

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, May 25, 2016 at 7:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 11 Reporters ----- 2

The Meeting was called to order by Council President Dean.

Pledge of allegiance.

Roll call: Council President Dean Present
 Councilman Burns Present
 Councilman Covington Present
 Council Vice President Hudanich Present
 Councilman McCorristin Present

Also present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
Paul Short, Code Enforcement Official
William Macomber, Director of Public Works/Utilities
William McCormick, Chief of Police
Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Council President Dean read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 24, 2015. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Ordinance amending Chapter 2 (Administration) concerning the Department of Public Safety.

Scott Wahl reviewed the efforts of redrafting Chapters 2 and 5 of the Borough Code in reference to the Department of Public Safety. At the direction of the Mayor and Council, the Department of Public Safety was reviewed to ensure its proper organization. During the process, discussions took place regarding the job description for the Chief of Police to ensure the Chief’s job description properly mirrored all of the duties and responsibilities of the position with the inclusion of overseeing the Rescue Squad. Currently, the Mayor serves as the Director of Public Safety as well as the Director of the County Office of Emergency Management, which may contribute to the Mayor’s absence from the Borough during emergent conditions. Meetings were held with the Police Department, Emergency Management, Beach Patrol and the Rescue Squad to discuss recommendations for restructuring the department and were very productive. The proposed restructuring will authorize the appointment of an Assistant Director of Public Safety who shall be appointed by the Mayor and serve during the Mayor’s term, and established various criteria and professional experience for this individual to be considered. In the restructure, the Rescue Squad will continue to be managed by the Chief of Police, who is the division head. The creation of the Assistant Director of Public Safety will help the four divisions under him as they deal with issues such as personnel with the assistance by the Personnel Office and also allows the Chief to handle day-to-day duties of the Department of Public Safety Director who may be out of the Borough attending other matters. Chapter 5 would authorize Administration to promulgate certain manuals that would be subject to Council’s approval and in some cases where policies and procedures were not incorporated into steering documents. As per Jim Waldron’s recommendations, the requirements for criminal history background checks have been moved from Chapter 2 to Chapter 5. The wording of this section remains the same, however was moved into a more fitting chapter of the Borough Code. Discussions have taken place with division heads about the proposed restructure, and all divisions are supportive of the proposed reorganization.

Councilman Covington questioned how the three manuals being amended and discussed later this evening will relate to each other.

Scott Wahl explained the Beach Patrol Manual is largely a policy manual that affects all employees on the beach, while the Seasonal Personnel Policy Manual applies to all seasonal employees of the Borough. The two manuals should be cross-referenced to each other.

Steve Barse noted the Seasonal Employee Manual contains general policies in compliance with the JIF such as anti-discrimination, while the Beach Patrol Manual is more specific to chain of command, structure, organization, training, and job responsibilities exclusive to employees within that department.

Councilman Covington asked if the Seasonal Employee Manual applies to Beach Patrol employees.

Steve Barse confirmed Beach Patrol employees are covered by both the Seasonal Employee Manual as well as the Beach Patrol Manual and employees must sign that they have received, read, and understand each of those policy manuals.

Council Vice President Hudanich commended all involved in redrafting the policies for a job well done and stressed the importance of the manuals cross-referencing each other as well as sign off sheets for all manuals.

Councilman Covington questioned if beach taggers are considered beach patrol employees.

Scott Wahl responded yes, beach taggers are under the direction of the beach patrol.

Further discussion took place regarding the importance of all manuals cross-referencing each other to better educate employees.

Scott Wahl thanked Council for their direction and patience during the lengthy process to re-draft the personnel policy manuals.

Councilman Covington questioned if Chapter 5 referenced volunteer rescue squad employees.

Jim Waldron explained the only change in Chapter 5 is the identical policy for criminal background checks for employees or volunteers that deal with children being removed from Chapter 2 and included in Chapter 5.

Councilman Covington asked how the proposed amendments address the Rescue Squad as an independent corporation.

Jim Waldron reported the Rescue Squad is referenced in Chapter 2 and recognizes the independence of the Rescue Squad, its autonomous nature, and the ongoing duties performed within the Borough such as fundraising, equipment purchases, and training. The proposed change is not intended to infringe upon the independence of the Rescue Squad in any way. However, the code states the Borough Council is authorizing Borough personnel to assist the Rescue Squad at its request and in any way that it lawfully can in the performance of their duties without in any way crossing the line and infringing upon the autonomy and the independence.

Councilman Covington inquired under what Borough policies Rescue Squad employees are covered.

Jim Waldron explained Borough personnel assigned to the Rescue Squad are covered under the general employee personnel manual that covers all full and part time employees. The Rescue Squad services are comprised of two components: the volunteer members of Avalon Rescue Squad, Inc. supplemented by part time borough employees that are assigned to the Rescue Squad as EMTs. The proposed policy states the Chief of Police is the controlling entity on behalf of the Borough in reference to the rendering of emergency medical services, rescue squad services, and ambulance services. All of the non-medical activities undertaken by the rescue squad will continue to be operated by the independent corporation and will not change. An additional proposed change is the quarterly exchange of budgetary information between the Borough and

Jim Waldron, continued Avalon Rescue Squad, Inc. to ensure the Borough budget is not being expended on items funded through the Rescue Squad budget.

Councilman Covington clarified from a liability perspective, when rescue squad employees are on duty as emergency personnel, those employees are covered by the Borough's personnel policy.

Jim Waldron confirmed Councilman Covington's statement to be true and added when an individual is working in an ambulance and providing emergency medical services, they are under the supervision and control of the Chief of Police and covered by the Borough's liability policy.

Council agreed to proceed with an Ordinance to be prepared for the June 8, 2016 Regular Meeting.

Further discussion regarding Avalon Beach Patrol Personnel Manual.

Councilman Burns referenced the Beach Patrol Manual and mentioned it states "when relieved, guards will alert all bathers they're leaving by blowing their whistle and giving them a wave goodbye". He indicated in previous years, relieved guards have ordered all bathers out of the water prior to leaving their post to indicate the beach is no longer protected.

Steve Barse stated the language within the manual is old language and there were no suggestions to change the language of that section during any discussions.

Council Vice President Hudanich agreed with Councilman Burns that the past procedures do not align with the wording within the manual.

Councilman Burns spoke in support of continuing the practices of relieved guards as they have been through the years.

Councilman McCorristin also agreed with Councilman Burns and Council Vice President Hudanich to continue the more defined procedure of alerting bathers the beach is no longer protected.

Council Vice President Hudanich reviewed the Beach Patrol Personnel Manual and made suggestions for language clarification and uniformity.

Scott Wahl agreed with all of Council Vice President Hudanich's suggestions and noted all of the changes will be made.

Council Vice President Hudanich suggested referencing smoking on the lifeguard stand within the policy along with the language referencing drug use and alcohol use.

Councilman McCorristin inquired why the locations of surfing beaches are not included within the manual, as the surf fishing beaches are.

Steve Barse explained surfing beaches and guarded beaches are reviewed annually and are defined by Resolution.

Councilman Burns commended the efforts of all involved in re-writing the policies.

Council agreed to proceed with a Resolution to be adopted as amended at tonight's Regular Meeting.

Discussion regarding Resolution authorizing the issuance of permits to Ken's Shore Thing, for property located at 404 24th Street & 2420 Fourth Avenue.

Scott Wahl provided a summary of recent activity regarding this project and reported on May 17, 2016, Scott Abbott's office submitted all required documentation outlined within Resolution 78-2016 along with a revised road construction estimate of \$82,950.00, which is currently being reviewed by the Borough Engineer. A road construction schedule was also submitted and indicated the street improvements would begin on or about September 30, 2016 with the paving

Scott Wahl, continued to be completed on or about October 21, 2016. The residential home building schedule would begin June 1, 2016 and be completed on or about November 4, 2016. As per Borough Code, no street construction can occur during the summer. The developer has also agreed to post 120% of the road improvement costs which would total to approximately \$100,000.00. In addition, all necessary Department of Environmental Protection permits have been provided to the Borough.

Jim Waldron added there are pending demolition and construction permits which cannot be issued until the proposed Resolution is adopted and as a result will begin the second 12 month period for additional compliance.

Councilman Burns referenced the proposals submitted by Mr. Abbott's office and questioned why a sidewalk is no longer being constructed as originally proposed.

Jim Waldron explained the Ordinance was reviewed and it was determined the Ordinance does not make sidewalks mandatory. Tom Thornton indicated by eliminating the sidewalk, there is further protection to the endangered species and the wetlands because there is no threat of any encroachment toward the wetlands beyond the road.

Councilman Burns noted it is a positive environmental step to not include the sidewalk.

Council Vice President Hudanich stated there is also no concerns for pedestrian safety, as the road is a dead end.

Jim Waldron reported it is not a high traffic area and after much discussion, it was determined the Ordinance does not require it as a general matter, but as a specific project. In this case, a sidewalk wasn't adding anything to this project and not constructing a sidewalk is allowing the road to be constructed in a more environmentally sound and protective way.

Council Vice President Hudanich suggested the wording of the Resolution be amended to memorialize the terminology as to why a sidewalk will not be constructed.

Council agreed to proceed with a Resolution as amended to be adopted at tonight's Regular Meeting.

Discussion regarding Resolution approving a Taxi License for G Taxi of Villas, NJ.

Council agreed to proceed with a Resolution to be adopted at tonight's Regular Meeting.

Discussion regarding Resolution authorizing execution of a Leasing and Management Agreement with the County of Cape May.

Scott Wahl thanked Marie Hood for her reminders that this agreement had expired. This agreement is in reference to property on the corner of Armacost Park that the County took title to on September 30, 1994 through the Open Space Program. The proposed agreement would be for a fifteen year term for a lease of \$1.00 per year and the Borough would maintain the property in its existing condition.

Council agreed to proceed with an Ordinance to be prepared for the June 8, 2016 Regular Meeting.

Discussion regarding Shared Services Agreement with the County of Cape May for housing and use of the Medical ATV.

Scott Wahl reported he was alerted by the Mayor that the County owns one medical ATV that has been housed in the public safety building for approximately two years. The medical ATV is owned by the County and used for medical responses on the beach or difficult terrain and comes equipped with a stretcher on the back. It is available for use and pickup by the County or any other Cape May municipality. This ATV has been used in Avalon on occasion, however it is not housed in Avalon facilities at all times. Should another community see a need or have a special event where this vehicle needs to be transported in the event of an emergency, it is removed and after the event it returns to Avalon. At the request of County Council, they suggested to the

Scott Wahl, continued Mayor that a Shared Services Agreement be executed to memorialize the agreement for the Borough to continue to house the vehicle. The Shared Services Agreement has been reviewed by Alan Gould, and he has approved the agreement and is of the opinion the agreement is something the Borough can endorse. The term of the agreement, if approved by Borough Council, would go through April 30, 2017.

Councilman Burns inquired if the ATV is operated by the Rescue Squad.

Scott Wahl explained the vehicle can be operated by rescue squad employees or our public safety team.

Councilman Burns asked if a municipality outside of Avalon needs to use the vehicle is responsible for removing the vehicle from Avalon and operating it.

Scott Wahl responded yes.

Council agreed to proceed with a Resolution to be adopted at tonight's Regular Meeting.

Update from Tom Thornton concerning the following:

- a) Sand Backpassing Project.

Tom Thornton reported the project is moving along well and the Public Works department is doing a great job. So far, approximately 40,000 cubic yards have been moved, and the original goal was to move 50,000 cubic yards. It has been a struggle to keep the sand in the fill area due to the surf, however the best course of action is to continue the current efforts. It may be prudent to contact the Department of Environmental Protection as well as the Army Corp to extend the fill area one block to the north in efforts to keep the sand in the fill area. Such a change would not require an official permit modification.

Councilman McCorristin inquired if the borrow area is dwindling.

Bill Macomber reported it is being replenished as sand is being borrowed from the area due to the tides.

Councilman McCorristin asked if there is still permissions in place to harvest from the borrow area.

Tom Thornton responded yes.

Councilman McCorristin questioned if the paths will be open for Memorial Day.

Bill Macomber indicated everything is open.

Councilman Burns inquired if permission has been obtained to move more than 50,000 cubic yards.

Tom Thornton explained permission is not an issue, due to the borrow area and fill area remaining the same.

Councilman Covington asked when the project will be concluded.

Bill Macomber reported the project should be concluded two weeks after Memorial Day weekend. All work will cease Friday and equipment will be removed for the holiday weekend. Work will resume starting Tuesday morning. There are hopes that moving the borrow area one block to the north will help prevent erosion.

Councilman McCorristin asked if the inlet jetty damaged after Winter Storm Jonas has been closed off for safety.

Tom Thornton responded yes.

Councilman McCorristin requested an update on the progress of the project.

Tom Thornton reported FEMA has requested a report documenting observations from the monitoring of the jetty over the last several years and immediately following Winter Storm Jonas to make the case that the damage to the jetty was a result of Winter Storm Jonas. At that point, a plan can be made for the repair.

b) Reconstruction of Fifth Avenue Bulkhead at 20th Street.

Tom Thornton reported this project is long overdue and should have been completed a few years ago, unfortunately other priorities had taken precedence over this project. Bids for the project will be received on June 14, 2016 and the report of bids is expected to be submitted at the June 22, 2016 Council Meeting with hopes the work will take place during July and August. Normally, construction work is avoided during summer months, however the bulkhead is in very bad shape and it is recommended to be taken care of as soon as possible. The area of disturbance will be limited to a side street off of 20th Street.

Councilman McCorristin asked if the dock was lost.

Bill Macomber responded yes.

Tom Thornton explained since the dock was lost during Winter Storm Jonas, the project should be eligible for FEMA funding. FEMA would pay for the cost to replace the bulkhead and the pier as well as any improvements necessary to comply with federal, state, or local ordinances. There are local ordinances that require the bulkhead to be raised by two and a half feet, which requires a ramp. A different design will be necessary for the pier and will be submitted to FEMA. There are hopes any funding from FEMA will be received in time to construct the pier immediately following the bulkhead work. The Public Works Department will be constructing the pier.

Bill Macomber reported the pilings would have to be done by an outside contractor, however the Public Works Departments plans to construct the pier according to all Department of Environmental Protection rules and regulations.

Councilman McCorristin requested a timeline for the project.

Tom Thornton noted it is a sixty day construction period, and as a result, the bulkhead work would be completed at the end of the summer and the construction of the pier would be scheduled at the convenience of Public Works.

Bill Macomber stated the work on the pier will be taking place during the month of September as long as all permits for the pilings are in place at that time.

Public Comments:

All public comments have been included in a transcription attached hereto.

STATE OF NEW JERSEY
BOROUGH OF AVALON

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AVALON BOROUGH COUNCIL WORK SESSION
PUBLIC COMMENTS
May 25, 2016 Meeting

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Recording Provided By:
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S P E A K E R S

- 1
- 2 Tom Evaul, Citizen
- 3 Mark Demitroff
- 4 Councilman McCorristin
- 5 Council Vice President Hudanich
- 6 Councilman Covington
- 7 Scott Wahl
- 8 Council President Dean
- 9 Martha Wright, Citizen
- 10 Janet Cass, Citizen
- 11 Sallie Davis, Citizen
- 12 Frank McLaughlin, Citizen
- 13 Elaine Scattergood, Citizen
- 14 James Waldron
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P R O C E E D I N G S

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3 MARIE HOOD: Public comments?

4 COUNCIL PRESIDENT DEAN: Anyone wishing to
5 comment at this time, please step forward and state your
6 name and address for the record.

7 TOM EVAUL: Tom Evaul, 271 47th Street.

8 The first time I've been here to speak on this
9 subject. Been following with interest what is happening in
10 the dunes in terms of the trees and the debate that has
11 been going on, and frankly, I've been ignorant of the -- of
12 what's right and what's wrong. A couple of us got together
13 and said that we really need to know what is the science
14 behind this. So we contacted a faculty member up at
15 Stockton (phonetic) who was recommended to us who happens
16 to be a certified tree expert by the Department of
17 Environmental Protection State of New Jersey and is also an
18 expert in the Pine Barrens, the dunes and many other
19 things. He's well published in the area and we asked him
20 what is the science behind this in terms of the -- this
21 tree debate.

22 So let me ask Mark Demitroff to come up and speak to
23 you -- excuse me -- speak to you all just a few moments
24 about what he knows about this and some of his work. Mark?

25 MR. DEMITROFF: Thank you, Council. My name is

1 Mark Demitroff. I live in Vineland, New Jersey. I'm a --
2 both a (indiscernible) and a New Jersey state certified
3 tree expert, and I was asked a few questions and it piqued
4 my interest in coming out to see your dunes. I'm an expert
5 at inland dunes from the Pleistocene (phonetic) or all over
6 the Pine Barrens. It's what makes the Pines Barrens so
7 special. And I was a little surprised that the Japanese
8 black pine was being vilified, and ultimately why I was
9 kind of curious about how you're reacting to this tree.

10 One of the interesting things about the sea
11 level, and I study ancient climate change from the ice age
12 with the giant ice sheet that sat up exit 12 in the New
13 Jersey Turnpike and so on, the Lauren tide (phonetic).
14 That ice sheet that was up on exit 12 in New Jersey
15 Turnpike is normally there for the last 2 1/2 million years
16 and that guy is one, two and three miles thick. This is
17 germane to this because what happens is, is when you have
18 that amount of ice sitting up in New England and up in
19 northern North America, the entire crust starts to sink by
20 the weight of one and two and three miles of ice. And what
21 happens is, is that South Jersey is on the other end of the
22 seesaw and so what happens is, is as the crust works
23 (phonetic), all of the area from southern New Jersey
24 through the Delmarva Peninsula into Washington D.C., gets
25 pushed up. Now all good things come to an end. Over the

1 last fifteen, twenty thousand years, the ice has
2 disappeared and New England is rising very rapidly. But
3 guess which end of the seesaw you're on. The losing end.
4 And so really, Avalon is sinking at about twice the rate of
5 the rest of the world as far as relative sea level goes.

6 Push on top of that, what we understand about global
7 warming and adding all this carbon into the atmosphere, my
8 concern is, is that those Japanese black pines is probably
9 the strongest arrow you have in your quiver. What you're
10 up against, you need an English long bow (indiscernible) to
11 the battle (indiscernible). You're outnumbered, seven to
12 one, eight to one. With a sea level rise, you need to have
13 every little trick in the book.

14 Those trees stand head above shoulder above any
15 other type of tree as far as being able to stabilize dune
16 systems. The amount of trees that you have out there are -
17 - you don't have a lot to work with. There's not a great
18 biodiversity there. The Japanese black pine comes from
19 Asia, which never glaciated. So unlike here, it never lost
20 all the tree species. They got many, many more tree
21 species and this has an incredible ability to not only
22 survive salt and in habitat where other plants won't
23 survive, it's also a tall tree that stops a lot of the sand
24 and how it drop (phonetic) and actually builds the dunes in
25 particular.

1 I've heard excuses about it being, you know,
2 flammable and so on. Well, the bayberry. We've heard of
3 bayberry candles. That's the predominant species you have
4 out there. All plants in dune systems, because of the waxy
5 cuticles and all other aromatic oils and so on, are quite
6 flammable. That's -- that -- that shouldn't be a big
7 problem.

8 So I'm just trying to figure out if you
9 understand that that tree is actually a very powerful dune
10 builder. And to get rid of it is not necessarily in your
11 best interest, especially when you consider how threatened
12 those wonderful dudes are. I -- I consider it an absolute
13 honor to be out there today and take a look at some of
14 those dunes. My experience from New Jersey all the way
15 down to the Outer Banks has been that Japanese black pine
16 is by far the most incredible plant. So you -- think
17 carefully before you pull it out of this system.

18 So what I can do as I can give you a paper by --
19 that -- one of my colleagues, Ben Young, just wrote this in
20 the Journal of -- in the Geological Society of American
21 Journal, and it'll explain that how this sea salt, this
22 isostasy that happens with this area here and so on, and
23 why it's so critical that you need to look at those dunes
24 as an ability to build them and not to destroy them by
25 removing certain components which seem to be doing a good

1 job. Maybe I'm missing something here but...

2 COUNCILMAN McCORRISTIN: Can I ask a question?

3 MR. DEMITROFF: Yeah. You bet.

4 COUNCILMAN McCORRISTIN: Since you are the expert
5 and I happen to be in more agreement with you these days
6 than maybe some other colleagues, but what is your take as
7 you're so knowledgeable about what happens up in the
8 Pinelands? So what's the deal with the bug issue? We're
9 losing -- I mean, some are dying.

10 MR. DEMITROFF: Sure.

11 COUNCILMAN McCORRISTIN: I mean, it's happened
12 throughout whole the island. I mean, I can see in some
13 people's yards where, you know, it turns the -- the yellow
14 beetle and whatever, it's -- it goes very fast. Now, the
15 way I saw it, which I was not happy after my friend Frank
16 brought it to my attention, the last time when I went up
17 there a few times and visited, the root structure and all
18 obviously remained after they cut down the ones previously.
19 But some of the ones that are now marked, I mean, I'd
20 rather right now not cut any until we get a precise plan
21 together on how we're going to reforest, if we're doing
22 that.

23 But the ones that do have this bug, are they --
24 did you look at the -- some of the ones that he had marked
25 or the person that we've had ones that -- that did the

1 markings, are they infested? Are we losing them as quick
2 as they are indicating to us? I guess that's what I'm
3 trying to find out. Are they really going to go as fast as
4 they say and are most of the ones that are marked going to
5 go?

6 MR. DEMITROFF: Well, this fascinates me because
7 they're blaming the southern bark beetle, southern pine
8 beetle as -- as the culprit and which is what's in the Pine
9 Barrens. When that comes through, I mean, all the trees go
10 in a very large area very quickly. There is not a single
11 case that I'm aware of on Japanese black pine of this
12 insects (phonetic). But I -- it's a two thousand-dollar
13 fine if I jumped that fence, so I wasn't about to -- to go
14 over there. I'd be happy to take a look at these. It's
15 probably the turpentine beetle that's causing it, and the
16 turpentine beetle doesn't kill the tree. It's actually --
17 I believe there's a fungus and a nematode that actually
18 comes along with the feeding of that beetle that then does
19 this damage. But basically most of the trees that I saw
20 there are the only ones which were having problems where a
21 few that were stressed, and they were in the most insane,
22 toughest locations where there were no other trees that
23 would take their place.

24 COUNCILMAN McCORRISTIN: Oh, they're getting
25 hammered.

1 MR. DEMITROFF: But that -- that's because the
2 conditions are tough. Any tree would have a problem
3 surviving under those conditions. But I don't think it's
4 the southern pine beetle, which is kind of interesting
5 because I think that's what you're -- that's what it's
6 being attributed to. I have not looked at them. I haven't
7 had enough time to -- to -- to do that, but once again, I
8 mean, if it is in fact that -- in the Pine Barrens, we get
9 large patches. It's -- it -- it goes very quickly but
10 entire patches go off and you would lose the entire stand,
11 which would take care of your problem anyway.

12 But that doesn't seem to be the problem there.
13 From what I saw, and I -- it's only just, you know, an hour
14 today walking into your dune system -- I didn't see a lot
15 of problems there. To me, it looked like a darn good plant
16 and I'm not sure exactly if you're thinking this through.
17 What are you trying to achieve? Because what you're doing
18 is actually -- if you remove those trees, you're going to
19 lose those dunes, not only by the stuff blowing away but
20 you're not going to get the accretion. You're not going to
21 get the extra sand building because the more you can stop
22 that wind, the higher you are. The more wind you stop, the
23 more sand that drops there, the bigger those dunes get.
24 You remove those trees, and yes, maybe a red cedar or an
25 eastern red cedar or an American holly will fill them in

1 after three or four hundred years. This was an amazingly
2 slow, tough area for these trees to grow, and for some
3 reason this Japanese black pine has got the right stuff in
4 it.

5 So before you go off and get rid of them, we need
6 to really think what are you trying to achieve. Is it
7 really pushing out other species? I -- I didn't see that
8 personally, but then again I haven't spent a lot of time on
9 it.

10 COUNCIL VICE PRESIDENT HUDANICH: Our document
11 does reference the turpentine beetle.

12 MR. DEMITROFF: Right. But this being actually
13 referenced as the southern pine beetle. That's what your
14 grant was for --

15 COUNCIL VICE PRESIDENT HUDANICH: That's joined
16 the black turpentine.

17 MR. DEMITROFF: But they're not -- it's like cow
18 and -- and -- and a horse. They're two different -- I --
19 you know, they're -- they're not that closely related.
20 There are two different animals with two different --

21 COUNCIL VICE PRESIDENT HUDANICH: Right.

22 MR. DEMITROFF: -- modes. Is it the southern
23 pine beetle? Then that would be very interesting. That's
24 a problem beetle that grants and so on are -- are -- are --

25 COUNCILMAN McCORRISTIN: Our -- our grant from the

1 state was for the southern pine, correct?

2 MR. DEMITROFF: Right. And that's what I'm
3 saying. I've never heard of it but that doesn't mean it
4 isn't there, but --

5 COUNCIL VICE PRESIDENT HUDANICH: Well, it just
6 goes on to state that they -- both types of beetles infect
7 the trees with the blue stain fungus.

8 MR. DEMITROFF: The -- certainly the -- the --
9 the nematode that brings us --

10 COUNCIL VICE PRESIDENT HUDANICH: Yes.

11 MR. DEMITROFF: -- that's from the turpentine
12 beetle, not the southern beetle, from what I understand.
13 But once again, I'd have to take a look at that. I -- I
14 think -- I think that they're -- they're -- they're giving
15 -- I'm not sure that they've actually found southern pine
16 beetle. That hasn't been made explicit to me because
17 that's what a grant is --

18 COUNCIL VICE PRESIDENT HUDANICH: On your --

19 MR. DEMITROFF: -- part of --

20 COUNCIL VICE PRESIDENT HUDANICH: -- visual this
21 afternoon?

22 MR. DEMITROFF: Once again, I wasn't about to
23 cross over the dunes and get a two thousand-dollar fine. I
24 read the paper. I read the -- the signs. But I will be
25 glad to take a look at them.

1 COUNCIL VICE PRESIDENT HUDANICH: You're a
2 scientist, though.

3 MR. DEMITROFF: Well, yeah. I -- yeah. I -- the
4 -- the best thing was to actually see them but I wasn't --

5 COUNCIL VICE PRESIDENT HUDANICH: Right.

6 MR. DEMITROFF: -- privy to do -- to --
7 (Cross speaking)

8 COUNCILMAN COVINGTON: -- collaboration with
9 the DEP.

10 COUNCIL VICE PRESIDENT HUDANICH: There was and
11 the --

12 COUNCILMAN COVINGTON: (Indiscernible.)

13 COUNCIL VICE PRESIDENT HUDANICH: -- forestry
14 collaborates with all the agencies in the state.

15 COUNCILMAN COVINGTON: That this was something
16 that was needed to be done.

17 COUNCIL VICE PRESIDENT HUDANICH: Correct.

18 COUNCILMAN COVINGTON: Because of the southern
19 pine beetle. In fact, the Japanese black pine.

20 (Cross speaking)

21 COUNCIL VICE PRESIDENT HUDANICH: Do you recall
22 what agencies exactly?

23 SCOTT WAHL: DEP and the New Jersey State
24 Forestry --

25 COUNCIL VICE PRESIDENT HUDANICH: Forestry.

1 MR. DEMITROFF: Correct. You -- you have
2 actually had somebody come out. Was that person actually a
3 certified tree expert? Do you -- have you --

4 COUNCIL VICE PRESIDENT HUDANICH: The forestry?
5 I --

6 MR. DEMITROFF: The -- the state of -- the state
7 of New Jersey recommends a certified tree expert as the
8 minimum competency for tree work. Have you had a certified
9 tree expert look at these trees?

10 COUNCILMAN COVINGTON: I would have to think
11 that we did --

12 COUNCIL VICE PRESIDENT HUDANICH: Yes.

13 SCOTT WAHL: I would think we did, too.

14 COUNCIL VICE PRESIDENT HUDANICH: We did, right?

15 SCOTT WAHL: Yeah.

16 COUNCILMAN COVINGTON: I'm going to have think --

17 MR. DEMITROFF: Okay. But I'm just asking --

18 (Cross speaking)

19 COUNCILMAN COVINGTON: They said that there is
20 an infestation.

21 MR. DEMITROFF: I -- I understand but that --
22 that would be the first one that's ever been recorded in
23 New Jersey and it's surprising because I'm not aware of
24 that and I've worked from, like I said, New Jersey down to
25 the Outer Banks.

1 COUNCIL VICE PRESIDENT HUDANICH: Well, we'll
2 certainly take this under advisement --

3 (Cross speaking)

4 MR. DEMITROFF: Sure.

5 (Cross speaking)

6 COUNCILMAN COVINGTON: -- (indiscernible).

7 COUNCIL VICE PRESIDENT HUDANICH: Yeah. I -- I
8 can judge from the eyes (phonetic) in the audience that --
9 that there's a question on the certification of the study
10 we have. So it would our -- be our responsibility to take
11 under advisement and look into that.

12 MR. DEMITROFF: Do that. Do that. Because --

13 COUNCIL VICE PRESIDENT HUDANICH: Definitely.

14 MR. DEMITROFF: -- it's an amazing dune system
15 and --

16 COUNCIL VICE PRESIDENT HUDANICH: Oh.

17 MR. DEMITROFF: -- and I'm --

18 (Cross speaking)

19 MR. DEMITROFF: -- for the best -- for the dune
20 system more than anything else. I think that that's what
21 you're interested in, too.

22 COUNCIL VICE PRESIDENT HUDANICH: Oh, we are.

23 COUNCILMAN COVINGTON: Absolutely. And I think
24 we would agree that the Japanese black pine has done a
25 wonderful job stabilizing the beach.

1 MR. DEMITROFF: Yeah. There's nothing like it --

2 (Cross speaking)

3 COUNCIL VICE PRESIDENT HUDANICH: And their root
4 structure is phenomenal.

5 MR. DEMITROFF: Yeah.

6 COUNCILMAN COVINGTON: And the only reason why
7 we're going about doing this, it's because of the
8 infestation.

9 COUNCIL VICE PRESIDENT HUDANICH: And the safety
10 with the dead stuff for fire.

11 COUNCILMAN COVINGTON: Right.

12 COUNCIL VICE PRESIDENT HUDANICH: You'll have an
13 aerial ladder (phonetic) but fire --

14 MR. DEMITROFF: I understand that the fire
15 hazard, I --

16 COUNCIL VICE PRESIDENT HUDANICH: It's a hazard.
17 (Cross speaking)

18 MR. DEMITROFF: -- did not find a single case
19 where Japanese black pine stands -- up here the bark, it's
20 very thin. It's not a fire ecology (phonetic) plant. It's
21 not like the pitched (phonetic) pine --

22 COUNCIL VICE PRESIDENT HUDANICH: I think it's
23 the dead needles on the ground that they're worried about.

24 MR. DEMITROFF: I can't find any results where --

25 COUNCIL VICE PRESIDENT HUDANICH: Well, it's been

1 cleaned. It's been --

2 MR. DEMITROFF: No. I'm saying --

3 (Cross speaking)

4 COUNCILMAN McCORRISTIN: -- results from what
5 he's looked at, he doesn't --

6 COUNCIL VICE PRESIDENT HUDANICH: -- in the
7 Pinelands?

8 MR. DEMITROFF: In any -- any Japanese pine
9 communities, that pine tree is not a fire ecology
10 (phonetic) plant because it's not subject to forest fires
11 in its native habitat. Once again, you know, we're dealing
12 with something new here but certainly if you're concerned
13 about that -- have you ever had a bayberry candle? The
14 bayberries are far more voluminous out there and they are
15 quite flammable, as are all of the plants. Their -- the
16 waxy cuticle is what's flammable on a lot of these plants
17 and that happens to be a protection against salt. It
18 actually acts as a cuticle that protects the plant from
19 salt injuries. So I'm not --

20 (Cross speaking)

21 MR. DEMITROFF: -- sure --

22 COUNCILMAN McCORRISTIN: I can tell you our fire
23 department has been on more calls for peoples' mulch in their
24 gardens with cigarette butts than anything that's happened
25 in the dunes.

1 MR. DEMITROFF: In Ocean City, I was on a
2 retainer for Ocean City for a number of years and that's
3 the only time I've ever seen anything burn near a Japanese
4 black pine, was the mulch itself had burned when they threw
5 a cigarette out along the Ninth Street Bridge. That was
6 the only time. But dunes don't generally burn.
7 Occasionally, a lightning strike -- I found one case in --
8 in -- in Holland (phonetic) that that occurred but once
9 again, it wasn't the pines. It was all the other stuff
10 that's just as flammable. And just -- just -- just a
11 thought, because I hate to see you lose this opportunity.
12 Those are wonderful dunes and I'm -- you know, they -- they
13 -- they're high and you're going to lose them if you don't
14 take care of them. You're up against strong odds. Thanks.

15 COUNCILMAN McCORRISTIN: Thank you.

16 COUNCIL VICE PRESIDENT HUDANICH: Thank you.

17 (Indiscernible)

18 MR. DEMITROFF: I don't have a business card but
19 I have a university (indiscernible).

20 (Indiscernible - away from microphone.)

21 COUNCIL VICE PRESIDENT HUDANICH: But on
22 (phonetic) the website?

23 MS. WRIGHT: Martha Wright, 632 7th Street. It
24 will not come as a surprise to you that I will be speaking
25 about Japanese black pine.

1 I did mention to you that I protested the
2 application of this grant as early as the April -- pardon
3 me -- the February Avalon environmental commission meeting.
4 I also spoke out against it on March 9th. I have the
5 minutes of the March 9th council meeting in front of me and
6 it states (indiscernible) that the disposal of trees will
7 help to eradicate the problem rather than cause the problem
8 to increase. It goes on to state: "The disposal method
9 chosen is to grind up the dead trees but to leave the roots
10 in the ground to maintain structural integrity."

11 Unfortunately, that was absolutely counter to
12 science, and I do appreciate the expert that just
13 testified. My general policy when I question things is to
14 go to the source. The source of the application for this
15 grant is our environmental consultant, Mr. Joe Lomax. On
16 the DEP list of community forestry management program
17 recommended vendors, there are thirty-five resources
18 available in the state. Two, only two, individuals on that
19 list of thirty-five recommended resources are not certified
20 tree experts. Those two individuals who lack certified
21 tree expert certification are Joe Lomax and Peter Lomax.
22 So in answer to your question, did a certified tree expert
23 look at this, the answer is no.

24 I can tell you who did go out and look at this.
25 Mr. James Dunn, GIS specialist at the New Jersey Forest

1 Service, Department of Environmental Protection. I spoke
2 with Mr. Dunn on three different occasions. Mr. Dunn
3 (indiscernible) that the borough of Avalon was trying to
4 co-opt (phonetic) a state grant and use it to remove a
5 plant the borough has for reasons unknown to him deemed
6 unacceptable.

7 I consulted with Richard Buckley, the director of
8 the plant diagnostic lab and nematode detection service at
9 Rutgers. There has been no, zero, none evidence cited of
10 the southern pine beetle on the Seven Mile Island. Dr.
11 Buckley informed me that if we wanted to find evidence, we
12 should cut one tree down as close to the base as possible
13 and take the trunk to him. There has been zero sightings
14 of this beetle on this island.

15 Further to this, as far back as 2011, there is an
16 approved protocol for what you do with a pine tree when you
17 do find an infestation. So let's suspend disbelief for a
18 moment and say that there might actually be a tree out
19 there that's infested. (Indiscernible) go that far and say
20 maybe there is one. Here's what you're supposed to do.
21 You're supposed to cut the tree down, (indiscernible)
22 direction of the infestation, (indiscernible) little
23 circle. You drop them in. You leave them on the ground.
24 You do not (indiscernible) them. You do not remove them.
25 You do not drive them away, which is what we are proposing

1 to do. Why (indiscernible) ground? Couple of reasons.
2 (Indiscernible) by the way, (indiscernible) information
3 that I downloaded. The (indiscernible) and the beetles
4 which prevents them from spreading to new trees and
5 infesting them. That's point number one.

6 Point number two, foresters will also (indiscernible)
7 trees that no longer (indiscernible) beetle to specifically
8 provide habitat for checkered beetles and woodpeckers who
9 are the two southern pine beetle predators.

10 I believe (indiscernible) committing fraud if you
11 applied for this grant. I believe you -- I know for a fact
12 you have not retained a certified tree expert to apply for
13 this grant. I (indiscernible) this grant to the state DEP.
14 I already have lodged a protest. I believe you are
15 (indiscernible) in jeopardy by taking this irrational
16 action and I am vehemently opposed to it.

17 Further to this, as much as I do not like
18 chemicals, there's a chemical protocol for eradicating the
19 southern pine beetle. (Indiscernible) spray, don't use
20 (indiscernible). I don't know what's wrong with you
21 people. I get up in every single council meeting and I
22 attend every single (indiscernible) and all (indiscernible)
23 Joe Lomax (indiscernible) get rid of these darn Japanese
24 black (indiscernible) is not a certified tree expert. This
25 is wrong. (Indiscernible) I am protesting this to the

1 highest level of the state. These trees deserve to live.
2 They do not deserve to be cut down.

3 Further to this, 2016 is (indiscernible) bird
4 act. Together as a community we should be celebrating the
5 centennial anniversary of the Migratory Bird Treaty. In
6 August of 1916, federal legislators joined forces with the
7 U.S. Fish and Wildlife Service to secure the protection and
8 conservation of migratory birds. Let me refresh your
9 memory. Migratory birds over Avalon is one of the top
10 reasons for (indiscernible) and one of the top reasons to
11 keep habitat alive and well in this area. The
12 (indiscernible) that migrating birds cannot be hunted or
13 (indiscernible) that their habitats will be managed
14 appropriately. We are not managing the habitat
15 appropriately. It's just wrong. (Indiscernible) here and
16 complain about this because I have been talking about this
17 for three years. I beg you to reject this grant because
18 it's (indiscernible) badly in the press if you get this
19 grant under false pretenses. Thank you.

20 COUNCIL PRESIDENT DEAN: Thank you. Any further
21 comments or questions?

22 MS. JANET CASS: Janet Cass, 1100 Ocean Drive,
23 Unit Number 203. I just wanted to just -- I -- I've heard
24 the expert talk a little bit about the fire hazard and I
25 don't have any research here with me tonight, but last year

1 I was looking up everything I could find on the Internet
2 about the fire hazard of the Japanese black pine and I
3 couldn't find anything either. I just think that the fire
4 hazard is not the reason to be going forward with this.
5 Thank you.

6 MS. SALLIE DAVIS: Sallie Davis, 256 42nd Street.
7 I have also attended the environmental commission meetings.
8 I've missed very few. Aaron Lomax, not Joe Lomax, but Aaron
9 Lomax has been the one commissioned -- I believe it's the
10 nephew of Joe Lomax -- to go out and tag the trees that
11 need to be cut. I've sat there and I've wondered just what
12 is there in this for Joe Lomax, and the only thing I can
13 come up with is money for him and his business. So I beg
14 you to take a good look at who is indicating that these
15 trees need to be cut and (indiscernible) because I had a
16 good time (indiscernible), too. But I don't think Alan
17 Lomax is thirty years old. So I don't really know
18 (indiscernible) looking at somebody who is an expert or has
19 expert help to go with him. Thank you.

20 COUNCIL PRESIDENT DEAN: Thank you.

21 MR. FRANK McLAUGHLIN: Frank McLaughlin, 261 47th
22 Street. Because of the many benefits of the Japanese black
23 pines and my interest is in saving the Japanese black pines
24 from being cut in our Avalon dunes. I'd like to thank Mr.
25 Demitroff who -- for -- for coming here tonight. I -- that

1 was very eye-opening. Apparently a hundred and thirty-five
2 thousand years ago, sea level was eight meters higher than
3 today and I feel that we should not get rid of a tree when
4 we're fighting a losing battle against a tide rise. That
5 would speed up the dunes' demise. Without these trees,
6 we're not getting our biggest bang for the buck. And I
7 think it's more important -- I mean, is it more important,
8 I should say, to bring back all the native vegetation were
9 (phonetic) to fortify our dunes and this native species,
10 Mr. Demitroff just explained, the native species can take
11 the environment here but the Japanese black pines are
12 actually better, from what he just said here. And what
13 they do is he -- he's explained they break up the wind,
14 they stop the sand, which is -- he called "accretion" --
15 and these trees do that and to provide -- they provide
16 buffer for the other -- other vegetation. When I walk down
17 the path and try and appreciate you doing that and -- I've
18 known you for a long time and you seem generally concerned.
19 And when you look at the Japanese black pines, just
20 underneath all of them, you'll see some sassafras growing,
21 some oaks growing, some bayberry growing, all kinds of
22 other stuff. So like one of you said, yes, they -- they do
23 take the brunt of a lot of the water and (indiscernible)
24 very, very slow growing.

25 And with what we're up against, these trees, I

1 think, provide a one-two punch. Number one, they hold the
2 dunes together. Number two, they slow down the wind and
3 they hold sand. Large trees like the Japanese black pine
4 build up the dunes with accumulation. And without these
5 trees, I also agree that gravity will take that sand
6 (phonetic) down with water and erosion. And in a
7 publication from the New Jersey DEP for guidelines for
8 dunes, it's pages 204 to 206, they -- they say and I quote
9 here: "Woody plants adapted to coastal climates are useful
10 for added stabilization biodiversity," which is exactly
11 what we want. That was a Mr. Hammer who wrote that, and
12 all [sic], and he recommended Japanese black pine in
13 addition to about five other trees. From Rutgers.

14 And this is from the book also, this -- this
15 guideline from the DEP was quoted from a book, Coastal
16 Hazard Management written by Psuty and Ofiara. And
17 Monmouth County has a publication that -- it's called ECO-
18 TIPS: for [sic] Coastal Dunes and at page 4, they
19 recommended Japanese black pines. And in Deal, New Jersey,
20 after Hurricane Sandy, all the other trees there perished
21 where the -- where the -- where the tide came in and the
22 Japanese black pine was the one that survived when all
23 other trees perished. So they're the hardiest of the
24 hardy.

25 I would say do not cut any more trees. Don't cut

1 any more Japanese black pines also. What was done before
2 on the 48th Street beach path where forty trees were cut
3 down before did not work. It's ugly and it's caused
4 erosion. It's worse than before. Eventually that should
5 be fixed but -- no more. Thank you.

6 MS. ELAINE SCATTERGOOD: Elaine Scattergood, 75
7 30 [phonetic] Street, Avalon. This time, listening to the
8 concerned citizens of Avalon, I have seen you listen and go
9 right ahead and do exactly what you please. But this time
10 in good conscience, listen to us and save the Japanese
11 black pine from destruction. It's absurd and it's going to
12 subject you to ridicule, I promise. Thank you.

13 COUNCIL PRESIDENT DEAN: Thank you.

14 MR. JAMES WALDRON: Dean (phonetic), I think
15 there's something that in terms of the record that needs to
16 be corrected. Obviously, council has heard varying
17 opinions from varying experts and it's my understanding
18 that council hasn't decided this without the benefit of an
19 outside consultant and an expert, and it's going to be up
20 to council to ultimately decide which expert opinion you
21 choose to follow based on your deliberations. The thing I
22 take issue with is a -- a charge of misrepresentation and
23 fraud that I don't think can go unchallenged.

24 So the record is clear, the DEP came down here,
25 made an on-site inspection, evaluated what the process --

1 the situation was in high dune (phonetic), and indicated to
2 our Department of Public Works and Lomax Consulting that
3 there was an infestation problem of these pine beetles,
4 which apparently another arm of the DEP says there's no
5 evidence that they exist. The fact of the matter is that
6 when the DEP made the on-site inspection, they offered the
7 borough a 26,000-dollar grant that was documented based on
8 their site inspection. Council approved the filing of that
9 grant application by resolution. That was then approved
10 and that was not based on any leaning of council. It was
11 based on the considered judgment of the state forestry
12 individuals and the DEP who made an on-site inspection.

13 The allegations of fraud, misrepresentation are
14 misplaced. They have no place in these proceedings. It's
15 an unfortunate choice of words. It is council's
16 prerogative to decide which of the competing expert
17 opinions that you are receiving you are going to ultimately
18 follow. And you do have competing expert opinions based on
19 what you heard tonight. But an allegation of fraud and
20 misrepresentation is outrageous.

21 COUNCIL VICE PRESIDENT HUDANICH: Mr. Waldron, I
22 thank you for that because as our administrative assistant,
23 I couldn't have voiced it more clearly. I take great
24 umbrage to that accusation as a council member and as a
25 resident of this town. Thank you, Mr. Waldron.

1 COUNCIL PRESIDENT DEAN: And I do as well.

2 COUNCIL VICE PRESIDENT HUDANICH: Make a motion
3 to adjourn.

4 (Whereupon, the hearing was concluded.)

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C E R T I F I C A T I O N

I, Krista Willis, the assigned transcriber, do hereby certify the foregoing transcript of proceedings is a true and accurate non-compressed transcript of the proceedings as recorded, and to the best of my knowledge and ability.

Krista Willis

Dated: June 3, 2016

Krista Willis

Legal Transcriptionist

AUDIOEDGE TRANSCRIPTION LLC

May 25, 2016

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

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

Work Session adjourned at 8:30 p.m.

Respectfully submitted,

Marie J. Hood, Borough Clerk

Richard E. Dean, Council President