

October 24, 2018

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, October 24, 2018 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 5

Reporters ----- 2

The Meeting was called to order by Council President Deever.

Pledge of allegiance.

<u>Roll call:</u>	Council President Deever	Present
	Council Vice President Covington	Present
	Councilman Dean	Absent
	Councilwoman Hudanich	Present
	Councilman McCorristin	Present

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole J. Curio, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
Jeffrey Christopher, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Paul E. Short, Sr., Code Enforcement Officer
Pedro Colon, Construction Manager, South Jersey Gas
Rich DeRose, Supervisor of Government Affairs/Public Policy, South Jersey Gas

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 27, 2018. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Phase II and Phase III of South Jersey Gas infrastructure improvement program.

Scott Wahl made the following report:

Summary: South Jersey Gas attended a meeting in Avalon to discuss Phase 2 and Phase 3 of a system upgrade project in the Borough that will be concentrated in the northeastern quadrant of Avalon. This follows the utility's upgrades to other parts of our community that involved the replacement of steel gas lines from the 1960s with more resilient, high pressured gas lines that have the expectation of decades of service to the community. Phase 1 began after Columbus Day weekend, 2017 and will conclude this fall with final paving. Each of the next two Phases are approximately the same size as Phase 1 and will impact about 1,000 residential customers in the Borough. The system improvements are a compliance requirement mandated by the New Jersey Board of Public Utilities. Avalon's engineers, Public Works director, and administrators represented the Borough at the meeting

Phase 1: This portion of the project has been completed with the exception of final paving. The final paving will be conducted by South Jersey Gas's contractor, Lantier Construction (with whom Mott MacDonald holds in high regard and has performed well during this project) and its subcontractor Gres, with a start date of November 5, 2018. This final paving will take two to three weeks and is expected to be concluded before Thanksgiving weekend.

Phase 2 and 3: Phase 2 of the project includes an area of 37th Street north to 22nd Street largely east of Dune Drive along Avalon Avenue. Phase 3 of the project includes 21st Street north to 7th Street, largely along both Avalon and First avenues. Two to three crews are expected to be working on this service upgrade project with 50,000 feet of new gas main installed; the utility expects to work at a pace of 1,000 feet per day, on average. Work is to be conducted Monday through Friday from 7:30am until 5:00pm, with only occasional work on Saturdays and no work on Sundays. The contractor intends to work in a south to north direction for both the installation

of the mains along Avalon and First avenues, and south to north with the laterals to the customers.

Obligations of the Contractor: The contractor is obligated to submit work plans and traffic control plans to Avalon's engineers which will be reviewed by the Avalon Police Department and Safety Director. The contractor is obligated for each phase of the project to supply the Borough with a \$35,000 escrow account (total of \$70,000) that will be used to pay for monitoring services provided by the Avalon engineer; the contractor is also obligated to replenish the fund if funds run low. Also congruent to Phase 1, South Jersey Gas and the Borough will work together for public and customer notification; South Jersey Gas will also use the opportunity of property use during Thanksgiving weekend with its various door hangars and other information to reach out to customers who need service connected to the new mains. The contractor also continues to be obligated to allow property owners access all the time to their properties and driveways.

Impact on Bicycle Path: Much of this work will occur adjacent to the Avalon Bicycle Path for which the utility and contractor are intimately aware carry high value to the Borough and is less than one year old, courtesy of a grant from the Cape May County Open Space Program. The contractor agrees that much of the main gas line work will occur in the space between the painted stripe of the bike path furthest from the curb, in the street. However, occasional portions of the bike path will be disturbed during the initial 90 days or so of this project for customer connections.

Remediation Plan: The utility and the contractor both recognize the importance of having a safe bicycle path for the spring/summer season before the final pave occurs after the summer 2019 season concludes. The following will occur to ensure that the spring/summer is safe, and the bicycle path is left in **better** condition than the contractor finds it to be.

1. In the interest of safety, customer satisfaction, and usability of the bicycle path, the temporary surface will be greatly improved, at the utility's expense, to what can be best described as a temporary "final" surface that will carry many of the same characteristics of a final paving, before the final paving takes place. A typical temporary surface includes six inches of DGA and six inches of asphalt. This will not be done. Instead, it will be six inches of DGA, with three compactions of the other six inches of better material will near to what the final surface will be and will be safe for bicycle riders.
2. The above plan is sufficient for the spring and summer, but not an acceptable final product. The utility has agreed to provide a newly paved road surface from the crown of the road to the curb that will provide a new street for the Borough, a new bicycle path, and conduct all of the painting.
3. The utility has agreed to the same treatment of crown of roadway to curb paving for side streets.

Tom Thornton explained the backfill and repaving for the affected areas is going to be more extensive for this project in an effort to keep the bike lanes as safe as possible. South Jersey Gas has been asked to comply with strict compaction methods after all excavation and to place six inches of an asphalt base above a six inch thickness of a soil aggregate base course. The asphalt will be installed in layers for easy excavation when completing the final pave of the project, which will be done from the crown of the road to the curb including the bike lane throughout the entirety of the bike route sometime next fall.

Council Vice President Covington confirmed First Avenue, Avalon Avenue, and all affected side streets will be repaved from the crown of the road to the curb.

Tom Thornton agreed.

Council Vice President Covington inquired if the repaving includes roads affected in Phase I of the project.

Scott Wahl responded yes.

Rich DeRose indicated South Jersey Gas wishes to work hand in hand with the Borough throughout this project and encouraged any Borough representative to contact him regarding any

issues with the project.

Council Vice President Covington asked if all of the cuts are on one side of the street.

Pedro Colon responded yes, and explained in the impacted areas, if the other side of the road needs to be cut, that area will be addressed with the guidance of Mott MacDonald representatives. He reported Phase I is almost complete and the final paving of those impacted roads will be completed in the next few weeks. Any striping associated with the final paving will also be done by South Jersey Gas or its subcontractors.

Councilman McCorristin questioned what the impact will be on homes during the holiday season.

Rich DeRose explained post cards are being printed to notify all affected property owners. Those post cards will be mailed to homeowners at their billing address, and will contain contact information for South Jersey Gas and the contractors, which will be sent in advance of any work being done.

Pedro Colon indicated only main laterals will be installed in the near future, and that work will not impact any homes until later in the project.

Council Vice President Covington noted the roads being done in Phase III show a large gap in the work area between 30th Street and 20th Street, and inquired as to the reasoning for that gap.

Pedro Colon explained South Jersey Gas will be applying for another project, which is smaller in diameter and referred to as “22nd Street and Others” to address any lines not replaced in other phases. Considering the size of the project, it will be completed by a blanket contractor of South Jersey Gas.

Council Vice President Covington also asked why there is no work being done between Dune Drive and Ocean Drive, or on Ocean Drive itself.

Pedro Colon noted the Engineering Department of South Jersey Gas evaluates needs and identifies projects, however he indicated his intent to look into the matter and report back to answer Council Vice President Covington’s question. He explained the need to replace the lines depends on the age and the type of pipe, for example what is primarily being replaced in these phases is bare steel pipe which was installed prior to 1970. It is possible the pipes in the areas not being addressed during these phases have newer pipes that are in better condition.

Further discussion regarding potential changes to the Borough Code, Chapter 7 (Police Regulations) concerning construction.

Jim Waldron reported Council has received a draft Ordinance, which has been compiled as a result of multiple discussions held by Council to date. This draft Ordinance addresses only the hours of construction and the nature of certain construction activity that would be permitted during July and August. The proposed Ordinance prohibits the moving or relocation of building materials on site outside of the normal hours of construction. Also included is a limited period of time, not to exceed thirty minutes, that would extend beyond the ending hours of allowable construction activity, which would allow the contractor an opportunity for general policing and clean-up of the site. Clean-up would involve: hosing of the sidewalk, the street, or the right of way; and collection and disposal of any trash or debris that had accumulated on site or which was visible. The clean-up provision would not allow the generation of obtrusive noise.

Council Vice President Covington spoke in opposition of allowing a clean-up exception to the construction hours and expressed concern that such an exception would weaken the regulations and be difficult to enforce.

Councilman McCorristin referenced Council’s discussion at the October 10, 2018 Work Session and noted there was intent to clearly define construction activity and construction noise to allow for more effective enforcement. He mentioned it was his understanding that those terms would be defined as power tools and power equipment, and that the non-obtrusive clean-up would not be considered “construction activity” and would be allowable outside of construction hours.

Jim Waldron explained construction activity is addressed by three separate chapters of the code. Chapter 7 deals with the hours of construction, which is the draft before Council today. It is proposed that Council could possibly see proposed revisions to Chapter 20 dealing with the construction site. The proposed amendments to Chapter 20 would include the definitions of construction activity. Another issue that will need to be addressed by Council in the future is the parking issue that implicates an amendment to Chapter 8. There are multiple components to bringing forth a comprehensive change to these chapters.

Councilman McCorristin referenced the proposed Ordinance before Council and noted a section which states prohibited work on Saturdays to include outdoor construction. He expressed the opinion that the definition included in that section could also be used to define construction activity.

Council Vice President Covington indicated these exceptions can easily create confusion and voiced support for keeping the regulations clear and concise without any exceptions.

Councilman McCorristin noted the discussions regarding construction initially centered around noise complaints and the hours of construction, and clean-up had not been discussed until recently. He spoke in support of allowing construction for a regular work day while allowing quiet clean-up of the site outside of those hours. He further supported clearly defining construction activity to provide for clearer regulations moving forward.

Scott Wahl referenced the discussion held by Council at the October 10, 2018 Work Session where it was a consensus of Council that routine clean-up of the site, such as sweeping or hosing, is not considered construction activity, therefore it was attempted to define with clarity what would be permitted after the hours of construction in the draft provided to Council.

Jim Waldron explained the next component of this process is to summarize Council's parameters with respect to construction hours during the in-season and the off-season. The off-season is proposed to be defined as the Monday following the second Sunday in September through to the third Sunday before the third Monday in June. During the off-season, construction on Sunday would be from 7:00 a.m. to 7:00 p.m. During the summer season, there will be no construction activity of any type or nature. Monday through Friday during the off-season permits construction activity from 7:00 a.m. to 7:00 p.m., which reflects no change from current regulations. During the summer season, hours are proposed to change to 8:00 a.m. to 5:00 p.m. On Saturdays during the in-season in June, the allowable hours would be from 8:00 a.m. to 5:00 p.m., with that being restricted further to 8:00 a.m. to 4:00 p.m. during July and August, with in-season September hours returning to 8:00 a.m. to 5:00 p.m. There are a number of holidays when construction is proposed to be banned on the holiday only, while there are other holidays when it is proposed to ban construction activity during the holiday weekend. Specifically, it is suggested to ban construction activity during Memorial Day weekend.

Councilman McCorristin asked that it be confirmed that landscape maintenance will not be affected by any of these proposed changes.

Paul Short confirmed the potential Ordinance changes will only address full landscape construction.

Councilman McCorristin asked if construction activity would be permitted on the Friday before Memorial Day under the proposed new schedule.

Paul Short responded yes.

Council President Deever asked that power washing be expressly excluded from the definition of quiet clean-up, if Council decides to move forward with the thirty minute quiet clean-up exception to the construction hours.

Councilman McCorristin expressed support of finalizing the definitions of construction activity prior to moving forward with any other code amendments to avoid enforcement confusion. He expressed the opinion that if the definitions are clarified, there will be no need for an additional time allowing clean-up, as those actions will either be included or excluded from the construction activity definitions.

Jim Waldron suggested amending the Borough Code to contain all construction related codes in one chapter.

Councilman McCorristin inquired if any stop work orders would be issued by the Code Enforcement Officer.

Jim Waldron responded yes.

Councilman McCorristin voiced support of including all construction items in one section of the code.

Jim Waldron noted the primary concern before Council is to agree upon the hours of construction, which would lead into the discussion of the definition of construction activity. Once those decisions are made, it could be an easy task to gather all of that information and create one document that would amend all appropriate sections of the code either separately or as one new chapter.

Council Vice President Covington suggested cross-referencing the information between the various chapters of the code.

Jim Waldron noted it can be done by way of cross-referencing, however it can lend to some confusion on the part of members of the public that may not have access to the code in its entirety but instead only have access to one chapter. Multiple cross-referencing amendments have been codified by the Borough in the past, and that practice can continue, if it is Council's wish.

Councilwoman Hudanich noted the decision before Council is to determine the best method of implementing the parameters of construction that are clear and eliminate confusion for ease of implementation and enforcement. She spoke in support of having a finite beginning and end time for construction activity, while clearly defining construction activity.

Councilman McCorristin noted the proposed definitions of prohibited activity do not currently address minor clean-up.

Paul Short mentioned the possibility of defining actions, rather than tools in an effort to more easily identify allowable and prohibited activity when considering the construction hours.

Jim Waldron indicated the current draft Ordinance before Council limits all construction activity to interior work only during July and August. He asked Council to provide a definite directive regarding the construction hours during today's meeting so a more comprehensive draft Ordinance can be compiled.

Councilman McCorristin voiced support for allowing unobtrusive clean-up activity outside of the construction hours and expressed the opinion that the current draft and the discussions by Council up to this point have responded to the majority of complaints and gone above and beyond what was requested by the majority of the public that had spoken in support of changing the construction regulations.

Councilwoman Hudanich suggested defining construction activity in broader terms to avoid technicalities.

Councilman McCorristin mentioned the possibility of remaining silent on clean-up so that it is permissible when not expressly listed under "prohibited activity".

Jim Waldron voiced concern that when a topic remains silent within an Ordinance, it is open to interpretation and more difficult to enforce. He suggested instead using language along the lines of “all exterior work which includes but is not limited to: rough framing, etc.”

Councilwoman Hudanich suggested having finite wording in the Ordinance such as “up to one half hour after the normal work day, the contractor may remove his tools and trash and clean the site” if it is Council’s wish to allow such activity.

Council President Deever agreed that clean-up should be limited to a certain time period, considering any activity not expressly listed under “prohibited activity” would technically be permitted at any time of day and for any length of time.

Jim Waldron reported the current draft Ordinance has the following language: “provided, however, that a contractor shall be permitted a limited time beyond the scheduled end of construction activity.” Currently, construction activity is being viewed as the building process. To clarify matters, it was the thought to make clear that there is a thirty minute window, rather than leaving an open-ended time period for minor clean-up.

Councilman McCorristin agreed with a thirty minute clean-up window.

Council President Deever agreed with a clean-up window, however stressed the importance of limiting the allowed cleaning activities to actions that generate no intrusive noise.

Councilwoman Hudanich expressed concern about the cumbersome task of attempting to list all types of activities that are permissible or prohibited.

Jim Waldron noted the wording could be made generic, to allow for more all-encompassing language without leaving a large number of actions open to interpretation. The language for clean-up activity could prohibit the use of power equipment or items that would generate noise or dust.

Councilman McCorristin asked Paul Short for his opinion on that language.

Paul Short voiced support for that wording, and noted Code Enforcement will be policing construction activity well after the allowable hours of construction, and would be able to determine the difference between quiet clean-up and noisy clean-up. He also reported to Council that although the off-season construction hours are from 7:00 a.m. to 7:00 p.m. many contractors vacate their construction sites prior to that time.

Council Vice President Covington suggested the current code be reviewed by Council and Administration as they pertain to transportation of metal rails, pillars, columns and construction materials, pile drivers, hammers, and blowers when considering the hours of construction activity to maintain consistency.

Council President Deever stressed the importance that power washing be expressly excluded from the clean-up permitted after construction hours.

Jim Waldron stated the wording can be made clear that during the clean-up window there isn’t to be used any equipment that generates any kind of noise or disturbance. He suggested Council place this item on the November 20, 2018 Work Session agenda, where an updated draft of Chapter 7 and a proposed draft of Chapter 20 can be reviewed and discussed by Council.

Councilwoman Hudanich announced she will be unable to attend the November 20, 2018 Council Meeting.

Councilman McCorristin suggested postponing any official action on these Ordinances until the December 12, 2018 Council Meeting.

Council agreed to discuss this matter further at the November 20, 2018 Work Session.

Administrative review of municipal ordinance regarding potential sale of recreational marijuana.

Scott Wahl read the following report:

Summary: At the request of Council, the Administration has reviewed Chapter 27 in the Borough Code (Zoning) that delineates acceptable and prohibited uses in various zones in the Borough of Avalon. Chapter 27 was reviewed by the Administration as it relates to any current or future request from a potential business interest relating to an establishment that may offer the sale of marijuana shall it be the intent of the State of New Jersey to approve legislation that would legalize and/or legislate this activity.

Current Zoning: There is nothing in Chapter 27 that expressly permits the sale of recreational marijuana in the B1 or B2 zones. Both permit “retail stores and shops”, and both list principal, conditional, and accessory uses. Because the sale of marijuana has always been illegal in the State of New Jersey, this has never been clearly listed as a permissible or prohibited use. One may infer that because it is not listed directly as permissible, it is prohibited.

Proposed Amendment: If it is the desire of Borough Council to prohibit any type of marijuana distributor from conducting business in Avalon, it is the recommendation of the Administration for Council to consider an amendment to Chapter 27. A draft of the amendment is attached for Council’s review. It is also recommended that this issue be addressed by the Avalon Planning and Zoning Board for its consideration, and if approved, return to Council for discussion, introduction, and a final vote.

State Stands on the Issue: An initial bill was introduced in June; a draft bill has been widely circulated in mid-September and appears to have consideration in some form by state lawmakers before the end of the year. Drafts of the bill appear to indicate that retail stores that may be able to sell marijuana may also have a separate area of the store to use the product; there will be a tax that has been reported at about ten percent for the State; there is discussion regarding a legal marijuana delivery service that could bring the product to homes; and a commission would be formed that would have 180 days to set the rules and regulations for the legal sale of marijuana, with licenses to be issued within 30 days of those regulations being adopted.

Latest Federal Data: On Thursday, October 18th, the Insurance Institute for Highway Safety released a report that shows a six percent increase in motor vehicle accidents in states where the legalization of recreational marijuana has occurred.

Council Vice President Covington voiced concern that marijuana could be a product sold by any type retail establishment if Council does not adopt an Ordinance strictly prohibiting its sale and spoke in support of moving forward with an Ordinance prohibiting the sale of marijuana Borough-wide, and to forward such an Ordinance to the Planning/Zoning Board for their review and approval.

Councilwoman Hudanich also spoke in support of prohibiting the sale of recreational marijuana and expressed that time is of the essence.

Council Vice President Covington also stressed the importance of drafting strict language to prohibit the sale, the manufacturing, and the distribution of marijuana.

Nicole Curio brought to Council’s attention that the draft bill currently has a time limitation on when municipalities can ban the sale of marijuana of 180 days after the statute is enacted. A state-level vote on this bill is expected to take place in December, if not sooner.

Jim Waldron explained if Council were to introduce an Ordinance regarding this matter, the introduced Ordinance would be referred to the Planning/Zoning Board for their response prior to the public hearing and final adoption of said Ordinance. If Council were to introduce the Ordinance in December, the Planning/Zoning Board would review the Ordinance at its meeting in January of 2019.

Council Vice President Covington asked how many Zoning Ordinances are affected by this change.

Jim Waldron explained the Zoning Officer has offered an interpretation that the current Zoning Ordinance would not allow the issuance of a Zoning Permit for the sale of marijuana, as it is not expressly permitted within the Ordinance. If a new Ordinance prohibiting the sale of marijuana is not adopted, any application to sell marijuana would be required to go before the Planning/Zoning Board for a variance, which is site specific, and it is conceivable that different results could come from different applications. The only way to guarantee consistency would be to adopt an Ordinance banning the sale, if that is the direction Council wishes to take.

Councilwoman Hudanich asked if Council should vote to introduce an Ordinance of this topic today by title only.

Nicole Curio advised against introducing by title only, as there may be substantive changes agreed upon by Council prior to the final adoption of the Ordinance.

Council Vice President Covington suggested the Ordinance address medical, recreational sale, manufacturing, or distribution of marijuana.

Councilman McCorristin asked if the current Zoning Ordinance addresses the sale of pipes and other paraphernalia.

Jim Waldron responded no.

Scott Wahl noted a draft of the State bill mentions an allowance for a certain percentage of retail space to be used for the use of recreational marijuana and suggested the Borough address that in an Ordinance as well.

Council agreed to discuss this matter further and proceed with an Ordinance to be prepared for introduction at the November 20, 2018 Work Session and Regular Meetings.

Discussion regarding Resolution authorizing handicapped parking space at 2433 Harbor Avenue.

Chief Christopher reported the Police Department received an application for a handicapped parking space to be implemented at 2433 Harbor Avenue. The Police Department has investigated and vetted the application and recommended Council approve this application by Resolution.

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

Update regarding construction project and proposal submitted by Mott Macdonald for Surfside Park.

Tom Thornton reported the pre-construction meeting has been held for this project, and the contractor has expressed eagerness to begin work. After review and approval of the contractor's insurance certificates, performance bond, schedule of values, shop drawing and submission schedule, and construction schedule by both Mott MacDonald and Taylor Design Group, a Notice to Proceed was issued to the contractor today. Meanwhile, the contractor has been submitting requests for information and shop drawing submittals, which are still being reviewed. Atlantic City Electric has performed the necessary disconnects to help get this project underway. Mott MacDonald has submitted a proposal for this project, which includes two types of construction phase engineering services known as Administration Services and Inspection Services. Mott MacDonald will be the lead administrator of this contract and will work closely with Taylor Design Group, who has a separate contract with the Borough for this project. The role of being the lead administrator includes ensuring the contractor complies with the general requirements and obligations in addition to the administrative services typically provided, such as reviewing Change Order requests, and reviewing and processing payment applications on a monthly basis. Mott MacDonald would also be the primary contact for the contractor to avoid confusion and miscommunication. In addition, Mott MacDonald will review the initial submittals and attend all construction progress meetings, which will be held bi-weekly. It is expected those progress meetings will be less frequent as the project progresses. Other responsibilities included under Administrative Services include issuing interpretations and clarifications of the contract documents, set up contact files, coordinating payment applications with Taylor Design Group, review and approve shop drawings, issuing notices to the contractor

Tom Thornton (continued) relating to work progress, and a closeout process to ensure compliance with permits and submittal maintenance bond and final payment estimate. The Inspection Services include the inspection of any work designed by Mott MacDonald, such as the storm water system, connection to water and sewer services, grading, drainage, boardwalk replacement and ramp, and playground concrete base. Other responsibilities included under Inspection Services include detailed daily records, taking photographs, monitoring work progress, preparing punch list items, performing final inspection and walk through with representatives of the Borough, and measuring and agreeing upon final paid quantities. The proposal for these services amounts to \$132,000.00, which is approximately 5% of the construction costs.

Council agreed to proceed with a Resolution to be prepared for the November 20, 2018 Regular Meeting.

Public Comments:

Philip Cooper, 132 13th Street, expressed his intent to speak about the home warranty issue.

Council Vice President Covington announced he will not be recusing himself from this discussion moving forward.

Philip Cooper expressed hope that Borough Council looks carefully at all Borough documents and the wording contained within to interpret the best meaning of each document. He referenced his previous comments to Council at an August meeting when he asked Council to reconsider their decision made based upon a new set of facts, and asked that Council review the sanction agreement, indemnity language, and tenure language. He expressed the opinion that upon reading those documents, Council has no basis to retain counsel for the Borough and the Construction Official, nor paying legal expenses or fines on behalf of the Construction Official. He voiced the belief that a member of Council should personally meet with affected property owners, who feel as though there is nowhere else to turn. He noted a law was passed in 1977 mandating that all builders of new homes provide a home warranty from the Department of Community Affairs or other warranty company as approved by the State. The Department of Community Affairs has sanctioned the Construction Official for issuing twelve certificates of occupancy without having received the New Jersey approved Home Warranty. He disputed comments made by a Borough Official at a prior Council meeting stating the Borough should hire special counsel on behalf of the Borough and the Construction Official under its indemnity agreement to appeal the findings and sanctions imposed by the Department of Community Affairs, and that the Borough is responsible for all costs including fines. He also disputed statements made by Borough Officials claiming that a division of the Department of Community Affairs ordered the Borough not to notify affected homeowners. He agreed that the sanctions were warranted based on the fact that twelve certificates of occupancy were issued that should not have been done. He inquired if things are moving forward with special counsel in appeal of these sanctions.

Nicole Curio responded that a Borough representative will contact him directly after the meeting with a response.

Martha Wright, 632 7th Street, delivered photographs to the Borough Clerk to be distributed to Council, and expressed disagreement with allowing a clean-up window after allowable construction hours. She reported the photographs provided to the Borough Clerk were taken of a porta-potty truck that was emptying porta-potties at 6:01 a.m. and 6:13 a.m., and noted such action was taken outside of work hours. She stated if that action falls under "clean-up", she feels that the time that "clean-up" took place was unacceptable. She reported she has had to endure intrusive sound from the following methods of "clean-up": blowers; pressure washers; the stacking of lumber; the stacking of concrete forms; the taking down of ladders and their placement on trucks; the tossing of wood, metal and other objects into dumpsters; the covering of equipment; the moving of lumber stacks with heavy machinery that uses backup alerts; and the battening down of dumpster covers with paint pots full of concrete. She referenced the need for employment in Cape May County and suggested contractors hire additional personnel to clean construction sites as the mess is made. She spoke against any activity of any kind outside of the allowable construction hours proposed as 8:00 a.m. to 4:00 p.m. She also mentioned the construction sites near her home utilize flood lights to continue working until 7:00 p.m. She

Martha Wright (continued) reported photographs were also submitted to the Borough Clerk of dumpsters and trailers parked in her neighborhood for the construction sites near her home and encouraged Borough Council to also consider changing the trailer Ordinance. She suggested the Borough mirror Sea Isle City's trailer regulations, which require that trailers be removed from the street at the end of the work day. She noted many property owners spend their holidays in Avalon, and asked that Council consider prohibiting construction activity on Christmas Eve and the day after Thanksgiving. She expressed the opinion that Councilman McCorristin is not an objective bystander to these discussions and should be recusing himself from such discussions.

Frank Rizzo, 565 7th Street, asked how the South Jersey Gas representatives will coordinate with property owners to relight pilot lights to avoid homes freezing up during the winter.

Nicole Curio stated the Borough will reach out to the South Jersey Gas representatives regarding that question.

Council President Deever noted in previous phases of the project, South Jersey Gas worked diligently to coordinate with property owners.

Frank Rizzo reported recently dealing with a 6:00 a.m. delivery of lumber at a construction site near to his home. When he called the Borough to file a complaint, he was told that delivery trucks are permitted to deliver goods at any time. He voiced concern about the pool builders and the disbursement of gummit on windy days, and asked that Council review those regulations while reviewing the construction Ordinances. He also suggested that Council consider asking South Jersey Gas to provide a warranty on all paving done after the utility project.

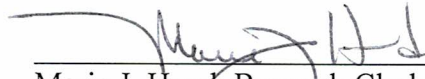
Motion made by Councilman McCorristin, seconded by Council Vice President Covington to adjourn the Work Session.

ROLL CALL VOTE:

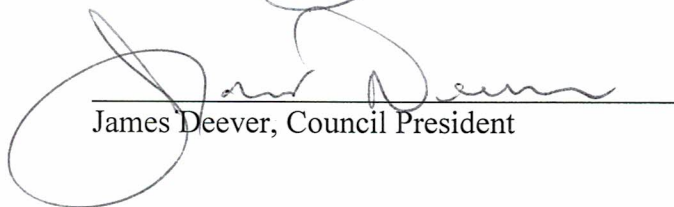
Council Vice President Covington	Aye
Councilman Dean	Absent
Councilwoman Hudanich	Aye
Councilman McCorristin	Aye
Council President Deever	Aye

Work Session adjourned at 5:34 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



James Deever, Council President