not exist on a trial basis. The proposed surfing beaches would be between 16th and 17th Street beaches and on 20th Street beach. He advised Council the addition of these surfing beaches could result in additional expenditures, as additional personnel and equipment, such as paddleboards may be needed.

Council President McCorristin spoke in support of increasing the number of surfing beaches and expressed hope the trial basis becomes a permanent option for surfers.

Chief Wolf noted there have been a number of surfing camps in recent years, resulting in many younger surfers becoming more passionate about surfing. He voiced the opinion that Avalon has some of the best surfing opportunities in southern New Jersey, and expressed hope that the addition of these surfing beaches will allow more room to surf and result in less injuries.

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

Discussion regarding Resolutions authorizing renewal of Liquor Licenses for the license term commencing July 1, 2021 through June 30, 2022.

After a brief discussion, Council agreed to proceed with multiple Resolutions to be considered at today's Regular Meeting.

Discussion regarding Resolution establishing meeting times for the governing body for the period July 1, 2021 through June 30, 2022.

After brief discussion, Council agreed to proceed with a Resolution to be prepared for the June 23, 2021 Regular Meeting.

Discussion regarding Resolution releasing certain deed restrictions previously imposed upon the property known as Block 22.08, Lot 106.01, 696 22nd Street.

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

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

Discussion regarding Resolution adopting the 2021 Cape May County New Jersey Hazard Mitigation Plan Update

Scott Wahl reported the Borough has its own standalone Floodplain Management Plan, which is undergoing a five-year update in 2021, which involves Borough Officials and members of the public on a volunteer basis. On a separate, but concurrent course, the County is also required to update its Hazard Mitigation Plan. The process involves all 16 communities, and various professionals, such as from Dr. Tedesco of The Wetlands Institute and Dr. Farrell at the Coastal Research Center. This plan is drafted through the Cape May County Office of Emergency Management and requires County municipalities to compile plans and projects to address current and future flooding needs. For instance, this year's plan addresses sea level rise and erosion in the wetlands. FEMA has approved of this plan and has commended the involved municipalities for a job well done. Initiatives in the Avalon portion of the plan are as a direct result of Mr. Thornton's leadership through the Floodplain Management Program. For the first time ever, this document will be dynamic, fluid and nebulous, meaning municipalities will be required to provide updates to the plan instead of waiting five years from now. If a new priority, objective, or idea is discovered to combat tidal flooding, it is recommended to include that in the living plan. Also, another opportunity for funding has been made available for flood mitigation projects. These changes will provide and open the door for all 16 communities, including Avalon, to seek funding. It is recommended that Council look favorably upon this Hazard Mitigation Plan.

Council agreed to proceed with a Resolution to be prepared for the June 23, 2021 Regular Meeting.

Discussion regarding Resolution authorizing Change Order Nos. 1 & 2 in connection with Contract M-119, Borough Hall Roof Replacement.

Thomas Thornton indicated both Change Orders for this project are deductions from the contract amount. The first Change Order was due to some damage the contractor inflicted on some Borough property, which resulted in a reduction of \$260.00. Change Order number two reconciles the as-built quantities for the project. In the contract amount was an item included for contingency purposes. In this case, it was certain plywood decking that didn't need to be used. The contractor didn't use it; therefore, the Change Order is for a reduction of \$832.00.

Council President McCorristin inquired if the contractor took care of the damage incurred inside of Borough Hall. He then questioned if the contractor was required to reimburse the Borough for any repairs done by Public Works.

Thomas Thornton noted while there was a response from Public Works, the contractor took care of most repairs. Based on discussions during the project period, it was not the intent to deduct work done by Public Works from the contractor's payment.

Scott Wahl mentioned the contractor was obligated to come through the building and make necessary improvements and repairs, including some painting work, spackling, and replacement of ceiling tiles, and that work was satisfactorily completed. Public Works addressed only minor corrections of a more urgent nature.

Council agreed to proceed with a Resolution to be prepared for the June 23, 2021 Regular Meeting.

Discussion regarding Resolution authorizing Change Order No. 2 in connection with the project known as Princeton Harbor Emergency Dredging.

Thomas Thornton revisited Change Order number one, which was discussed before as an estimate of 45 cubic yards to be dredged adjacent to the pier at 24th Street and 5th Avenue. Based on the pre- and post-hydrographic surveys, the final amount dredged was 27 cubic yards, for a signed Change Order amount of \$2,127.33, which increased the contract amount by that amount. Change Order number two a reflection of the as-built quantities, which for the main part of the project, exceeded the contract amount by 438 cubic yards for an increase of \$34,510.02. He expressed the opinion that the additional cost is to the Borough's advantage. When mechanical dredging projects are done, the contractor is given a margin of error, which in this case was six inches. Meaning if the contractor went six inches deeper than the contract allowed, they would get paid for that amount of dredged material; however, if it went deeper than that, the contractor would not get paid. The contractor did dredge 50 yards deeper than the allowance, which was deducted from the total yardage. The dredged material was at the competitive price of \$78.79 per cubic yard, for a total increase to the contract amount of \$34,510.02.

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

Discussion regarding recommendation of streets for the FY2022 NJDOT Local Aid Grant Application.

Thomas Thornton explained the deadline for applications to be submitted for this grant is July 1, 2021. When reviewing what roads to be recommended for the application, the five-year road program is reviewed for good candidates. In this particular case, the remaining streets on the five-year road program are beach blocks, which are not typically prime candidates for grant funding, as the NJDOT prefers to award grant funding for streets with a higher traffic flow to benefit the public as a whole. In this case, roadway evaluations that have been conducted over the years were reviewed, and it was decided to recommend Dune Drive. Dune Drive, southbound between 74th and 78th Streets is in poor condition. It is recommended that Council approve the application for this grant for Dune Drive, southbound between 74th and 76th Streets. If the grant is awarded, the Borough can apply for grant funding to repair Dune Drive, southbound from 76th Street to 78th Street for next year's grant.

Councilman Wierman agreed that road is in dire need of repair.

Scott Wahl pointed out, since Mott MacDonald has been working on this program on the Borough's behalf, nearly \$3 million in State funding has been received to repair Avalon's streets.

Councilwoman Hudanich spoke in favor of applying for the grant with a good rationale of the high traffic and all parameters sought by grant awards.

Council agreed to proceed with a Resolution to be prepared for the June 23, 2021 Regular Meeting.

Further discussion regarding a potential Ordinance prohibiting smoking on certain areas of public property.

James Waldron reported since the last Council Meeting discussing this topic, a meeting was held with Scott Wahl, Chief Christopher, Captain Roscoe, and others in the enforcement team. As a result, two options for this Ordinance are being presented to Council as potential solutions to the Smoke Free Ordinance. The first option mirrors very much the Ordinance as originally presented at the May 26, 2021 meeting, with expansions to include areas that were not previously contained within the smoking ban. Option Two is a modified version and is considered something that the law enforcement community is able to handle with some degree of success. The Ordinance originally presented met with some concerns in terms of its expansiveness and its ability for law enforcement to have any kind of meaningful input or enforcement. Option Two as originally provided to Council inadvertently neglected to include the Public Works building and facility. That has now been added to include Public Works within the Borough buildings, grounds, and facilities where smoking would be prohibited. Option two's Ordinance bans smoking in the downtown business district on Dune Drive between 19th and 34th Streets. Those restaurants that are located within that area that choose to permit exterior smoking are confined to private property. Patrons may not use the public sidewalk or right of way for smoking. In addition, those businesses that have designated off-street parking have the option to declare smoking prohibited within that area. If they choose to prohibit smoking, then they must, under the state statute, post appropriate signage alerting the public that it is a no smoking zone. Option Two also authorizes businesses and the Borough to designate an exterior area where employees may go to smoke during designated breaks. As far as the Borough is concerned, the mechanism for that would be the Department Head or other individual in charge of the facility would recommend an area to the Business Administrator. If the Business Administrator agrees with the proposed location, that would be the designated area. It is not necessary for those approvals to come back before Council; however, that can be written into the Ordinance if it is Council's wish.

After brief discussion, Council agreed with Option Two common-sense approach to this issue and further agreed it is not necessary for Council to approve designated smoking areas for employees, as it is an Administrative procedure.

Councilwoman Juzaitis referenced presentations by Chief Christopher concerning this issue and expressed the opinion the outcome of the referendum approved by voters may have provided a different result from the public if it was made known that minors would not face serious consequences regarding cannabis or alcohol possession or use, and that police could be charged with a third-degree crime under certain circumstances that they normally have been expected to act upon as a normal part of their job functions. This governing body has to deal with, to the best of its ability, with the facts. Facts include that cannabis use is being legalized in the State of New Jersey. Smoking remains legal in the state, and the equities and rights to all must be weighed in a practical manner, while reasonably trying to protect the health and welfare of the community under the umbrella of allowance when it comes to State laws and regulations. She spoke in favor of this Ordinance, as it provides a measured approach to these issues. She encouraged any members of the community that are disappointed in the State's direction on this issue after the referendum vote, to make their voices heard at the State level.

Council President McCorristin further noted smoking rules and regulations now cover all types of smoking, including tobacco products and cannabis products, which is what is being covered in this Ordinance. This Ordinance is an effort to be fair to everyone.

Council agreed to proceed with the consideration of an Ordinance to be introduced at today's Regular Meeting.

Discussion regarding Resolution authorizing potential contract with DCO Energy concerning a Clean Energy Program, subject to acceptable proposal.

Scott Wahl reminded Council of the presentation made by DCO Energy at the May 26, 2021 Work Session. During the presentation, DCO Energy proposed to conduct an investment grade audit which comes at no requirement or funding for the Borough. This audit expands the energy audit previously done and calculates how the Borough can do better and explores any opportunities that make sense. The first audit evaluated a multitude of information, including costs for equipment, and how it is divided for all buildings. With that data, DCO Energy can now conduct the investment grade audit to review what is spent and how it is spent to determine if any energy-saving ideas make sense for the Borough. It is recommended that Council look favorably upon moving forward with this project, subject to the receipt of an acceptable proposal from DCO Energy. Again, there is no obligation or commitment for the Borough to put forth any money or resources.

Council agreed to proceed with a Resolution to be prepared for the June 23, 2021 Regular Meeting, subject to receipt of an acceptable proposal from DCO Energy.

Public Comments:

Travis Marshall, 899 21st Street, thanked Scott Wahl for his quick response regarding a major problem in Pennsylvania Harbor near Avalon Anchorage Marina. He explained the issue is due to a large buildup of hard sand in the channel that is causing many boats to run aground in the area, posing a public safety issue. The problem is worst from two hours before low tide, to two hours after low tide. He presented pictures of stuck boats with individuals standing next to the boat in the waterway. He asked Council for help mitigating this problem.

Scott Wahl supported Mr. Marshall's comments and reported being notified about this shoaling issue by other property owners earlier this week, who confirmed the buildup is hard sand in that part of the channel. As a result of that notification, Thomas Thornton was given authorization to do a survey on this issue. The Mayor has also given approval for Mr. Thornton's team to survey this area to evaluate a potential remedy.

Thomas Thornton announced he anticipates visiting the area tomorrow, where an interval of these shots will be taken to ensure a dense survey of the situation.

Councilman Wierman inquired if markings can be put in the waterways in the interim during the study process to alert boaters of the hazardous condition.

Thomas Thornton responded that option is being explored.

Travis Marshall reported the area of buildup is located near the point of 21st Street.

Councilwoman Juzaitis advocated close and regular monitoring of this area in the future.

Scott Wahl agreed.

Councilwoman Juzaitis asked for verification of the owner of the channel.

Scott Wahl confirmed the channel is owned by the Borough.

June 9, 2021

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

ROLL CALL VOTE:

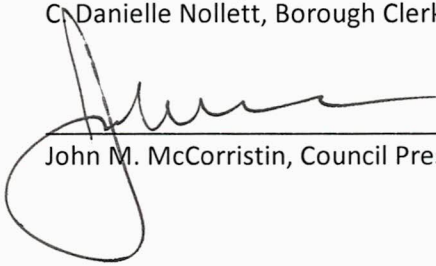
Councilman Deever	Aye
Councilwoman Hudanich	Aye
Councilwoman Juzaitis	Aye
Councilman Wierman	Aye
Council President McCorristin	Aye

Work Session adjourned at 4:37 p.m.

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



John M. McCorristin, Council President