

February 22, 2023

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, February 22, 2023 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public ----- 2 Reporters ----- 0

Remote Attendance: Public - - - - - 1 Reporters - - - - - 1

The meeting was called to order by Council President Wierman.

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

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor, Gruccio Pepper DeSanto & Ruth
Jeffrey Christopher, Police Chief
William McCormick, Director of Public Works/Utilities
Paul Short, Code Enforcement Officer
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald
Ed Dean, Construction Official
Steven Hafner, Assistant Director, Stockton Coastal Research Center
Kimberly McKenna, Director, Stockton Coastal Research Center

Council President Wierman 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.

Council President Wierman 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.”

Presentation of 2022 Final Report by Stockton Coastal Research Center on the condition of the beaches.

Scott Wahl welcomed Kimberly McKenna and Steve Hafner from the Stockton University Coastal Research Center. A meeting was recently held to discuss the condition and status of Avalon's beaches in advance of the beach fill project commencement. Interesting dynamics are taking place within the inlet, on the beaches, namely the Townsend's Inlet borrow area and an accretion of sand offshore, which may replenish the beaches in the warmer months.

Kimberly McKenna and Steve Hafner introduced themselves to Council and gave a detailed overview of the 2022 Final Beach Report, covering a recap of events shaping beach changes in Avalon, including storm events and beach fill projects through backpassing and dredging; seasonal beach changes; quarterly comparisons of the beach profiles at 9th Street, 12th Street, and 35th Street; Townsend's Inlet changes; and the accretion of sand offshore of the north end beaches, which has accumulated as a result of large beachfill projects to the north of Avalon, with an expectation that this sand may naturally migrate to Avalon's beaches with the spring and summer current patterns.

Council President Wierman inquired if there is any deterrent in Townsend's Inlet in terms of navigation, as it relates to the additional sand accretion.

Steve Hafner replied no, and explained there is still plenty of depth for the recreational and commercial crafts navigating Townsend's Inlet. As long as sand is being mined from the borrow area, no navigational challenges should arise.

Councilwoman Coskey questioned if this presentation will be made to Stone Harbor.

Steve Hafner indicated the coordination with Stone Harbor centers primarily around maintaining sand in their system longer through new structure improvements to avoid losing as much sand into Hereford Inlet. Unfortunately, the CRBA Act preventing the harvesting of material from Hereford Inlet poses unique challenges. In order to utilize Hereford Inlet, the Act would require a rewording by Congress to remove ambiguities allowing for different interpretations, which is the root cause of the issue.

Kimberly McKenna pointed out CRBA allows state and local communities to harvest sand from Hereford Inlet. The Act only prevents federal dollars from being used.

Councilman McCorristin noted Hereford Inlet is now unnavigable by boat due to sand accretion.

Steve Hafner added CRBA has affected the local communities and posed long-term problems with maintaining stability on their shorelines, such as North Wildwood.

Council thanked Steve Hafner and Kimberly McKenna for their time.

Discussion regarding Resolution authorizing Change Order No. 4 for the project known as Fire House Addition and Renovations.

Thomas Thornton explained Council previously authorized site design for additional improvements along the south side of the existing Fire House. Once those plans were designed, they were provided to the architect and the contractor, with all parties agreeing on the terms of a Change Order to complete the additional work. The additional work includes construction of a concrete ramp, milling, paving of the front entrance, traffic striping, bollards, connecting downspouts to the drainage system, and landscaping improvements.

Councilman McDermott requested an update on the projected completion date of the project.

Paul Short responded a Temporary Certificate of Occupancy is expected to be issued for the addition in the coming week, with all renovations expected to be complete before Memorial Day.

Council agreed to proceed with a Resolution to be prepared for the March 8, 2023 Regular Meeting.

Discussion regarding Resolution authorizing Change Order No. 1 for the project known as Contract M-126, 78th Street Pump Station.

Thomas Thornton indicated this Change Order request is associated with the force main servicing this project, which is a pressure pipe that extends from the pump station at 78th Street south along Ocean Drive to 80th Street, where it turns west to the discharge point in a parking lot at the end of 80th Street. There was a bid item associated with that pipe for the possible use of an air release valve. With pressure pipes, consistent slope must be maintained in their flow to avoid air being caught in a high point. An air release valve was included in the bid specifications for the project so that such a valve could be installed on a manhole to avoid damage to the pipe in the event of any turbulence caused by trapped air. Fortunately, this project has moved forward and that conflict was avoided; therefore, the first part of this Change Order is a credit in the amount of \$60,000.00 for the elimination of the valve and installation. The second aspect of the Change Order relates to encountered obstructions to the pipe at the existing steel bulkhead. When designing the project, the assumption was made that the steel bulkhead was a cantilevered bulkhead, which doesn't have an anchor or tieback system. Unfortunately, this bulkhead does have tie backs, which added to the work scope. As a result, the project undertook a minor redesign to relocate the pipe outlet; repair the damaged bulkhead, including back pile system which required the driving of 8 back piles; new tie rods connecting the pipe to the steel bulkhead; and penetrating the steel bulkhead at a different location. The cost associated with that additional work is \$52,000.00, which would preserve the bulkhead and ensure a functioning pipe. The combination of these two changes on this Change Order results in a net decrease of \$8,000.00.

Councilman McCorristin inquired if the pipe for Armacost Park was installed under Ocean Drive.

Thomas Thornton confirmed that installation is complete, and noted that work will be the subject of a future Change Order, as a different pipe material was used. This change in material will result in an additional decrease to the project.

Council agreed to proceed with a Resolution to be prepared for the March 8, 2023 Regular Meeting.

Discussion regarding Resolution authorizing professional engineering services for Reconstruction of Various Streets 2023.

Scott Wahl requested this item be deferred to a future Work Session after the 2023 budget is adopted.

Discussion regarding recommendations concerning the Proposed Five-Year Road Program 2023-2027.

Thomas Thornton reported the Borough of Avalon's streets are regularly evaluated with their condition recorded on a spreadsheet as to the condition of each street. The spreadsheet is also updated as streets are resurfaced. This system helps to identify the streets in the most need of repair or resurfacing each year. Every five years, a more in depth evaluation of the Borough's streets is undertaken to determine the priority order for this work to be done. As a result of this process, a new five-year road program has been developed. Council has been provided with the plan in its entirety, which is broken down by year. The plan for each year takes into account the budgeting restrictions of the Borough, as well as if utilities would need to be replaced during that project. The 2023 phase of this program is fully developed and ready for discussion by Council when the budget is adopted and funds can be certified. That project would include 6th Street between Dune Drive and the west end, 17th Street between Dune Drive and Ocean Drive, 38th Street beach block, and the DOT-funded southbound lane of Dune Drive between 76th and 78th Streets. Other streets are selected in a similar way and prioritized based on objective factors observed, such as condition of asphalt, cracking, delaminating of surface, potholes, condition of curb. Also, if a street is being paved it is important to ensure utilities are replaced. Not all streets have utilities in need of replacement. For example, Dune Drive is just a paving project being funded by the DOT with no utilities under the portion of paving.

Councilwoman Juzaitis pointed out this program also helps with eliminating pipes made of certain materials from the Borough's infrastructure.

Thomas Thornton agreed and added several of the streets within this program have utilities with galvanized pipes, which should be replaced due to federal and state law changes.

Discussion regarding Resolution authorizing grant application to the County of Cape May to request funding from the ARPA Infrastructure Grant.

Scott Wahl read the following report:

Summary: Administration is seeking Council's support to apply a grant funding opportunity provided by the County of Cape May to a specific project. There is a deadline for the submission of all documents including a resolution no later than March 9, 2023

Grant: The County of Cape May has received an \$18 million ARPA Infrastructure Grant. The County intends to re-grant this funding to any of the County's municipalities who make a request for the grant funding. The Borough of Avalon would receive a grant valued at \$400,000 that needs to be applied to an ARPA-qualified project. The project could be a current or future project, and not one that has already been completed. Soft costs (engineering costs, etc). quality for this grant.

Process: Administration believes the Chief Financial Officer should be given significant deference to the application of funds. There are some projects that come in slightly under the amount of funds available for the project while others may be subject to change orders where additional funds could be necessary.

Selection: The CFO has recommended to administration that the 22nd Street Water Main Replacement Project, which began Monday, February 12th, should be the selected project. First, the project is currently underway and second, it is part of Ordinance 841-22 with a value of \$1,127,775.65. This is an essential infrastructure project designed for adequate water service to a large portion of our community. It qualifies under the ARPA grant program. By applying \$400,000 to this project, we will have approximately one third of the project financed through the grant program, providing significant tax relief to taxpayers.

Conclusion: If Council agrees, we are asking for an approving resolution to occur at the regular meeting on this date since no municipal funds are being spent to apply for the grant by the Administrator and we will be able to meet the grant application deadline (our next meeting occurs one day before the submission is due)

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

Discussion regarding approval of rule promulgated by the Director of Public Works regarding fees for street opening permits.

James Waldron reported Council is being presented with a recommendation to implement a new approach with regards to street opening permits. The Ordinance recently adopted by Council provides that when a utility applies for the fourth opening of a street within a 36-month period, the application is elevated to a major work application, which involves resurfacing of the street, either partial or whole; escrow; and supervision of the Borough Engineer. Major permits also have separate fee structures established in the Ordinance. It was recently discovered that a minor application came in from the gas company in connection with an installation. The application was elevated to a major designation due to the application being the fourth received for this block within the established time period. It is the opinion of the Administration and the Department of Public Works Director that it is not appropriate to charge the major work application fee, which is \$700 plus \$100 per opening, as the work is truly of a minor nature. While the escrow arrangements would be followed for this application, the fee structure should be that of minor work. To accomplish this, it is proposed Council adopt a rule of interpretation by the Department of Public Works that would be enforced by the Licensing Clerk by reducing the fee. This procedure avoids Ordinance amendments as they become known, which would be expensive, time consuming, and inefficient. The Ordinance recently adopted gives Director of Public Works the right to enact a rule consistent with Ordinance. This is a matter of interpretation and not a substantive change. Additionally, it is expected other issues will arise that would require some interpretation. It is proposed those situations would be addressed similarly to this procedure as they arise to promote consistency.

Council President Wierman agreed with adopting this proposed procedure, which promotes organization and fairness to the utilities making these minor applications.

Councilwoman Juzaitis questioned how often this scenario is expected to arise.

James Waldron indicated these could arise with frequency, depending on the utilities and their different approaches. In certain cases, Atlantic City Electric is negotiating with homeowners for underground service. In that case, Atlantic City Electric is making arrangements to place conduit under street before it's paved to avoid such permits in the future. Further, the gas company must lay sewer mains in the streets prior to paving, as well. Different construction approaches involving different types of supervision by the Engineer, depending upon installation procedures being undertaken is being proposed.

Scott Wahl attributed this discovery to the recent updates of the software system, which promotes the protection of the integrity of the Borough's streets.

James Waldron added since the software upgrades, the Licensing Clerk has identified two streets that require paving as a result of more than four openings within 36-month window. This upgrade helps identify these projects, which could not be done manually.

Councilman McCorristin suggested establishing a practice of coordinating with the utility companies prior to repaving streets to ensure any and all conduit or pipe installation is done prior to the project being undertaken.

Thomas Thornton indicated it is common to coordinate with the utility companies when the projects are in the design phases so that any and all work can be incorporated into the project.

Council agreed to proceed with a Resolution to be prepared for the March 8, 2023 Regular Meeting.

Public Comments:

None.

February 22, 2023

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:

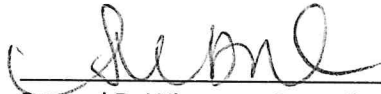
Councilwoman Coskey	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman McDermott	Aye
Council President Wierman	Aye

Work Session adjourned at 4:46 p.m.

Respectfully submitted,



C. Danielle Nollett, Borough Clerk



Samuel D. Wierman, Council President