

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, September 14, 2022 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public -----	6	Reporters -----	0
Remote Attendance: Public -----	1	Reporters -----	1

The Meeting was called to order by Council President Wierman.

Pledge of allegiance.

<u>Roll call:</u>	Council President Wierman	Present
	Councilwoman Coskey	Present
	Councilman McCorristin	Present
	Councilman McDermott	Present
	Councilman Wierman	Present

Also present:  
James Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Borough Solicitor  
William McCormick, Director of Public Works/Utilities  
Jeffrey R. Christopher, Police Chief  
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
Paul Short, Code Enforcement Official  
Ed Dean Construction Official  
Brooks Garrison, Garrison Architects

Council President Juzaitis read the Open Public Meetings Act Announcement.

Notice of this Regular Meeting was included the annual Schedule of Meetings dated June 22, 2022. It was given to the news media and posted on the Official Bulletin Board as required by law.

**Discussion regarding Resolution authorizing Change Order Nos. 2 & 3 for Avalon Fire Department 2021 Station Addition & Renovations.**

Paul Short explained during the initial contract phase for this project, some minor modifications to the roof were incorporated due to the elevator shaft, lobby, and the new air conditioning unit. As work progressed, extensive decay and damage to the roof was discovered. Considering the age of the roof is in excess of 30 years, it is recommended to replace the roof in its entirety.

Council President Wierman questioned if the need for this work could have been identified earlier.

Brooks Garrison reported destructive testing was not done when designing the plans associated with this project. Instead, projections were done as they related to the age of the roof. As the contractor has been completing the work, decay worse than what was projected was found. Over time, construction codes have changed to react to problems with roof blowoffs, other collateral damage, and energy efficiency. The current roof does not abide by these code updates. Replacing the roof will bring the whole building up to current code. The proposed Change Order has been vetted with the contractor to get credit for work already completed with this new scope of work.

Councilman McCorristin inquired about the possibility of replacing the roof with an A-frame truss roof with metal.

Brooks Garrison advised against going to an A-frame truss roof, as it's cost prohibitive and requires additional architectural review to accommodate the rooftop mechanical equipment incorporated into this project.

Councilman McCorristin noted roof replacements often are complicated by work associated with tying into existing scuppers, and asked if these Change Orders consider these potential complications.

Brooks Garrison responded yes, all metal coping and scuppers are being replaced.

Councilman McDermott requested that Mr. Brooks detail the warranty of the new roof.

Brooks Garrison replied the roof will have a 20-year leak proof warranty, which includes all metal work.

Councilwoman Coskey mentioned the options presented to Council when considering this Change Order and asked for an explanation as to the difference in pricing for each option.

Brooks Garrison explained some options presented to Council detailed only the base costs of the replacements. Other options factored in a certain percentage for unforeseen repairs and additional costs.

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

**Discussion regarding bids received for Contract Nos. 23-01, 23-02, & 23-03, Collection and Disposal of Solid Waste, Recycling, and Bulk Waste Items.**

James Waldron gave background on this project, noting the Borough went out to bid prior to the expiration of the current contract for a new contract to commence January 1, 2023. On the recommendation of the Qualified Purchasing Agent, all trash-related contracts were bid as separate contracts to remain consistent with previous years and promote more competitive bids. The apparent low bidder on all contracts was Pinelands Construction. Regarding the bids received for solid waste collection and disposal, for the base bid, Gold Medal Environmental was the lowest bidder. For the base bid plus the alternate bid item of side yard return, Pinelands Construction, LLC was the lowest bidder. All bid proposals submitted by the apparent low bidder have been reviewed by the Qualified Purchasing Agent, CFO, and Alan Gould, which find that all bid specification qualifications and requirements have met. It was recommended to award all three contracts to Pinelands Construction, effective January 1. The Borough has been assured that the contractor will be prepared to fully service the Borough of Avalon in line with the contract specifications beginning January 1, 2023.

Council President Wierman emphasized the importance of side yard return, and spoke in favor of awarding all three contracts to Pinelands Construction now that assurances have been received that the Borough of Avalon will be accommodated appropriately.

Councilman McCorristin agreed with the importance of side yard return and inquired when the new trash cans will be distributed.

James Waldron explained much of the preliminary work is being done in terms of assessing and surveying residential properties, businesses, and condominiums to determine the correct amount of trash receptacles to be ordered and their appropriate sizes. The order will be finalized shortly, with delivery and implementation expected to begin in the spring.

Frank Edwardi, Owner, Pinelands Construction, stated Pinelands Construction was opened approximately 25 years ago, and is happy to service 7 nearby municipalities in this capacity. Pinelands Construction owns a large stock of dumpsters and all necessary equipment, which can be used in connection with this contract.

After brief discussion, Council agreed to proceed with the necessary Resolutions to be prepared for the September 28, 2022 Regular Meeting.

**Discussion regarding bids received for Contract No. M-128, 2022 Reconstruction of Various Streets.**

Thomas Thornton reported bids were received on August 31, 2022 for this project, which reconstructs the streets in the beach blocks of 59<sup>th</sup> and 37<sup>th</sup> Streets, and Fourth Avenue between 39<sup>th</sup> and 42<sup>nd</sup> Streets, as well as the project the Borough received DOT grant funding to complete, namely Dune Drive southbound between 74<sup>th</sup> and 76<sup>th</sup> Streets. This project also includes the replacement of utilities below the roads being reconstructed. The bids received were very competitive, with the low bid falling 4.3 percent below the Engineer's estimate. The low bidder is the contractor that has been the successful bidder for the past four road reconstruction projects completed by the Borough, namely Asphalt Paving Systems. It was recommended to award the contract to this responsible and well qualified contractor. The bid has been reviewed and approved by Alan Gould. Mott MacDonald has also submitted a proposal to perform construction engineering services for this project.

Council agreed to proceed with the necessary Resolutions to be prepared for the September 28, 2022 Regular Meeting.

**Discussion regarding Resolution authorizing professional engineering services for 23<sup>rd</sup> Street Pier Demo and Pile Installation.**

Thomas Thornton indicated the Borough's practice of soliciting quotes for this project was done; however, all quotes received were in excess of the bid threshold. This project includes many components, the first of which is the reconstruction of the bulkhead at 23<sup>rd</sup> Street, which has been authorized by Council to be designed. Council further authorized design of the pier itself. In addition to the design of the pier, it will be necessary to bid the demolition of the existing pier and pile installation. Mott MacDonald's proposal is for bidding services associated with this project.

Councilman McCorristin requested that the timeline for this project be reviewed.

Thomas Thornton noted if Borough Council decides to award the 22<sup>nd</sup> Street pier at the September 28, 2022 meeting, it is expected that work would be completed by the contractor on or about December 4, 2022, at which point Public Works will construct the pier. This project on 23<sup>rd</sup> Street should be ready to be constructed by Public Works by the time the 22<sup>nd</sup> Street pier construction is complete.

Council agreed to proceed with a Resolution to be prepared for the September 28, 2022 Regular Meeting.

**Update from Mott MacDonald concerning ongoing projects.**

Thomas Thornton reported three projects will soon be underway on Ocean Drive; those being the Ocean Drive Water and Sewer Replacement project, the 78<sup>th</sup> Street Pump Station project, and the County's Ocean Drive Reconstruction project. The Ocean Drive Water and Sewer Replacement project was originally expected to be complete by Memorial Day; however, the contractor requested an extension of 10 days to the project completion date, which was granted. Unfortunately, the contractor was unable to complete the project by that extended date. There is a significant amount of punch list items that remain to be done. Because of this, liquidated damages are tolling and continue to be applied. The contractor expects to resume work Monday at 75<sup>th</sup> Street and Ocean Drive, where the temporary trenches will be milled and permanent pavement will be installed. Work to be done is finishing curb work and replacing the 74<sup>th</sup> Street manhole, which is expected to take six weeks. The 78<sup>th</sup> Street Pump Station project is getting underway, as well. This week, the contractor will be completing test pit work to determine the size and placement of pipes in the project area. Pipe work associated with this project will begin at 78<sup>th</sup> Street and Ocean Drive, working southbound to 80<sup>th</sup> Street, and then working to the outfall. That work will be beginning next week. Contractors for both projects will be working in close proximity to each other. Mott MacDonald will work to coordinate the projects and traffic control plans for both projects. The County Reconstruction of Ocean Drive between 62<sup>nd</sup> and 80<sup>th</sup> Streets will also be mobilizing and resuming in the near future. Bids will be received for the 22<sup>nd</sup> Street pier demolition and pile installation on September 20, 2022. Provided competitive and agreeable bids are received, it will be recommended for Council to review and approve the contract award for that project to accommodate the projected completion date of December 4, 2022.

**Discussion regarding Resolution approving Agreement and Deed of Easement for Thomas Welsh Builders for 397 20<sup>th</sup> Street, Block 19.09, Lots 113.02 and 114.**

James Waldron explained this property consists of a single-family structure on a waterfront lot sized at 100 feet by 130 feet. The property is the subject of multiple housing code violations noticed by the Borough, as well as municipal liens filed as a result of work done by the Department of Public Works. The Borough was recently informed of an impending sale of the property, which was coupled with a request that the Borough delay enforcement actions indefinitely, which the Borough was not inclined to do unless a schedule of projected improvements was received. A meeting was held with the developer of the property, Mr. Thomas Welsh, who indicated desire to immediately correct the failing bulkhead on the property. Such work requires a DEP permit, which will be applied for at his expense. The Borough currently has a stormwater easement over the existing lot. As a result of a subdivision approved last night by the Avalon Planning/Zoning Board, that easement will be relocated to the dividing line between the two newly formed lots, which will be a 12-foot easement from the front property line through the bulkhead. That stormwater pipe relocation will require permits from the US Army Corps of Engineers and the DEP. The developer has agreed to assume those costs, which would otherwise be paid by the Borough, along with possibly adding an outlet in the street. In exchange, the Borough has agreed to hold in abeyance the prosecution of outstanding housing code violations. The Borough has also agreed that upon the implementation of the agreement, the demolition of existing property, and removal of all existing violations, all violations will be dismissed. The Borough reserves the right to file additional charges if necessary to protect public health or safety while this matter is progressing. The developer assures the Borough that should those circumstances arise, corrective action will be taken.

Councilman McCorristin mentioned the proposed agreement states the Borough will remove, dispose, and perform work associated with this project, but that the developer will pay the Borough the total costs incurred. He requested further clarification on the logistics of this situation.

James Waldron stated the Borough does not wish to leave the existing pipe in place, as abandoning the existing pipe could cause damage to any nearby property once it inevitably fails. It has been determined that the best policy for the Borough would be to remove any abandoned pipes. Many of these abandoned pipes are asbestos, which requires special and specific procedures be followed; therefore, the Borough will handle the removal and disposal of the obsolete pipe from this property. All costs associated with said removal will be reimbursed to the Borough by the developer. Through this agreement, all costs fall on the shoulders of the developer. With the relocation of this easement, there will be a 6-foot easement on each side of the property line. The easement will provide that nothing will go into that easement area, except for vegetation. If vegetation needs to be removed for any reason, the removal is done at the owner's peril, with the Borough not being obligated to, nor being responsible for, replacement of any removed vegetation. In granting the easement, the developer is reserving a slight encroachment into that easement to put access steps to the dwelling, which will be removable in the event access to the easement by the Borough is deemed necessary.

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

**Discussion regarding Resolution granting a Temporary Construction Easement over Borough owned property at 311 41<sup>st</sup> Street to benefit 320 40<sup>th</sup> Street, subject to terms and conditions.**

James Waldron reported the property owner of 320 40<sup>th</sup> Street approached the Borough with a request for a temporary construction easement to use Borough owned property at 311 41<sup>st</sup> Street. A swimming pool will be constructed in the back yard of the condominium unit on 40<sup>th</sup> Street; however, the property has no room for men, equipment, or delivery of materials associated with the pool construction to access the construction area. The Borough's vacant lot at 311 41<sup>st</sup> Street is located at the rear of this property. The property owner has requested the Borough grant this temporary easement to allow access to the rear of his property through the Borough property. This document purports to do that with a term of 180 days from the date of issuance. In the event of construction delay, it can be extended for additional 30 days. Any additional extension would be subject to additional negotiations and approval by Council. The property owner is obligated to restore the Borough's property to its original condition once work is complete. As part of the easement, indemnification and hold harmless will be provided, consistent with JIF requirements, liability insurance naming the Borough as an additional insured to the extent of 500,000 dollars will be provided.

Council agreed to proceed with a Resolution to be prepared for the September 28, 2022 Regular Meeting.

**Discussion regarding Resolution approving a Temporary Work Area Easement for use by the New Jersey Department of Environmental Protection.**

James Waldron reminded all that the Borough is scheduled to benefit from a hydraulic beach fill presently scheduled to begin in late fall, continuing through to spring 2023 in advance of the 2023 summer season. A federal requirement mandates that all preliminary work is fully negotiated and settled prior to bidding any such project. This easement would provide access to the beach for all aspects of this project. Due to a governmental agency exemption, there is no requirement of indemnifications or hold harmless agreements. The areas impacted are on 9<sup>th</sup> and 28<sup>th</sup> Streets for the duration of the project.

Councilman McCorristin questioned what will be staged in the 28<sup>th</sup> Street area, and expressed concerns of the weight of items being stored there.

Thomas Thornton explained the staging area would be in the northwest corner of the parking lot, and will host construction trailers, equipment, and pipe. The agreement is very clear that any damage to Borough property, particularly this parking lot, will be restored at the contractor's expense.

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



**Discussion regarding Resolution authorizing a zoning and construction permit refund request in connection with the property located at Block 63.04, Lot 61, 213 64<sup>th</sup> Street.**

Council President Wierman explained this refund would address a double permit obtained for a pool at this property, as a result in a change of contractor.

Council agreed to proceed with a Resolution to be prepared for the September 28, 2022 Regular Meeting.

**Discussion regarding Resolution authorizing the release of deed restrictions previously imposed upon the property known as Block 16.02, Lot 13, 65 West 17<sup>th</sup> Street.**

James Waldron stated this is a routine deed restriction release request, allowable to be released in the routine manner by Resolution.

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

**Discussion regarding Resolution approving the amount of bonus for members of the Avalon Beach Patrol for the 2022 season.**

James Waldron indicated this Resolution would be a readoption of the one adopted by Borough Council in 2021, with certain changes provided to Borough Council. This Resolution would continue the bonus structure established last year, with the purpose to be to continue that bonus structure year-to-year hereafter until modified or restricted, and removes the annual adoption requirement. This bonus structure has become a negotiating issue with hiring and retaining these employees. Having a solid procedure in place allows for that.

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

Councilman McCorristin mentioned recent rental property declines throughout the Borough and noted potential future issues with finding housing for beach patrol employees during the summer season.

Discussion took place among Borough Council concerning the housing market changes and its potential impact on staffing beaches in all shore communities.

**Public Comments**

Barbara Stout, 406 20<sup>th</sup> Street, inquired about the proposed outfall pipe relocation on 20<sup>th</sup> Street discussed today. She asked for confirmation that the pipe travels straight down Fourth Avenue on the west side of the property, and that the proposed development on the lot would be the construction of two duplex units with the newly relocated outfall pipe falling between both dwellings. She further noted her understanding that the relocated pipe will require two turns within the pipe, and expressed concerns about potentially exacerbating flood conditions in that area. She inquired if there are any permitting concerns for such a project.

Thomas Thornton confirmed the location of the outfall pipe within Fourth Avenue and the property, and further confirmed the development plans that have been presented to the Borough. He explained the permitting issues that may be forthcoming would be associated with the outfall pipe and how it travels through the bulkhead. Neither permitting agency has any jurisdiction over how the Borough of Avalon designs and constructs outfall pipes. There is an existing inlet in the street on the north side of 20<sup>th</sup> Street. The flows will be diverted to the east, where a new inlet with a grate will be installed to function primarily as a cleanout.

Barbara Stout questioned if any studies have been done to determine if this project design is feasible, and if similar projects have been done in the Borough.

Thomas Thornton explained this is a very feasible project from an engineering standpoint with no physical or regulatory challenges associated with it. He confirmed similar projects have been done in the Borough.

Martha Wright, 632 7<sup>th</sup> Street, thanked the Borough Council for livestreaming all meetings to promote transparency. She noted the Avalon Planning/Zoning Board meetings are not livestreamed, and that the Borough consistently announces that all necessary public information is contained on the Borough website. Additionally, when Avalon Planning/Zoning Board meetings take place, an announcement is made at the beginning of the meeting stating the agenda has been posted on the official bulletin board as well as the Borough's official website. She detailed the notations made on previous Planning/Zoning Board agendas that covered the Master Plan reexamination took in 2017 and compared those agendas to those in 2022, which covered Planning/Zoning Board meetings that addressed a Master Plan amendment concerning boutique hotels as an allowable use in the business district. She expressed the belief that the Planning/Zoning Board erred in their communication of the potential adoption of said amendment. She further expressed the opinion that the public was not officially and correctly noticed that there was going to be a hearing on August 9, 2022 and that action may, and in fact was, taken. She expressed belief that the Planning/Zoning Board and the Borough of Avalon erred in telling the public to look to the official website and the official bulletin board when improper notice was given. She cited certain rules and regulations which address a public body's responsibilities when considering a Master Plan or an amendment to a Master Plan. She indicated no maps or documents were provided during the meetings held by the Planning/Zoning Board during this process, nor were they available for public inspection in advance of the meeting. She asked that Borough Council consider her public comments as a formal oral complaint in the erroneous ways of the Planning/Zoning Board as it relates to this matter, and implored Council to require that the Planning/Zoning Board re-advertise this matter and re-do this procedure in the correct way.

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

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


Motion made by Council President Wierman, seconded by Councilman McDermott to adjourn the Work Session.

**ROLL CALL VOTE:**

Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Work Session adjourned at 4:59 p.m.

Respectfully submitted,

  
C. Danielle Nollett, Borough Clerk

  
Samuel D. Wierman, Council President