

April 13, 2022

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, April 13, 2022 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 2

Reporters ----- 0

The meeting was called to order by Council President Juzaitis.

<u>Roll call:</u>	Council President Juzaitis	Present
	Councilwoman Coskey	Present
	Councilman McCorristin	Present
	Councilman McDermott	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
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Ed Dean, Construction Official
Paul Short, Code Enforcement Official
James Craft, Chief Financial Officer

Council President Juzaitis read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 23, 2021. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Juzaitis read the following statement:

“For the convenience of the public, the Borough is offering, on a trial period, the option of public comment via remote access as described herein. Public who participates remotely will be muted during the Council Meeting except at the public comment portion of the meeting. Any person attempting to disrupt the remote broadcast of a meeting may be denied access at the discretion of the person administering the meeting. Public is reminded of a five-minute limit per comment. In the event remote access is unavailable due to a technology malfunction, or other reason beyond the Borough’s control, the Borough will not pause or stop the live meeting. Borough Council Meetings are held in person with no capacity limits on attendance at a meeting. The best way to ensure an individual’s ability to publicly comment is to attend in person so that comments may be made in the event of a technology malfunction. The Borough reserves the right to discontinue offering public comment via remote access at its discretion for any future meeting.”

Council President Juzaitis made the following announcement:

Before we begin today's meeting, Avalon will take a moment to reflect on a treasured member of our community who passed away earlier this week. Avalon lost former Councilman Joseph Tipping who courageously fought various health issues for some time. Joe Tipping's contributions to Avalon are remarkable and everlasting. Joe was twice the former President of this Council before retiring from public office nine years ago. Joe was first elected to Council in 2004. He also served as the past president of the Avalon Lions Club and the Avalon Senior Citizens Organization. He was active in American Legion Post #331, the Knights of Columbus, the Avalon Volunteer Fire Company, and the Avalon Emergency Response Team. Joe's contributions as a member of Council are still felt today. He was actively involved in the privatization of trash and recycling services, led the efforts to create our 15th Street Trash and Recycling Depot, and was critical to the implementation of the Avalon Emergency Pet Evacuation Trailer, a crucial element of our town's emergency management plan. Under Joe's leadership as Council President, Council adopted a total of 241 resolutions and various ordinances, including those that created our Jitney service rental property regulations. We offer our condolences to his wife Beth, his family, and his Avalon family and thank Joe for his unabridged service to our community. Let's share a moment of silence to remember our friend and colleague, Joseph Tipping.

Discussion regarding bids received for Custodial and Cleaning Services of Borough Buildings

Scott Wahl reported this contract was put out to bid due to unsatisfactory performance of the current contractor during the 2021 summer season. Bids were previously received for this contract this year; however, the bids were rejected and the project was rebid. In response to the rebid, three bids were received, with one being disqualified due to being incomplete. Upon review, the lowest responsible bidder has been determined to be Professional Cleaning Services. It is proposed that this contract be awarded as a one-year contract with two one-year renewal options.

Councilman McCorristin noted the address of Professional Cleaning Services, which is located in Mullica Hill, and inquired if the company has a more local base of operations.

Scott Wahl confirmed Professional Cleaning Services has a local presence in Cape May County; therefore, close staffing is not an issue.

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

Discussion regarding bids received for 2022 Beach Renourishment project

Scott Wahl explained sand backpassing projects are typically conducted by the Department of Public Works with the aid of rented equipment. This year, due to supply chain issues, the necessary equipment is unavailable for rent; therefore, this project was put to bid. By way of background, the Borough of Avalon is in line for a large hydraulic beach fill project to be done sometime between fall 2022 and spring 2023. In the meantime, a backpassing project is necessary for the 2022 summer season to provide resiliency and recreational use of the north end beaches.

Thomas Thornton reported seven bids were received for this project, which had an Engineer's estimate of \$690,000.000. Two of the received bids were considerably less than the estimate, and were contacted regarding the requirements of the contract, time constraints, and the proper methods expected to be employed when completing the project. Following those conversations, the lowest bidder requested to withdraw their bid. The second lowest bidder responded with the methods and equipment they planned to use, which were deemed unsatisfactory for the project and disqualified the bidder. The permit modifications granted to the Borough of Avalon make clear the methodology to be used to harvest and place sand through these projects. It was recommended to award the contract to Mount Construction in the amount of \$677,431.00. Mount Construction completed this work in 2012 to satisfactory results and it is expected that will happen again. It is required that Mount Construction obtain a highway occupancy permit from the County of Cape May in order to transport the equipment into Avalon. Once that permit is granted, there will be a 60-day completion window for the project. It is expected this project will be completed by early May.

Councilman Wierman asked Mr. Thornton to detail the supervision mechanisms in place for this contract.

Thomas Thornton indicated Mott MacDonald will be performing construction engineering services for this project to ensure all work is performed in accordance with the specifications and permit requirements. All sand quantities moved will be recorded, and the Department of Public Works will also be on site to record the volume of sand being moved to accurately calculate the cost of the contract.

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

Discussion regarding Bond Ordinances providing for various Capital and Water/Sewer Improvement Projects

James Craft explained two Bond Ordinances are being recommended to Council for introduction today; those being for the general capital fund and the water/sewer utility fund. All projects covered under these Ordinances were included in the 2022 budget and discussed during the budget presentation. In the general capital Ordinance, all projects include a 20 percent down payment, except for one project, which realizes a 15 percent down payment paid by the Borough in addition to grant funding. While the Bond Ordinance mentions bonds and notes, there are no plans to issue bonds on the general capital Ordinance, although notes will be issued when funds are needed and will be paid off in subsequent appropriations. The water/sewer Bond Ordinance requires no down payments for capital projects due to the fund being self-liquidating; however, 10 and 20 percent down payments are included. Those projects will eventually have bonds issued in that fund.

Council agreed to proceed with Ordinances to be considered on first reading at today's Regular Meeting.

Discussion regarding property to be sold at a public auction on May 7, 2022

Chief Christopher noted the Avalon Police Department intakes various items of property throughout the year. When that property is obtained by the Police Department, the Detectives employ various investigative methods to locate the rightful owners of the property so that it can be returned. All remaining property not reunited with the owner is held for a minimum of six months, and then is readied for an annual auction. A list of items to be auctioned this year has been provided to Council.

Council agreed to proceed with a Resolution to be prepared for the April 27, 2022 Regular Meeting.

Discussion regarding Resolution authorizing Phase 2 of the Town Watch Video Camera System

Chief Christopher explained Council graciously approved Phase I of this project in January 2022. This request is for Council to approve Phase II of this project to keep this project moving forward. Locations for cameras have been included in a report to Council.

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

Discussion regarding Resolution appointing committee members to perform a five-year review of the Borough of Avalon's Flood Management Plan

Scott Wahl stated every five years, a major update of the Floodplain Management Plan is required. The committee performing the review of the plan includes community volunteers as well as Borough Officials. Requirements for this program and the Community Rating System (CRS) Program include a Resolution appointing and naming all individuals to be involved in this committee. The committee includes a very engaged and diverse group of individuals that provides strong suggestions and opinions into how the Borough can do better.

Thomas Thornton added the appointment of this committee is a foundational step, as it is composed of many Borough Officials and an equal number of volunteers from the community. A significant number of points are awarded through the CRS Program for participation.

Council agreed to proceed with a Resolution to be prepared for the April 27, 2022 Regular Meeting.

Discussion regarding Resolution authorizing expenditures for rain barrel program

James Waldron explained this Resolution proposes the acceptance, approval, and endorsement of a recommendation from the Environmental Commission, which would begin a volunteer pilot program involving 25 55-gallon drums to be converted into rain barrels and made available to willing participants in the community. Participants will be asked to pay a fee of \$17 per barrel to the Borough, which will cover the actual cost of the attachments necessary for the drum's conversion into a rain barrel. Workshops will be held to explain how to use these rain barrels, the first of which to take place April 30, 2022.

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

Discussion regarding Resolution opposing the Department of Environmental Protection's proposed coastal regulations

Ed Dean reported early last year, Governor Murphy signed a directive requiring the New Jersey Department of Environmental Protection (NJDEP) to create and distribute a model Ordinance for all municipalities to adopt, with amendments for specific areas within the municipality concerning flood mitigation. As the model Ordinance was reviewed, it became apparent that some areas did not align with flood regulations in Avalon. The DEP is unwilling to allow Avalon to change any language contained in the model Ordinance. Many municipalities have realized a problem with this language, which could allow the DEP to change flood design elevations on barrier islands, which could have a detrimental effect on this community. It is believed flood design elevations should solely be the jurisdiction of each municipality; therefore, Council is being asked to formally oppose these regulations.

Councilman McCorristin agreed many of the proposed changes could create vast adverse effects to properties throughout Avalon.

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Ed Dean noted there are proposals to increase the base flood elevation as well as the freeboard elevation and stressed the importance of going on record in opposition of these proposals.

After discussion, Council agreed to proceed with a Resolution to be prepared for the April 27, 2022 Regular Meeting.

Discussion regarding Resolutions authorizing the following legalized games of chance:

a. Bingo License for Cape Regional Auxiliary on May 21, 2022

b. On Premise 50/50 Raffle License for Cape Regional Auxiliary on May 21, 2022

c. Off Premise Merchandise Raffle License for Cape May Chamber of Commerce on October 19, 2022

Following brief discussion, Council agreed to proceed with Resolutions to be prepared for the April 27, 2022 Regular Meeting.

Discussion regarding Resolution authorizing a refund in the amount of \$466.00 concerning a pool permit application for 7489 Ocean Drive

After brief discussion, Council agreed to proceed with Resolutions to be prepared for the April 27, 2022 Regular Meeting.

Public Comments:

Councilman McCorristin referenced the ongoing Water Meter Replacement Program and inquired how any necessary repairs to sidewalks will be addressed.

Thomas Thornton indicated the bid is limited to meter replacements only; however, some locations have many issues which make it impossible to replace the water meter without making changes due to extensive damage. In those instances, the contractor is working closely with the water company in connection with such areas. Weekly reports itemizing the meters installed and any encountered issues are provided. Any issues that fall within the category of basic due diligence are to be resolved by the contractor, while more extensive issues are being repaired by the water company.

Councilman McCorristin stressed the importance of having usable and repaired sidewalks in time for the summer season.

Thomas Thornton noted some project repairs have been delayed to the end of the project due to their scope; however, the contractor has been directed to address and repair issues as quickly as possible. The project is approximately 80 percent complete, with good progress being made. The contractor is currently working near 56th Street, heading south.

Martha Wright, 632 7th Street, referenced discussions that took place during the March 23, 2022 Work Session meeting concerning electric meter platforms and their impact to the setback requirements. She inquired if Atlantic City Electric has agreed to using telescoping poles to read electric meters.

Scott Wahl reported a recent conversation with Atlantic City Electric revealed remote read electric meters will most likely be forthcoming in a few years; however, all utility meters must have platforms so that the equipment can be accessed not just for reading purposes, but also for maintenance.

Ed Dean added construction code requires at least 22 inches of clear space in front of any electrical component for maintenance. For newly constructed homes, the location of the electric meters is required to be included on the plans submitted to the Construction Office, with the elevations noted. He recommended initiating a conversation with contractors of new construction to encourage the electric meter platforms be placed in a configuration that does not encroach upon setback requirements. Unfortunately, there are existing properties that must be brought up to code where that encroachment is unavoidable.

Martha Wright spoke in support of including language within the ordinance that recommends that new construction be designed to leverage an existing deck or stairway to avoid setback exemptions as much as possible.

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Council to check over the agenda for the Regular Meeting.

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

Motion made by Councilwoman Coskey, seconded by Councilman McDermott to adjourn the Work Session.

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

Work Session adjourned at 4:37 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


Barbara L. Juzaitis, Council President