

February 25, 2015

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, February 25, 2015 at 7:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 12

Reporters ----- 3

The Meeting was called to order by Council President Covington.

Pledge of allegiance.

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

Also present:

James Waldron, Assistant Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
Paul Short, Code Enforcement Official
James V. Craft, Chief Financial Officer
Stephen Camp, Assistant Director of Public Works/Utilities
William McCormick, Chief of Police
Fire Chief Edward Dean
Charles O'Donnell, Recreation Director
Sue Ellenberg, Recreation Department
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 25, 2014. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Covington read the Open Public Meetings Act Announcement.

Council President Covington, started the meeting by recognizing and acknowledging the work that the fire fighters, police, rescue squad and public works employees did at the fire on 5th Avenue almost three weeks ago. He acknowledged the conditions were extraordinary with the amount of wind and cold. He said that two houses were lost, one under construction and one just about a year old. He commented with those kind of conditions and that cold, it could have been a lot worse. He pointed out there was damage to the houses south of the fire and smoke damage on the east side of the fire. He remarked Chief Dean managed fourteen different fire companies that night to contain the fire. He also pointed out the vital role public works employees played as well as the police notifying the resident of the situation.

Fire Chief Edward Dean, said he would like to recognize some of the people that were so helpful that night, not just the fire fighters and the EMT's, but the Department of Public Works, the Police Department, and everyone who gave them a hand that night. He said it was a brutally cold night, and it was a fire that got a really good start. He noted the building of origin was a three-story home under construction about two-thirds of the way done and was fully involved as well as fire exposure to the North when the call came in. He also recognized the Avalon and Stone Harbor Fire Departments as well as Ocean View, Cape May Court House, and all of the other Cape May County Fire Departments that helped out that night containing the fire to the three buildings that were involved when the call was received which in those conditions was absolutely amazing. He also recognized the Department of Public Works for salting 5th Avenue that night. He acknowledged that without Public Works, there would have been serious injuries from trip and fall hazards. He said there was three million dollars in property loss, but with everyone's help it was contained when he came on the scene and he can't thank everyone enough.

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Fire Chief Edward Dean continued: He said he also wanted to go outside the Borough services to recognize the Avalon, Ocean View and Cape May Court House Wawa for contributing coffee and refreshments to the fire scene that night. He went on to thank Tonio Galdi from Tonio's Pizza who came in at 5:00 a.m. to make 30 various pizzas and he sent them both to the fire house, Sea Isle City, and also to the fire scene. He added the outpouring from the community has been humbling.

Council President Covington said to express to the fireman how much the Borough appreciates all they do.

Councilwoman Hudanich thanked public works as well.

Council President Covington said he also wanted to acknowledge Public Works for the excellent job they did Monday in the snow storm. He said they anticipated the event and acknowledged they spent all Monday and Tuesday plowing and salting the streets and taking care of residents so they could get out of their homes and by Wednesday morning everything was clear. He thanked Steve Camp from Public Works and asked him to thank all of his people from the Borough.

Discussion regarding the following 2015 Recreation Resolutions.

Tennis Court rules and regulations
Activity fees.

Council had no problem with the annual resolutions. Resolutions to be prepared for the March 11, 2015 Regular Meeting.

Discussion regarding Resolution authorizing execution of professional services contracts for various sports and educational camps for the 2015 season.

Sue Ellenberg, Recreation Department reported there are 17 camps for the upcoming summer season beginning early June and ending mid-August. She explained there is a new camp called Kitchen Wizard which is a cooking camp for young children. She pointed out there are a variety of camps from education to science to sports. She also pointed out the staff gets criminal background checks and liability and worker's compensation. She said these records go to the Business Administrator's Office who forwards them to the solicitor to supply the contracts.

Charles O'Donnell, Recreation Director commented in the near future the Recreation Department will have their own website. He said all the camps will be listed with links to the companies running the camps. Avalonrecreation.org will be the name of the website.

Council agreed to proceed. A Resolution to be prepared for the March 11, 2015 Regular Meeting.

Discussion regarding Ordinance amending Chapter 9 (Parks, Beaches and Recreation Facilities) and Chapter 10 (Licenses and Permits).

Stephen D. Barse, Esquire, Borough Solicitor, explained Chapters 9 and 10 were reviewed for necessary changes for consistency. He said Chapter 9, Section 2.1, has been changed from 'special event' to 'private event' because Chapters 9 & 10 both made references to 'special event' and it created some confusion. He said changes were made to Chapter 9-15.10, and 9-15.11 Bay Park Marina and Sport fishing center to change managing to Administration. He explained changes to Chapter 10-2.5 to clarify certain licenses expire on the 31st of the year and some licenses have a fiscal rather than calendar date and the provisions of Chapter 10-2.7 would control notice of hearing. He acknowledge that certain types of hearings have special procedures in place and those that don't would be covered under this chapter. He said everything in here is clarification.

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Councilwoman Hudanich pointed out to remove the work be in Section 1 and also wanted prevailing time removed in Section 10-2.5 because it was confusing.

Stephen D. Barse, Esquire confirmed those changes would be made.

Council agreed to proceed. An Ordinance to be prepared for the March 11, 2015 Regular Meeting.

Discussion regarding Ordinance amending Chapter 14 (Water Sewer) concerning quarterly allowance.

James V. Craft, Chief Financial Officer, explained there is a deficit in the Water/Sewer fund and a modification is needed to bring the fund back to being self-liquidating. He said they would like to reduce the quarterly rates from 12,000 gallons to 10,000 gallons for residential units. He pointed out that is a 17% reduction and that would be carried to all meter codes throughout the water and sewer rates. He also said the difference would be \$22.00 a year for the average home owner who uses over 10,000 gallons a year.

Council President Covington asked if this was just a one year fix or sustaining.

James V. Craft said it was one of a couple of changes to the rate structure to bring it back to self-liquidating and the hope is to be self-liquidating next year.

Council President Covington asked if this was anticipated in the budget and when would it go into effect.

James V. Craft responded yes and would go into effect July 1st billing.

Councilwoman Hudanich indicated the Revenue and Finance committee along with Mr. Craft analyzed the problem and addressed the issue of water and sewer not self-liquidating. She thanked Mr. Craft for all his analysis and projections.

Council agreed to proceed. An Ordinance to be prepared for the March 11, 2015 Regular Meeting.

Discussion regarding Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank.

James V. Craft, explained in 2007 the Governor changed the law that requires the town to pass an ordinance to establish a Cap Bank and increase the rate. He said in this year's budget, the revenue cap is over two million dollars and it is growing, but we do need to keep it and this is the only way we can keep it is to pass an Ordinance. He said we are well within the caps so no increase is necessary, but we need to maintain this cap bank in case there is a change in the future laws and we need to draw down on it. He said it is a two year bank.

Ordinance to be introduced at the Regular Meeting this evening.

Discussion regarding Resolution authorizing membership of Ryan J. Funk to the NJ State Fireman's Relief Association.

Fire Chief Dean, explained that Mr. Funk joined the Avalon Fire Department last summer. He said he was a season employee with the Recreation Department and also has a background in emergency medical services. He said he is currently attending fire fighter one classes. He said he thinks Mr. Funk is going to be a good addition to the Fire Department.

Council agreed to proceed. A Resolution has been placed on the Regular Meeting this evening.

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Discussion regarding Resolution authorizing refund of post dredge survey to Barbara Bahnsen, 628 22nd Street in the amount of \$150.00.

Council had no problem with this refund and agreed to proceed with a Resolution to be prepared for the March 11, 2015 Regular Meeting.

Discussion regarding Resolution authorizing release of rental bond for property located at 665 21st Street Unit A in the amount of Five Hundred (\$500.00) dollars.

Council briefly discussed this matter and agreed to proceed with a Resolution to be prepared for the March 11, 2015 Regular Meeting.

Discussion regarding Resolution authorizing release of performance guarantee for 2249 Dune Drive in the amount of One Thousand Nine Hundred Forty-Four (\$1,944.00) Dollars.

Council briefly discussed this matter and agreed to proceed with a Resolution to be prepared for the March 11, 2015 Regular Meeting.

Public Comments:

Verbatim transcript attached.

Motion made by Councilwoman Hudanich, seconded by Councilman Ellenberg to adjourn the Work Session.

<u>ROLL CALL VOTE:</u>	Council Vice President Dean	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Councilman Ellenberg	Aye
	Council President Covington	Aye

Work Session adjourned at 8:33 p.m.

Respectfully submitted,

Marie J. Hood, Borough Clerk

Charles P. Covington, Council President

1
BOROUGH OF AVALON
BOROUGH COUNCIL MEETING
CAPE MAY COUNTY, NEW JERSEY

PUBLIC COMMENTS REGARDING
ARMACOST PARK

PLACE: Municipal Building
3100 Dune Drive
Avalon, New Jersey 08202

DATE: February 25, 2015

COUNCILMEMBERS PRESENT:

PRESIDENT CHARLES COVINGTON,
VICE PRESIDENT RICHARD E. DEAN,
DAVID ELLENBERG,
NANCY M. HUDANICH AND
JOHN MC CORRISTIN

Regina R. Caldwell
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PUBLIC COMMENT:

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Mr. Perrotta	Page 28, 43
Mr. Waldron	Page 41 - Statement
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1 MS. HOOD: Public comments.

2 COUNCIL PRESIDENT COVINGTON: Okay. Anyone
3 wishing to comment at this time, please step forward
4 and state your name and address for the record.

5 MS. WRIGHT: Martha Wright, 632 Seventh
6 Street, Avalon. I didn't expect to be commenting this
7 evening, but I do want to speak about Armacost Park. I
8 realize that while I was away the resolution was
9 approved and work was done in the park to eliminate an
10 overgrowth of native vines and other work.

11 I do recall in the Council work session where this
12 was discussed, Mr. Covington, you alluded to the need
13 for laser like precision with the weed whackers and
14 handheld mechanized equipment that would be used.
15 While I was not personally able to observe the work, I
16 did see two videotapes of the work being done using
17 very large handheld equipment, something known as a
18 sickle bar and also an eight foot long essentially
19 telescope chainsaw. The work that I observed was not
20 laser like. It was a step below a bush hog, but was
21 essentially clearing everything in a path.

22 I want to realize your attention to this because,
23 as I have mentioned many times before, Avalon relies on
24 birders as a big part of bringing revenue and tourism
25 to not just our community, but Cape May County in

1 general. Armacost Park is a habitat, a significant
2 habitat for birds and wildlife and probably one of the
3 most important species of bird that is present in
4 Armacost Park is the black-crowned and the yellow-
5 crowned -- or are the black-crowned and yellow-crowned
6 night herons.

7 These birds are on the New Jersey Threatened
8 Species List and they have been on that list since
9 1984. Their habitat should be protected from
10 development or human activity of any kind. So, these
11 birds nest in the park where this clearing was done of
12 native species and vines.

13 According to the Conserve Wildlife Foundation of
14 New Jersey, herons avoid nesting at exposed sites that
15 offer little cover. What we are effectively doing is
16 creating exposed sites that offer little cover. They
17 need the underbrush because they nest close to the bare
18 ground, these threatened herons, and the thickets that
19 we are apparently not happy with are actually
20 considered prime habitat.

21 So, why am I educating you on this, because this
22 was a test project and I don't think that -- or at
23 least I didn't hear how long is this test, what is the
24 next step of the test, who is monitoring the test and
25 where are we going after this. What I do know is that

1 I just got back after being away for 24 days. I drove
2 directly to Armacost Park to see what happened. I was
3 there at 5:55 this evening and what I found was a dead
4 night heron.

5 I'll submit the picture that you can take a look
6 at. The dead bird is still at the park. I didn't pick
7 it up and bring it in, because I didn't think it was
8 the right thing to do.

9 There's no snow on that dead bird. So, it hasn't
10 been there since the last snowfall. It's not the
11 greatest picture, because it was 5:55 at night and I
12 just used my cell phone. But I'm deeply, deeply
13 concerned about this.

14 And while I did not see the equipment being used,
15 anyone that chooses to drive to 71st and Ocean can see
16 this dead bird in the park, on the perimeter. So, my
17 question again to Council is what is your plan for
18 monitoring this test and when will the test results be
19 revealed to the public?

20 COUNCIL PRESIDENT COVINGTON: Well, we went
21 through all that two weeks ago when you weren't here
22 what the test was. It's a pilot test. It's in the
23 northeast section of the park. It's to cut the vines
24 to the ground, where they're at the ground and where
25 they're growing up a tree, roughly five feet up the

1 tree. The vines will not be removed. They'll be left
2 there.

3 And then once, I believe, in April -- have I got
4 the right date? In April we will go in and where those
5 vines have been cut we will plant native habitat shrubs
6 in that area to see how it grows. Okay?

7 The test is to expand what was done by the
8 consultants, over the last three years, expand the
9 test, the successful test that they ran, to hopefully
10 re-grow/grow in those areas native shrubs and trees,
11 which we will plant, and to manage the vines from re-
12 growing to the point where they're dominating that area
13 and choking out everything around them. Okay?

14 So, that the time period that we're talking about
15 is from now through April and then watch the growth,
16 okay, and see if that growth is successful and we
17 believe it will be.

18 MS. WRIGHT: Well, am I to understand then
19 that in April we're going to go back and remove more
20 vines?

21 COUNCIL PRESIDENT COVINGTON: No.

22 MS. WRIGHT: No.

23 COUNCIL PRESIDENT COVINGTON: You don't
24 understand that.

25 MS. WRIGHT: Okay.

1 COUNCIL PRESIDENT COVINGTON: That's not what
2 we're doing.

3 MS. WRIGHT: Okay.

4 COUNCIL PRESIDENT COVINGTON: What we're
5 going to do in April is the --

6 MS. WRIGHT: The planting.

7 MR. WALDRON: Approximately 300 trees are --

8 COUNCIL PRESIDENT COVINGTON: Approximately
9 300 trees of various types to plant -- be planted in
10 there to try to regenerate that part of -- that area of
11 the park. Okay?

12 MS. WRIGHT: Well, if I understand correctly,
13 why are you populating that area with native trees?
14 That's really counter to the habitat that is required
15 by this type of bird, which is on the New Jersey
16 threatened list and resident in that park. You're
17 still describing removing what I would call a thicket,
18 or this heavy vine and stuff that's on the ground.

19 COUNCIL PRESIDENT COVINGTON: We've cut the
20 vines.

21 MS. WRIGHT: Right. And I guess I -- the
22 (indiscernible) a test, we're in the test mode.

23 COUNCIL PRESIDENT COVINGTON: Correct.

24 MS. WRIGHT: I just need to understand it,
25 because I guess we're going to have to bring some

1 experts to counter the (indiscernible) experts and talk
2 about what the birds need. Because what I've got is
3 one dead bird and a bunch of unhappy people.

4 COUNCIL PRESIDENT COVINGTON: Well, your
5 accusation is that what we did at the park killed it.

6 MS. WRIGHT: I don't know that. I can only
7 tell what I saw.

8 COUNCIL PRESIDENT COVINGTON: That's the idea
9 that you're leaving here.

10 MS. WRIGHT: Well, I haven't been here and I
11 drove to see it and what I see is a dead bird.

12 COUNCILWOMAN HUDANICH: That could've been
13 there a while.

14 COUNCIL PRESIDENT COVINGTON: Let me --

15 MS. WRIGHT: Well, it didn't have any snow on
16 it, so.

17 COUNCIL PRESIDENT COVINGTON: Let me read the
18 statement that we got. It may be appropriate to this.
19 It came from Aaron Baker, who's with Fish and Wildlife.

20 Had a conversation with Brian Marsh -- this is
21 from Joe -- sent to Joe Lomax. I had a conversation
22 with Brian Marsh at the US Fish and Wildlife Service
23 today regarding how long vine control efforts could
24 safely be carried out without disturbing the birds.
25 Since there is no recent record of use by the long-

1 legged waders, herons and egrets, he indicated that the
2 work could continue until March 20th.

3 MS. WRIGHT: Well, I don't know where this
4 heron came from.

5 COUNCIL PRESIDENT COVINGTON: So, that's why
6 we -- one of the reasons why we chose this time to do
7 the work that we wanted to do. All right?

8 MS. WRIGHT: I'm just here to speak for the
9 birds, because they are the only ones who can't speak.
10 So, I just want to make you aware of what I observed at
11 5:55 this evening. Thank you.

12 MR. MC LAUGHLIN: My name's Frank McLaughlin,
13 at 7278 Ocean Drive and 261 47th Street, in Avalon.
14 This was a test. I think as far as markings, you're
15 not going to want to hear what I have to say, but I'm
16 going to say it.

17 This test I think has been --

18 COUNCIL PRESIDENT COVINGTON: We always
19 listen to you, Frank.

20 MR. MC LAUGHLIN: Good, that's great. This
21 test has been a complete failure. Herons arrive there
22 as early as the first week in March and by April, from
23 just what -- I didn't even realize this from what
24 you're saying. By April herons will be there in great
25 numbers.

1 I also happened to see -- I've been to that site
2 seven times in the last two days. I'm glad I didn't
3 have a receptacle to get sick in, because it made my
4 stomach turn.

5 I was told there were no birds there and I also
6 happened to see that, whether it's a black-crowned or
7 yellow-crowned night heron I couldn't tell because the
8 head was twisted and I also didn't want to bring it in.

9 Where do I start here? In reference to the loud
10 gas chainsaws, the sickle bars and the weed whackers
11 that were used to cut through vegetation at Armacost
12 Park, natural, restricted and wildlife refuge, inside
13 the fence on Tuesday, February 24th, 2015, by Bayshore
14 Landscaping, hired by the Borough of Avalon.

15 The first time I witnessed two chainsaws. The
16 second time I saw one. The third time I saw one and
17 the fourth time that I went there yesterday I saw no
18 chainsaws. Each time we all, the people that were
19 there, saw the big 18 inch blade sickle bar saws that
20 would never be used for selective vine removal.

21 In my experience, with my former landscaping
22 company, when removing vines, either pruning shears or
23 hand loppers do the job precisely and efficiently. And
24 the way this was done was not with laser like
25 precision, as was quoted, but I would call it wanton

1 cutting.

2 Some things that we were told and what was done:
3 Some vines would be cut. There are some clear cut
4 vines, as well as saplings, a piece of a holly tree, a
5 piece of a sassafras tree as big as a baseball bat, but
6 these are not vines. And I have them out in my truck
7 if anybody would like to see them, some of the pieces
8 that fell to the ground right on the inside of the
9 fence.

10 We were told that it would be cut at ground level
11 and five feet up. Okay? These bars were eight feet
12 long and they had chainsaws at the end of them and
13 these gentlemen were approximately five feet tall,
14 plus, and they were holding them up overhead. And
15 there's plenty of pictures. A professional
16 photographer took the pictures of this.

17 So, we were told, once again, and I was at the
18 meeting, that they would be cut at ground level and
19 five feet up. Now, how do you go from ground level and
20 five feet up, up to 13 feet in the air?

21 Okay. The gas power equipment was obviously
22 selected and used to clear cut all types of brush. It
23 was interesting to see the notes of the contractor,
24 that the contractor showed both myself and a reporter
25 from the Cape May County Herald. The notes showed

1 which type of vegetation -- this is very important --
2 which type of vegetation to not cut. It mentioned
3 certain saplings, some of which I'd never even heard of
4 -- they're native saplings, trees -- and some other
5 trees, but did not, and I repeat, did not mention which
6 vines to cut.

7 Now, this was on the clipboard for the gentlemen.
8 He was very nice, very polite. Therefore, this was to
9 be an underbrush clearing job, not vine removal, just
10 by nature of what was on his clipboard. Now, he's the
11 boss, he was in charge.

12 And as Mrs. Wright, or Martha Wright said in her
13 complaint to Avalon's Council prior to, four of the
14 five vines that said -- that you said that your expert
15 said, that whatever everybody said, must be removed are
16 native. And as Mr. Pfanstiel had said to you two years
17 ago, that many of these vines, including Virginia
18 creeper, poison ivy, a couple of the others -- several
19 of the other ones, are a food source for migrating
20 birds.

21 Now, we do have birds that fly here from Maine, go
22 south. They come up from Mexico, they come here.
23 We're trying to get more for green tourism, ecotourism
24 and to take a food source away from animals that
25 require that, in a bird refuge, in a bird sanctuary, I

1 mean the sanctuary is to be protected.

2 Also, people may think it's odd that the
3 underbrush that's looked at by these, quote,
4 "consulting experts" as undesirable, when all, every
5 one of the shore bird experts understand the necessity
6 for underbrush. Because herons, ibises and egrets,
7 which are called wading birds, they all regularly nest
8 close to the ground when the vegetation is not high.
9 So, to say we have to get rid of this is absurd.

10 Thickets, and that's what they're called in the
11 textbooks about this, and I spent more time than you
12 care to remember today making sure that everything I'm
13 telling you today is accurate. These thickets are
14 listed as prime habitat. Because the young black-
15 crowned night herons, they leave their nest at four
16 weeks. When they leave the nest at four weeks, they
17 can't fly until six weeks. So, guess where they end
18 up? They're on the ground and they need that
19 underbrush as a buffer from man.

20 Now, the adult herons need thick underbrush for
21 protection against wild and domestic predators. Some
22 of the predators are four-legged and some of them are
23 two-legged. That's people. Because as the officer
24 will tell you, we've all seen, through the dunes, I've
25 reported some of this, both in Armacost and in the high

1 dunes, about kids going in there at night and making
2 all kinds of a mess, with all kinds of stuff, drinking
3 beer and everything else. And the more this is opened
4 up, the more it can allow dogs and cats and two-legged
5 predators, human beings, to get in there.

6 Now, this was confirmed by Dr. Tony Masters, avian
7 biology specialist for East Stroudsburg University, and
8 Dr. Roger Wood, biologist at Stockton University, who
9 studied the refuge at Armacost Park for several years
10 and they spoke to me at great length on the subject.

11 COUNCIL PRESIDENT COVINGTON: Do you have the
12 times they did that?

13 MR. MC LAUGHLIN: I'm sorry?

14 COUNCIL PRESIDENT COVINGTON: What were the
15 timeframes they did that study?

16 MR. MC LAUGHLIN: They did it over a several
17 year period, yes, Mr. Covington.

18 COUNCIL PRESIDENT COVINGTON: And what year
19 is that?

20 MR. MC LAUGHLIN: Well, and I'll show you
21 this. And I'd like everybody to see this. This is the
22 Armacost Bird Park nest counts and it shows from 1997
23 to 1998 and 1999. There's three years here. Anybody
24 would like to see that.

25 It shows, in 1997 -- this is not the number of

1 birds. This is the number of nest counts. I feel
2 awkward talking about this, because my degree is not in
3 avian biology. But Dr. Masters, that is his degree and
4 he was very proud to show me this.

5 My point to saying this to you, too, is Mr. Dean,
6 Mr. Covington and Mrs. Hudanich, as well as the Mayor,
7 were all sitting in Council at the time, in 1995, when
8 all the citizens were told that Armacost Park is
9 broken. There are no birds. It has to be fixed. The
10 reason I'm bringing that to your attention, that was in
11 all of the discussions in 1995.

12 After we were told there were no birds there,
13 there were no birds, it was so broken, in 1997 there
14 were over 1600 nests. In 1998 there were over 1400
15 nests and in 1999 there were over 600 nests.

16 COUNCILWOMAN HUDANICH: It's diminishing.

17 MR. MC LAUGHLIN: Yes, it was diminishing.

18 COUNCILWOMAN HUDANICH: Diminishing.

19 MR. MC LAUGHLIN: That's exactly right. As
20 they do, they go up, they go down, they go up, they go
21 down. But we were told two years prior to this there
22 were no birds and they would never come back -- come
23 back. And they came back in colors.

24 COUNCIL PRESIDENT COVINGTON: Where are you
25 going with this, Frank?

1 MR. MC LAUGHLIN: I'm sorry?

2 COUNCIL PRESIDENT COVINGTON: Where are you
3 going with this, because we're going over old ground.

4 MR. MC LAUGHLIN: Yes, we sure are. We've
5 been told before that the park was broken and had to be
6 fixed. It wasn't broken then anymore than it's broken
7 now. Now, --

8 COUNCIL PRESIDENT COVINGTON: I'm not sure
9 why we're going over this now.

10 MR. MC LAUGHLIN: Well, I'll get to it in a
11 second.

12 COUNCIL PRESIDENT COVINGTON: You're always
13 getting to it.

14 MR. MC LAUGHLIN: Well, that's how we --

15 COUNCIL PRESIDENT COVINGTON: I wanted the
16 years -- I wanted those years because the last study we
17 did is three years old.

18 MR. MC LAUGHLIN: Okay. Well, maybe they
19 didn't go back far enough.

20 COUNCIL PRESIDENT COVINGTON: It apparently
21 differs from what these expert -- what our consultants
22 found from what your people found.

23 MR. MC LAUGHLIN: Well, these guys -- these--

24 COUNCIL PRESIDENT COVINGTON: And that's a
25 decade difference. All right?

1 MR. MC LAUGHLIN: So, Dr. Tony Masters --

2 COUNCIL PRESIDENT COVINGTON: Things might
3 change --

4 MR. MC LAUGHLIN: I'm sorry. Go ahead.

5 COUNCIL PRESIDENT COVINGTON: Things might
6 change over time.

7 MR. MC LAUGHLIN: They sure do. They sure
8 do. But this site has not been altered, that area that
9 was recently affected has not been altered in over 50
10 years and now, all of a sudden, it's been changed
11 because we're going to fix it.

12 Now, Dr. Terry Masters, the biology specialist,
13 and Dr. Roger Wood, the biologist at Stockton
14 University who studied that, they both said constantly
15 that nature is unruly and even though it may look
16 unkempt to man's eye when it is attractive to birds and
17 other species to live.

18 Now, the Conserve Wildlife Foundation of New
19 Jersey, that's Conserve Wildlife Foundation of New
20 Jersey, that's a mouthful, says on its website, in
21 relation to herons, the herons, and I quote here.
22 "Herons avoid nesting at exposed sites." That area
23 that you folks approved to be changed with just some
24 vines to be cut, that has now been, a good portion of
25 it, clear cut, has now very little cover. But herons

1 avoid nesting in exposed areas that offer little cover
2 and with low vegetation they nest close to the ground.
3 If they nest close to the ground and there's no cover
4 there, they will not nest there when the adults fly
5 overhead, unquote.

6 Now, and this is my summary on this. My records
7 I've been keeping on bird activity there over the last
8 several years and years prior to that, show black-
9 crowned and yellow-crowned night herons at Armacost
10 Park from March at least through late fall. These
11 species are listed on the New Jersey Threatened Species
12 List and have been for over 30 years.

13 Conserve Wildlife states on its website, under
14 habitat and nesting, and I'll quote here.
15 "Conservation of nesting habitat is imperative --" it
16 doesn't say it's a good thing, it says it is imperative
17 -- "to survival of these two species that are both
18 threatened of the black-crowned and the yellow-crowned
19 night herons in New Jersey." And it goes on to say,
20 and I quote, "Habitats should be protected from
21 development or human activity."

22 Now, we've got two ideas here that are
23 diametrically opposed. You folks, I'm sure, since this
24 was cut yesterday, I'm sure you've all seen the area.
25 Has anyone not seen the area? If you could raise your

1 hand if you have not --

2 COUNCIL PRESIDENT COVINGTON: We have a
3 report we're going to get to. We have a report that
4 we'll get to.

5 MR. MC LAUGHLIN: Okay. So, you've all seen
6 the area? All right. This quoted text came from a
7 book called "Endangered and Threatened Wildlife of New
8 Jersey", written in 2003, by Bruce Beans and Larry
9 Niles, whose name you'll recognize very well from
10 having been with Fish and Game.

11 COUNCIL PRESIDENT COVINGTON: Thank you.

12 MR. MC LAUGHLIN: Please, stop this while you
13 can, before more damage is done. I've said this before
14 and I'll say it again, this is a loser project. Thank
15 you for your time.

16 COUNCIL PRESIDENT COVINGTON: I was going to
17 wait until the regular meeting --

18 COUNCILMAN ELLENBERG: Chuck.

19 COUNCIL PRESIDENT COVINGTON: What is it?
20 Oh.

21 MS. SCATTERGOOD: What is it, Mr. Covington?

22 COUNCIL PRESIDENT COVINGTON: I didn't see
23 you come up.

24 MS. SCATTERGOOD: That's all right. Will you
25 please finish your thought?

1 COUNCIL PRESIDENT COVINGTON: No, go ahead.

2 I'll give you my thoughts after we hear your comments.

3 MS. SCATTERGOOD: Last meeting of the Council

4 I said --

5 COUNCIL PRESIDENT COVINGTON: Name?

6 MS. HOOD: Can you say --

7 MS. SCATTERGOOD: Beg your pardon. Elaine
8 Scattergood, 75 30th Street, Avalon.

9 Last meeting I was objecting to the destruction of
10 Armacost Park and I said and chainsaws. And Mrs.
11 Hudanich said oh, chainsaws, we're not using chainsaws,
12 are we. And Mr. Lomax said oh, no, we're not using
13 chain -- there were chainsaws in there. I was a
14 witness to it.

15 I got a call from Mr. McLaughlin and drove down to
16 take a look and there were chainsaws there. And these
17 men who were working are about my height, but they were
18 moving this equipment like this, destroying everything,
19 everything that they could.

20 Now, I would like to know who you represent,
21 because Frank McLaughlin had over 50 letters from
22 people and I don't remember my course in college on
23 that, but 50 letters represents practically the entire
24 town of Avalon. So, who do you represent, if you don't
25 represent us?

1 We've all spoken out pleading with you -- we
2 shouldn't even have to plead with you -- to do the
3 right thing and yet we do. So, who is it that you
4 represent? You're not representing the birds. You're
5 not representing the wildlife. Man is forever a
6 destructive force and you know that. Look around
7 Avalon, if you want to see destructive forces at work.
8 Leave one area alone.

9 Now, I am the local -- the Cape May County
10 representative of the Old Growth Forest Network. The
11 woman who founded it is an esteemed person named Joan
12 Maloof. I have called her and told her what you were
13 doing and I have asked her to come and speak with you.
14 If you could freeze any further destruction until she
15 could get there, would you be willing to sit and listen
16 to what she has to say? That's a question.

17 COUNCIL PRESIDENT COVINGTON: You've asked
18 several questions.

19 MS. SCATTERGOOD: No. Well, I asked whom you
20 represent if you don't represent us.

21 COUNCIL PRESIDENT COVINGTON: If you'll
22 recall, at the meeting on the 11th of February, there
23 was also a gentleman representing the Avalon Home and
24 Landowners Association.

25 MS. SCATTERGOOD: Yes.

1 COUNCIL PRESIDENT COVINGTON: Who represented
2 1300 people that were in favor of this project.

3 MS. SCATTERGOOD: I think that is --

4 COUNCIL PRESIDENT COVINGTON: So, when you
5 were weighing the pros and the cons, we do weigh them.

6 COUNCILMAN ELLENBERG: Right.

7 COUNCIL PRESIDENT COVINGTON: The people --

8 MS. SCATTERGOOD: I have been here a long
9 time --

10 COUNCIL PRESIDENT COVINGTON: The people that
11 spoke for the project and the people that vote against
12 the project were pretty much balanced.

13 MS. SCATTERGOOD: I'd just like to see one
14 vote that wasn't unanimous.

15 COUNCIL PRESIDENT COVINGTON: Why?

16 MS. SCATTERGOOD: Because it makes it look
17 like you're thinking.

18 COUNCIL PRESIDENT COVINGTON: It makes it
19 look like we're in agreement, too, okay, which I think
20 we are. We spent three years getting much -- quite a
21 bit of expert information from recognized consultants
22 that have laid out this course of action, which we are
23 following.

24 MS. SCATTERGOOD: All right. What is this
25 business about chainsaws?

1 COUNCIL PRESIDENT COVINGTON: Let me ask --

2 MS. SCATTERGOOD: Chainsaws?

3 COUNCIL PRESIDENT COVINGTON: Let me make one
4 other comment about chainsaws. Yeah, I'm glad you
5 brought that up. I've got -- we have a verbatim
6 transcript of the meeting from last -- two weeks ago.
7 Mr. Lomax never mentioned chainsaws.

8 MS. SCATTERGOOD: He did.

9 COUNCIL PRESIDENT COVINGTON: Mr. -- Dr.
10 Dennis never mentioned chainsaws. I've got a verbatim
11 transcript --

12 MS. SCATTERGOOD: I have a verbatim memory.

13 COUNCIL PRESIDENT COVINGTON: Well, I don't
14 think it trumps a verbatim transcript, okay? And I'll
15 show you that transcript, if you'd like.

16 MS. SCATTERGOOD: Mrs. Hudanich, didn't you
17 say that?

18 COUNCILWOMAN HUDANICH: I don't recall, to
19 tell you the truth and I can't. I have a good memory,
20 but it's something I probably would say if I heard
21 that, chainsaws.

22 MS. SCATTERGOOD: You did.

23 COUNCILWOMAN HUDANICH: But, again, there was
24 a specific variety. When you think of chainsaws you
25 can think of "Scarface", the movie, with the big, ugly

1 one and you can think of a chainsaw that I've never
2 heard of that had an extension, what Ms. Wright -- who
3 was saying -- didn't you say it was an extended end?

4 MR. MC LAUGHLIN: Yeah.

5 COUNCILWOMAN HUDANICH: Frank said it too.
6 What's that called?

7 MR. MC LAUGHLIN: There's one --

8 COUNCILWOMAN HUDANICH: There's different
9 types.

10 MR. MC LAUGHLIN: -- with a pole that has a
11 long -- the one --

12 COUNCILWOMAN HUDANICH: Right, a hook on it.

13 MR. MC LAUGHLIN: But, Mrs. Hudanich, to your
14 point, and there's a picture of it, there are two of
15 those big, ugly chains --

16 COUNCILWOMAN HUDANICH: But, again, --

17 MR. MC LAUGHLIN: -- carpenter chainsaws that
18 were in there for the 30 minutes I was there the first
19 time.

20 COUNCILWOMAN HUDANICH: Okay. But, again,
21 rather than have this kind of a back and forth, we take
22 everything everyone says seriously and then we
23 synthesize again and make an informed decision. And it
24 saddens me, because I know as being an elected official
25 we would like to get a hundred percent backing, but in

1 a world with research, with such a dichotomy and
2 thought processes, it's a very difficult thing to do.

3 This Council, I can speak for myself and my
4 colleagues also, we took the advice, whether it was
5 Windward, Woodward and the other team, I forget the
6 name right now. This has been over time. Again, in my
7 mind I don't need to defend because I went with an
8 expert and that's the side I went with.

9 The roots were not taken. There are other
10 sections of this Armacost Park with the overgrowth and
11 the vines. Yes, this has been trimmed because we were
12 advised to trim it and let the canopy of sun come in.

13 So, I understand what you're saying.
14 Notwithstanding, I did a quick Google search. I'm
15 going to look up about this professor emeritus --

16 MS. SCATTERGOOD: All right. I'd appreciate
17 if you did.

18 COUNCILWOMAN HUDANICH: -- and your national
19 park.

20 MS. SCATTERGOOD: And if you'd be willing to
21 just sit and listen to her. She's a lovely woman. She
22 --

23 COUNCILWOMAN HUDANICH: Anyone can come and
24 speak.

25 MS. SCATTERGOOD: No, no. She would come

1 with a presentation, not --

2 COUNCILWOMAN HUDANICH: Well, that would be
3 up to an agenda and how it would align with the --
4 whatever's on the President's agenda.

5 MS. SCATTERGOOD: Well, I think we all might
6 learn something and maybe you'd change your mind then.
7 And I don't want to speak ill of organizations in this
8 town, but I've noticed --

9 COUNCILWOMAN HUDANICH: Let's not go down
10 that path then.

11 MS. SCATTERGOOD: I have noticed over the
12 years that organizations that were willing to fight at
13 one time, for example, the protection of the dunes,
14 changed their mind completely later. And that -- I
15 hate to say this, because I like the people in this
16 town and I like all of you, but I do think that you
17 have some toady organizations here. And I think you
18 should factor that in.

19 Also you should factor in, when you're getting
20 expert testimony, what they have to gain from it. You
21 have Lomax who's gained how much?

22 COUNCIL PRESIDENT COVINGTON: You know,
23 that's --

24 COUNCILWOMAN HUDANICH: That's --

25 COUNCIL PRESIDENT COVINGTON: I mean this is

1 the second meeting you've accused --

2 COUNCILMAN ELLENBERG: Yeah.

3 COUNCIL PRESIDENT COVINGTON: -- these
4 consultants of being biased for money.

5 COUNCILMAN ELLENBERG: Right.

6 COUNCIL PRESIDENT COVINGTON: These are
7 people, recognized experts in their field.

8 COUNCILMAN ELLENBERG: Right.

9 COUNCIL PRESIDENT COVINGTON: I think it's an
10 insult to them to take that position.

11 COUNCILMAIN ELLENBERG: Right.

12 COUNCIL PRESIDENT COVINGTON: And I resent
13 it. I truly resent what you're --

14 MS. SCATTERGOOD: I'm sorry if you resent it.
15 I'm sorry if you do.

16 COUNCIL PRESIDENT COVINGTON: Okay. And I'm
17 -- if you continue with that -- that mode, I'm not
18 going to listen to you.

19 MS. SCATTERGOOD: This is --

20 COUNCIL PRESIDENT COVINGTON: You're not
21 going to be able to speak that way. This is a civil
22 place.

23 MS. SCATTERGOOD: We're not seceding from the
24 nation, are we?

25 COUNCIL PRESIDENT COVINGTON: You will treat

1 everybody civilly. You make all these accusations
2 about consultants that you can't support that
3 accusation. So, please don't make it anymore.

4 MS. SCATTERGOOD: I haven't said that --

5 COUNCIL PRESIDENT COVINGTON: Right?

6 MS. SCATTERGOOD: I haven't said that.

7 COUNCIL PRESIDENT COVINGTON: Yes, you have.

8 MS. SCATTERGOOD: I've inferred it.

9 COUNCIL PRESIDENT COVINGTON: Please don't do
10 it anymore.

11 MS. SCATTERGOOD: This is part of the United
12 States of America. We have freedom of speech and we
13 are the concerned, concerned public.

14 COUNCIL PRESIDENT COVINGTON: Then you better
15 watch yourself in a lawsuit, okay?

16 MS. SCATTERGOOD: I'm grandfathered in.

17 MR. PERROTTA: Good evening, everyone.

18 COUNCIL PRESIDENT COVINGTON: Welcome back.

19 MR. PERROTTA: Yes. My name is Louis
20 Perrotta. I live on 33 -- excuse me, 34th Street, 233--

21 MS. HOOD: I'm sorry. Can you say your
22 address again, please?

23 MR. PERROTTA: 233 34th Street. In -- from
24 what I understand what I've heard this evening, there's
25 one major thing that comes to mind. I told you I made

1 a whole bunch of phone calls.

2 Now, your consultant, who I can't remember his
3 name, you got the permit from the Mosquito Control
4 Commission to do this study, is that correct?

5 COUNCIL PRESIDENT COVINGTON: No, you're way
6 off. We hired the consul --

7 MR. PERROTTA: What is his name? So, --

8 COUNCIL PRESIDENT COVINGTON: We hired the
9 consultants.

10 MR. PERROTTA: You had -- he was sitting over
11 there. I can't remember his name.

12 COUNCILWOMAN HUDANICH: Mr. Lomax.

13 COUNCIL PRESIDENT COVINGTON: Mr. Lomax?

14 MR. PERROTTA: Mr. Lomax.

15 COUNCILWOMAN HUDANICH: Lomax and Associates.

16 MR. PERROTTA: Apparently, you had to get a
17 permit, correct, to go in and do this work?

18 COUNCIL PRESIDENT COVINGTON: Did not need a
19 permit.

20 MR. PERROTTA: Okay, because when I spoke to
21 Kathy Clark, at the New Jersey Fish and Wildlife, I had
22 asked her what was necessary for us to come back and
23 speak to you about holding this off. She replied, in
24 so many words, that you needed a permit, we, as
25 individuals here, to try to present to the Borough

1 about going into this sanctuary.

2 Now, from what I understand, the Fish and Game
3 people have never come down here, say within the last
4 three to five years, to do a study to see if there were
5 endangered and, of course, non-sport birds in there.

6 So, the thing is nobody ever came up, even in this
7 evening's conversation, about a rookery. This is what
8 pretty much what Frank was trying to explain, how these
9 birds come into this habitat and in that small habitat
10 you have a niche. And the words of this are being used
11 properly, because in that niche, that's where these
12 birds come close into this thick thicket to lay their
13 eggs and their young and everything else.

14 So, it's the translation of the communication back
15 and forth, because everybody this evening had their own
16 point of view, but it didn't come down to the one
17 that's of that nesting area. If there are endangered
18 birds in there and it's specified by the state it's a
19 rookery and if it's a rookery, it shouldn't be touched.
20 It shouldn't be whatever is being done up there,
21 because it'll disturb the nesting and the raising of
22 their young.

23 Insofar as the people that are going in there,
24 and, again, you know, you already made your contracts
25 and you did whatever you had to do, but I mean I was

1 brought in late on this. So, there's a lot of things
2 that I'm really -- you know, I see different points of
3 view.

4 We had asked you if we could go in there and do it
5 by hand with smaller utilities, under the supervision
6 of -- the borough had, you know, supervisors down in
7 the yard that would go up with us to make sure that we
8 were doing everything according to how you wanted it
9 done.

10 Plus, the insurance liability: Again, we would
11 have to ask the borough to get a -- some type of
12 insurance policy to go in there, so you wouldn't get
13 sued.

14 But somebody else had said this evening, you know,
15 the lines of communication, how come there wasn't any
16 like back and forth with the people that were concerned
17 about this? You know, we could've saved you
18 \$14,000.00, if, you know, there was some kind of line
19 of communication of concerned people. You know, we are
20 residents of Avalon. We've been here a long time and
21 it's just a concern.

22 Now, I know you have to take the brunt of
23 everything and you have to, you know, set up your -- at
24 the local end of this and, you know, the liability and
25 everything else. But that's where I see a lot of

1 loopholes and holes just in the whole system and it's a
2 shame, because in my heart of hearts, if you have
3 professionals go in there, you probably have some rare
4 and exotic birds.

5 Avalon's always been the favorite place for me to
6 live. I lived up in Philadelphia. I hated it up
7 there. So, when I had the chance to come down here I
8 came down. My parents bought a property down here in
9 1953. So, I see everybody's concerns. I see your
10 concern, because you pretty much run the town, under
11 the guidance of the Mayor.

12 So, what we're trying to do is ask some sympathy
13 from you to not go ahead and do anymore of this. You
14 know, we'll go in. We'll get the insurance policies
15 and we'll do it by hand. And, you know, if there's any
16 permits that we have to get, then we'll have to get
17 them. But this is what I'm hearing from everybody, so.

18 COUNCIL PRESIDENT COVINGTON: Well, let me
19 make something clear about permits. I believe we made
20 this clear two weeks ago. The DEP, the Corp of
21 Engineers -- Army Corp of Engineers, the Department of
22 Agriculture extension, I forget what it was --

23 COUNCILMAN ELLENBERG: Conservation Group.

24 COUNCIL PRESIDENT COVINGTON: Right. Have
25 all indicated what we're talking about doing with our

1 consultants, we're talking about doing with the upland
2 part with the vines does not require permits to do the
3 work we're doing. And they supported that work.

4 MR. PERROTTA: Well, this was --

5 COUNCIL PRESIDENT COVINGTON: That's the
6 issue with permits.

7 MR. PERROTTA: Okay.

8 COUNCIL PRESIDENT COVINGTON: We do not need
9 a permit. You're talk -- you're probably -- the person
10 you probably talked to was talking about the wet side
11 of the park and yes, we will need permits if anything
12 is done in that side of the park. That's not where we
13 are. We're not on that side of the park.

14 MR. PERROTTA: Well, this was the confusing
15 part for me to understand, because --

16 COUNCIL PRESIDENT COVINGTON: We have -- we
17 have had the US Fish and Wildlife people involved in
18 this. The New Jersey Game -- Fish and Game people
19 decided they didn't want to participate. Mr. Lomax
20 mentioned -- made that comment two weeks ago. That
21 they were invited and they declined.

22 MR. PERROTTA: Yeah. Well, this is the other
23 disturbing part about this, because well, I had spoke
24 -- I finally got in touch with --

25 COUNCIL PRESIDENT COVINGTON: Well, just to

1 catch up -- this is just to catch up a little bit more.

2 COUNCILWOMAN HUDANICH: Right. The other
3 thing, let me just interject one thing.

4 COUNCIL PRESIDENT COVINGTON: Go ahead.

5 COUNCILWOMAN HUDANICH: Lou, you get an
6 answer to the question you ask and at times, when you
7 call an agency and you pose your question with a narrow
8 point of view, it's almost you trigger an answer. So,
9 what I'm saying is there could be confusion when you
10 call into an agency and you get, you mentioned a Clark
11 was her name, whoever the person was.

12 MR. PERROTTA: Yes, her name was Kathy Clark.
13 She heads the --

14 COUNCILWOMAN HUDANICH: Whatever the name
15 was, you have to understand the position of the person
16 answered the phone, their point of reference.

17 MR. PERROTTA: Well, she's a -- Nancy, she's
18 apparently the head of South Jersey for the --

19 COUNCILWOMAN HUDANICH: Yeah, but how much of
20 the information did you share? I mean --

21 MR. PERROTTA: I asked her the same questions
22 several different ways.

23 COUNCILWOMAN HUDANICH: You asked if we
24 needed a permit, a permit for what?

25 MR. PERROTTA: Well, this --

1 COUNCILWOMAN HUDANICH: And for where?

2 MR. PERROTTA: This is the confusing part
3 about this, --

4 COUNCILWOMAN HUDANICH: Right.

5 MR. PERROTTA: -- because she had emphasized
6 this. As a matter of fact, I said I would want to have
7 a meeting with her, if she could get a half hour in,
8 and I said I would bring up Frank, because Frank had
9 all the information, because it went back to 1995 and
10 he has the photographs and everything.

11 My concern was is this a rookery and do we have
12 these rare and exotic birds in there. Because, again,
13 this all plays back on what everyone is trying to
14 pretty much point out to you more in detail. That it's
15 so delicate of a --

16 COUNCILWOMAN HUDANICH: It is.

17 MR. PERROTTA: -- of a -- it's a small area.
18 Now, I realize that, you know, we have the high dunes
19 and we have trees and we have birds that will go in
20 there and, you know, are the -- these birds are going
21 back and forth into these two different areas.

22 So, the thing is -- I don't follow birds. I don't
23 look at birds. I like birds. I feed them. I spend a
24 ton of money on them.

25 But I know last year I went out back and I cleaned

1 up some stuff and those birds didn't go back there. It
2 took them like 'til this year to come back. But it's--

3 COUNCIL PRESIDENT COVINGTON: We have reports
4 from the consultants. We must have had, I know of
5 four, probably more, briefings from the consultants as
6 they progressed through the investigative process,
7 discovery process, phase one discovery process, which
8 is where we wound up at the end of this phase one
9 discovery process.

10 And we had probably at least four briefings from
11 them at this meeting, at Council, where the public was
12 aware that these meetings were going on, that these
13 discussions were going on. I know there were well over
14 a half a dozen meetings with the Environmental
15 Commission on the follow up of discussions out of the
16 discovery process, of what the recommendations were.

17 But within those reports were also surveys that
18 the consultants and their staffs, which included
19 biologists and botanists and environmentalists and lots
20 of experts, a lot of --

21 MR. PERROTTA: Well, you had done, what, it
22 was a core group study, so.

23 COUNCIL PRESIDENT COVINGTON: A lot of great
24 people. The Windward studies, which was with our
25 consultants, and they included what they had found

1 there with regard to birdlife and with regard to other
2 mammals in the area, and over four different -- the
3 four seasons that they studied. All that's available
4 to you if you'd like to make yourself more aware of
5 what we have been presented and what entered into the
6 decision that we made. Okay?

7 MR. PERROTTA: One final thing. Was the word
8 rookery ever brought up?

9 COUNCILMAN ELLENBERG: Yes.

10 COUNCIL PRESIDENT COVINGTON: Was it?

11 COUNCILMAN ELLENBERG: Yes.

12 MR. PERROTTA: Then I'll find that in that
13 group of --

14 COUNCIL PRESIDENT COVINGTON: Probably, if it
15 was brought up.

16 COUNCILWOMAN HUDANICH: That would've been
17 Windward's.

18 COUNCILMAN ELLENBERG: No, you will not find
19 it in there. There was a rookery between 44th -- 45th
20 Street and 50th Street, which has water that runs down
21 and it was a rookery. There was never really a rookery
22 --

23 COUNCIL PRESIDENT COVINGTON: Well, that's
24 not the park.

25 COUNCILWOMAN HUDANICH: In the park.

1 COUNCILMAN ELLENBERG: In the park. That's
2 what I'm saying.

3 COUNCILWOMAN HUDANICH: In the park. That's
4 what I was trying to tell him, we don't have that.

5 MR. PERROTTA: Well, again, if you have
6 nesting birds and they're rare and exotic and they're
7 birthing in that area, that is what is known as a
8 rookery.

9 COUNCILMAN ELLENBERG: Oh, absolutely.

10 COUNCIL PRESIDENT COVINGTON: I'm not sure
11 about rare and exotic. I'm just telling you that the
12 reports we got from the surveys that the consultants
13 did, over the discovery time, included identifying
14 nesting birds. It included identifying migrating
15 birds. It included identifying other animal mammals
16 that were in the park over the period that's in the
17 survey. And they did surveys over four -- over the
18 four seasons to give us a pretty good idea what was
19 going into the park during those times.

20 All that is -- all that data is available in those
21 reports. All that data entered into the -- from the
22 discovery entered into the decision making process of
23 what to do to maintain the park and what -- and how to
24 do it without significant disturbance of the habitat
25 that's going on there. Those reports are available to

1 you, if you'd like to --

2 MR. PERROTTA: Okay. I thank you.

3 COUNCIL PRESIDENT COVINGTON: -- become more
4 educated.

5 MR. PERROTTA: And one final thing. Is there
6 any possibility that we could go in and finish this,
7 instead of having the gardeners come in?

8 COUNCIL PRESIDENT COVINGTON: Well, I think
9 we got a report this afternoon that the work that we
10 had planned to do, which was discussed two weeks ago,
11 completed today. The vine cutting -- the amount of
12 vine cutting we were going to do in this pilot project
13 was completed today.

14 COUNCILMAN ELLENBERG: Right.

15 MR. PERROTTA: Okay. Just in case, in the
16 future, is there a possibility that we could sit down
17 with Council and try to get in there ourselves?

18 COUNCIL PRESIDENT COVINGTON: I don't know.

19 MR. PERROTTA: It'll save the borough money,
20 number one. And number two, like I said --

21 COUNCIL PRESIDENT COVINGTON: Well, there's
22 no more vines to be cut at this point in time, unless
23 you want to go to the south end.

24 COUNCILWOMAN HUDANICH: We're not talking --

25 COUNCIL PRESIDENT COVINGTON: We're not

1 talking about the south end. We're talking about the
2 north end.

3 MR. PERROTTA: So, all the work is finished
4 then?

5 COUNCIL PRESIDENT COVINGTON: Beg your
6 pardon?

7 MR. PERROTTA: All the work is finished?

8 COUNCIL PRESIDENT COVINGTON: All the work we
9 intended to do in this pilot project --

10 COUNCILMAN ELLENBERG: Pilot project, right.

11 COUNCIL PRESIDENT COVINGTON: -- has been
12 completed. Now, we have a report, which I'm going to
13 have Mr. Waldron read, okay. I'm going to wait until
14 the reading reports of officials, but --

15 MR. PERROTTA: But in the future is there a
16 possibility that we could sit down and talk with you
17 and --

18 COUNCIL PRESIDENT COVINGTON: Always can
19 talk.

20 MR. PERROTTA: And try to get something. It
21 would save the borough money and then, you know, you
22 would have everybody satisfied.

23 COUNCIL PRESIDENT COVINGTON: The
24 Environmental Commission, members of the Environmental
25 Commission probably have a lot more expertise than we

1 have. We're working on what our consultants have
2 provided us and what their recommendations are.

3 MR. PERROTTA: Okay. Thank you very much.

4 COUNCILWOMAN HUDANICH: Volunteerism with
5 dune grass planting. The volunteerism we have with
6 dune grass planting. So, the borough certainly will --

7 MR. PERROTTA: Yeah, my daughters plant a lot
8 of dune grass.

9 COUNCILWOMAN HUDANICH: I know.

10 MR. PERROTTA: You know that.

11 COUNCILWOMAN HUDANICH: A lot of
12 organizations in Philly even bring buses of students
13 down, so.

14 COUNCILMAN ELLENBERG: Close to a hundred
15 people every spring.

16 COUNCILWOMAN HUDANICH: Yes.

17 MR. PERROTTA: Okay.

18 MR. WALDRON: But none of these people,
19 respectfully, have been asked to work in an environment
20 such --

21 COUNCIL PRESIDENT COVINGTON: Get to the mic.

22 MS. HOOD: Yeah.

23 COUNCIL PRESIDENT COVINGTON: I'm not sure
24 we're picking you up.

25 MS. HOOD: Yeah.

1 MR. WALDRON: The environment in that park
2 that has been described by the consultants that were on
3 scene, I spoke to Mr. Baker as recently as this
4 afternoon and he indicated that there were areas in
5 that park that it was virtually impossible to turn
6 around, so thick. The concept of having a group of
7 volunteers enter into that environment is something
8 that would have to be approved, at a minimum, by the
9 borough's insurance carrier. And I can't imagine under
10 any circumstances that the insurance carrier would
11 approve it.

12 But beyond that point, my understanding of this
13 concept, and I too am late to the game here, there's
14 eleven acres there. You've had this thing studied for
15 going back as early as 2010. You've had the
16 consultants that have talked about a much broader
17 approach to the park. All the consultants' reports
18 have been shared, not only with Council, but they've
19 been made available to federal Fish and Wildlife, the
20 state Fish and Wildlife people, Environmental
21 Protection. They've been involved with the Army Corp
22 of Engineers, the local Mosquito Control Commission.

23 So, none of this stuff is operated in a vacuum,
24 but even at this point you have identified two acres
25 out of eleven in which you have decided to go forward

1 with a very limited program, much more scaled back than
2 what the consultants had originally suggested that you
3 consider doing. So, you're in the position now to see
4 who's right and who's wrong and in the exercise of your
5 discretion you can determine whether this was a valid
6 test, an invalid test and whether it merits going
7 forward.

8 At this point, I haven't seen it. I haven't been
9 on site, but certainly Mr. Lomax and Mr. Baker, whose
10 opinion the administration values, indicates that it
11 was very adverse working conditions for the few people
12 that were in there. And as Mr. Covington said, there
13 is a report that should be made part of the record when
14 you deem that to be appropriate.

15 But I just wanted to clarify that, for what it's
16 worth.

17 COUNCILWOMAN HUDANICH: Okay.

18 COUNCIL PRESIDENT COVINGTON: Thank you.

19 MR. PERROTTA: One last thing. Well, I
20 didn't meant a group of people. I was -- I should've
21 said no more than, say four to six people working at
22 the time, under the supervision, if you want to bring
23 in an expert, say from Fish and Wildlife or anyone
24 else, the Environmental -- somebody would have to go in
25 there with us anyhow, because then it would be properly

1 supervised.

2 COUNCIL PRESIDENT COVINGTON: One of the
3 emails we got suggested an army of volunteers.

4 MR. PERROTTA: Well, no, you couldn't have
5 people go in there, not like that. If you keep it
6 simple, you keep it small. You go in and you do
7 sections and it saves the borough money. That's the
8 end game.

9 MR. WALDRON: We've had people in there today
10 and yesterday that have sustained minor injuries. I'm
11 not suggesting that these are serious, but they are,
12 nonetheless, minor injuries in attempting to do the low
13 scale effort that was made there in the last two days.

14 MR. PERROTTA: Well, once again, you get an
15 insurance policy that would leave the borough harmless
16 and it's just on us. You know, I have insurance.

17 COUNCIL PRESIDENT COVINGTON: Easy to say.

18 MR. PERROTTA: Well, again, you would sign
19 waivers. Definitely sit down and --

20 COUNCIL PRESIDENT COVINGTON: Easy to say.

21 MR. PERROTTA: I know.

22 COUNCIL PRESIDENT COVINGTON: All right?

23 MR. PERROTTA: They'll come back any way,
24 shape or form, but the whole idea is it keeps everybody
25 happy. Thank you for your time.

1 COUNCIL PRESIDENT COVINGTON: Thank you, Lou.

2 COUNCILWOMAN HUDANICH: Thank you.

3 COUNCIL PRESIDENT COVINGTON: I was going to
4 -- as I said, I was going to wait until the regular
5 meeting, with the reports from officials, to get an
6 official report of the progress that had been made at
7 Armacost Park over the last two days. But since we're
8 obviously on the subject, this sounds -- this is just
9 as good a time as any to get that report.

10 Jim, you got it.

11 MR. WALDRON: I do.

12 COUNCIL PRESIDENT COVINGTON: The report from
13 the -- from Aaron Baker who is --

14 MR. WALDRON: Yeah.

15 COUNCIL PRESIDENT COVINGTON: -- who is the
16 lead on this project, I believe.

17 MR. WALDRON: Do you wish me to read this
18 into the record now?

19 COUNCIL PRESIDENT COVINGTON: I think you
20 should.

21 MR. WALDRON: This is a report that's dated
22 February 25th, 2015, at 4:25 p.m., today. And it is
23 addressed to Mr. Wahl, the Business Administrator, Mr.
24 Lomax, Steve Camp, Mr. Macomber and Mr. Covington.

25 Gentlemen: The vine removal project conducted by

1 Bayshore Landscaping, which commenced yesterday,
2 February 24th, 2015, has concluded today with
3 successful results. The Lomax Consulting Group
4 provided oversight and guidance during the vine removal
5 activities to insure compliance with the standards of
6 the project that were set by the Avalon Environmental
7 Commission.

8 The goal of the project was to remove densely
9 concentrated strands of vines that were having a
10 damaging effect on the native trees and shrubs within
11 the northeastern portion of Armacost Park. This goal
12 was accomplished with minimal damage to native
13 vegetation and removal of a large majority of the vine
14 growth.

15 An estimated 95 percent of the cutting activities
16 that were conducted in the park were specifically to
17 vine species that were identified for removal in the
18 Armacost Park Healthy Forest Initiative, which is an
19 excellent level of performance under such difficult
20 working conditions. The species of vines targeted for
21 removal include greenbrier, Japanese honeysuckle,
22 Virginia creeper, poison ivy, grape and English ivy.
23 Any damage to native vegetation was incidental and due
24 to the extensive growth of vines on and around the
25 native vegetation.

1 Guidance for Bayshore Landscaping's crew was
2 provided throughout the project and as the project
3 progressed, this crew became more familiar with the
4 vegetation in the area and became more precise with
5 their removal of damaging vines. Native understory
6 plants were retained throughout the project whenever
7 possible. An example, plots of these species were
8 flagged to show the landscaping crew what to preserve.
9 It is worth noting that the majority of the understory
10 in Armacost Park consisted of the vines that were
11 proposed to be removed with this project.

12 Due to the dense strands of vines that grew in the
13 understory there is now a vast difference in the
14 appearance of the forest, as it is largely more open in
15 the understory. This removal will allow for the growth
16 and establishment of more native species that would
17 typically inhabit this barrier island ecosystem and
18 fill in these open areas.

19 The tools used during vine removal were hand
20 shears and handheld mechanized equipment, including gas
21 hedge trimmer, gas pole hedge trimmer and a small
22 chainsaw. The hedge trimmers were used for the
23 majority of the vine removal where large strands of
24 vines grew together and could be used to safely remove
25 the vines with limited damage to native vegetation.

1 The small chainsaw was used only by the crew supervisor
2 to cut the large vines that were too thick for the
3 hedge trimmer to remove.

4 These large vines included grapevines and poison
5 ivy, some of which can reach several inches thick and
6 are the most damaging -- and are the most damaging
7 vines to the trees in the park. It should be noted
8 that no trees, alive or dead, were removed during the
9 vine removal activities.

10 In the areas of the park where the vines were less
11 abundant and native vegetation had a better foothold,
12 hand shears were used to clip vines where necessary and
13 avoid damage to native vegetation. Example locations
14 for this approach can be seen along Dune Drive and 72nd
15 Street.

16 Overall, initial outlook for the health of
17 Armacost Park is positive. Evidence of damage and
18 suppression of native vegetation can be seen throughout
19 the park. With the removal of these damaging vines in
20 the northeastern portion of the park, the native
21 vegetation has been given an opportunity to grow and
22 flourish.

23 The additional replanting of seedlings through the
24 area and establishment of volunteer native species will
25 continue to process -- will continue the process to

1 make the park into a healthy and productive maritime
2 forest that provides improved habitat for a large
3 variety of wildlife.

4 And that is signed by Aaron Baker, Environmental
5 Analyst with the Lomax Consulting Group.

6 COUNCIL PRESIDENT COVINGTON: Thank you. If
7 the representative from The Herald would like a copy of
8 this, you may have a copy. Since Scott is here, a copy
9 of this with the press reporter. Frank?

10 MR. MC LAUGHLIN: Hi. McLaughlin again. And
11 I would take exception to quite a few of the things
12 that that report says. And if I hadn't come back from
13 a business meeting at one o'clock yesterday afternoon
14 and saw what was going on.

15 I have a chainsaw, I have a small chainsaw --

16 COUNCIL PRESIDENT COVINGTON: Let me --

17 MR. MC LAUGHLIN: Okay, all right.

18 COUNCIL PRESIDENT COVINGTON: -- cut you off.
19 I'm going to cut you off by suggesting this, okay? Let
20 me talk to Mr. Lomax; let me talk to Mr. Baker. Let's
21 see if we can set a time for you and them and Ms.
22 Wright, if she would prefer, to go into the park with
23 them and tell them what you think we did --

24 COUNCILWOMAN HUDANICH: Suzanne.

25 COUNCIL PRESIDENT COVINGTON: -- versus what

1 they say they did.

2 MR. MC LAUGHLIN: I would appreciate that.

3 COUNCIL PRESIDENT COVINGTON: Is that okay?

4 MR. MC LAUGHLIN: I would appreciate that.

5 But I'd like --

6 COUNCIL PRESIDENT COVINGTON: (Indiscernible)
7 that.

8 MR. MC LAUGHLIN: I'd like to say something
9 while it's all fresh in all of our minds that I've
10 heard. And there's three --

11 COUNCIL PRESIDENT COVINGTON: Well, I don't
12 want you to attack this reporter.

13 MR. MC LAUGHLIN: I'm not going to attack
14 this reporter. You know, he's the --

15 COUNCIL PRESIDENT COVINGTON: You started to.

16 MR. MC LAUGHLIN: He's the reader. I'm going
17 to say what I saw was different than what some of the
18 comments were.

19 COUNCIL PRESIDENT COVINGTON: And I'm telling
20 you I want to approach it differently.

21 MR. MC LAUGHLIN: Well, I'd like to make some
22 comments, because this is the public portion of the
23 meeting, about what I saw compared to what that report
24 says that we paid \$15,000.00 for. And I --

25 COUNCIL PRESIDENT COVINGTON: I'm only going

1 to give you two minutes to do that.

2 MR. MC LAUGHLIN: And I will be brief. All
3 right, the report says that there were some -- the park
4 sustained minor injuries to native vegetation. That is
5 not true.

6 COUNCIL PRESIDENT COVINGTON: And that's why
7 I want you to go to the park.

8 MR. MC LAUGHLIN: That's fine.

9 COUNCIL PRESIDENT COVINGTON: Your remarks
10 aren't going to do you any good.

11 MR. MC LAUGHLIN: That's fine, Mr. Covington.
12 I looked at it for four hours over the last two days,
13 while the employees were there. And I will say one
14 other thi -- all right, let me finish.

15 COUNCIL PRESIDENT COVINGTON: What more can I
16 do for you?

17 MR. MC LAUGHLIN: All right, let me finish.

18 COUNCIL PRESIDENT COVINGTON: I want you to
19 go with --

20 MR. MC LAUGHLIN: It's 8 --

21 COUNCIL PRESIDENT COVINGTON: -- those
22 people.

23 MR. MC LAUGHLIN: All right. That's fine.
24 It's at 829 --

25 COUNCIL PRESIDENT COVINGTON: And point out

1 specifically what you think was wrong versus what they
2 did. What more can we ask?

3 MR. MC LAUGHLIN: All right. You're asking
4 me to keep this to two minutes. Let me have the floor.

5 COUNCIL PRESIDENT COVINGTON: Your comments
6 are not of any value.

7 MR. MC LAUGHLIN: Let me have the floor for
8 two minutes. Well, I think they're of value and I
9 resent that. Okay. So, I have two minutes.

10 COUNCILWOMAN HUDANICH: Be included in the --

11 COUNCIL PRESIDENT HUDANICH: Huh?

12 COUNCILWOMAN HUDANICH: Suzanne said she
13 wants to be included in the --

14 COUNCILMAN ELLENBERG: Elaine.

15 COUNCILWOMAN HUDANICH: Or Elaine.

16 COUNCIL PRESIDENT COVINGTON: I didn't hear
17 that.

18 COUNCILWOMAN HUDANICH: Scattergood.

19 COUNCILMAN ELLENBERG: Elaine Scattergood
20 wants to be included in the --

21 COUNCILWOMAN HUDANICH: Elaine.

22 MR. MC LAUGHLIN: I'd like this to be
23 included in the minutes of this meeting.

24 COUNCIL PRESIDENT COVINGTON: Well, they are
25 going to be included in this meeting.

1 MR. MC LAUGHLIN: Okay. Now, the 95 percent
2 of the cutting was done to vines. That is not true.
3 That's my statement. That's my testimony. And that
4 there was a, one, small chainsaw. I have a small
5 chainsaw. There were two very large chainsaws and they
6 were not being used once by a supervisor. They were
7 being used simultaneously.

8 And why I got so upset at this at first was I saw
9 two chainsaws going in unison and they weren't cutting
10 large vines, they were going willy-nilly back and
11 forth, cutting everything in their paths. And I'm
12 sorry, they were not discriminate with any laser
13 precision. Okay.

14 COUNCILWOMAN HUDANICH: They were probably
15 trying to get a pathway.

16 MR. MC LAUGHLIN: I never saw Mr. Lomax, and
17 I was there -- I saw the gentleman --

18 COUNCILWOMAN HUDANICH: He wasn't there.
19 Baker was there.

20 MR. MC LAUGHLIN: Well, Mr. -- I didn't see
21 anyone other the contractor himself, Mr. McNulty, and I
22 saw three or four of his employees back in the woods.
23 Of the seven times I was there over the last four days
24 -- I'm sorry, the seven times I was there for four
25 hours over the last two days, I never saw Mr. Lomax or

1 anybody that was a consultant there supervising anybody
2 cutting this stuff. And that's what I'd like to say,
3 because I resent the fact that we're being told one
4 thing that I saw different with my own eyes.

5 COUNCIL PRESIDENT COVINGTON: Thank you.

6 COUNCILWOMAN HUDANICH: Elaine wants to be
7 included in that meeting.

8 COUNCIL PRESIDENT COVINGTON: Ms.
9 Scattergood, do you have something to say?

10 MS. SCATTERGOOD: Just very quickly. The
11 vines that they were discussing are indigenous to this
12 area and they are a food source for the birds. The
13 only one that is not is English ivy and English ivy is,
14 in fact, choking trees on the south side of the park.

15 Take a look, take -- even if you just drive around
16 the park you can see that. But for heaven sakes don't
17 eliminate a food source for the birds, which are
18 dwindling in numbers because of the dwindling food
19 supply. Leave this park alone.

20 COUNCIL PRESIDENT COVINGTON: The report that
21 we got from the consultants indicated that both native
22 and nonnative vines were out of control at the park.
23 All right? All types of vines were included in causing
24 the loss of other foliage, okay? That they
25 disproportionately were taking over the park.

1 So, not just the native -- not just the nonnative,
2 not just the English ivy. And yes, you're right, it is
3 doing that, but so are the other vines and the report
4 said that. And that's why, when we went in, they took
5 all the vines, not just the -- not just English ivy.

6 MS. SCATTERGOOD: It was extremely in --

7 COUNCIL PRESIDENT COVINGTON: And that's why
8 we didn't take the roots out, so that they would grow
9 back. But so they could grow back in a controlled
10 manner, okay, not overtake everything, to try to
11 balance things out. That's how the reports were given
12 to us and that's how -- that's part of what helped us
13 make the decisions that we made.

14 MS. SCATTERGOOD: I understand.

15 COUNCIL PRESIDENT COVINGTON: Okay.

16 MS. SCATTERGOOD: I would just suggest that
17 nature has a way of balancing itself, or herself, I
18 mean. Thanks very much.

19 COUNCILWOMAN HUDANICH: I make a motion to
20 adjourn the work session.

21 COUNCILMAN ELLENBERG: Second the motion.

22 (End of requested recorded proceedings)

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CERTIFICATION

I, Regina R. Caldwell, certified transcriber, do hereby certify that the foregoing transcript of proceedings of the Borough of Avalon Council Meeting, held on February 25, 2015, is a true and accurate, to the best of this transcriber's ability, record of the proceedings as recorded.

Date: March 3, 2015



Regina R. Caldwell, AOC #357

Certified Transcriber.