



AVALON ENVIRONMENTAL COMMISSION

3100 Dune Drive, Avalon, N J 08202

May 19th, 2015

Present: Brian Reynolds, Beth Tipping, Kevin Coyle, Deb Anne Macaluso, Donna Rothman, and Joseph Dvorak

Sue Keen acting secretary for Carol Mengel.

Absent: Stuart Friedman

The meeting was called to order at 4 p.m. by Dr. Reynolds and the "Open Public Meeting Act" was reviewed. Roll call was taken by Sue Keen.

The minutes from April 21st, 2015, were approved by Deb Anne Macaluso and seconded by Kevin Coyle.

Joe Lomax from the Lomax Consulting Group was asked to discuss aspects of the Federal Endangered Species Act that related to the "take" of listed species without a permit as well as "harm" and "harass." The term "harass" is defined as "to intentionally or negligently, through an act or omission, create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt, normal behavior patterns such as breeding, feeding and sheltering." This is why no dogs may be permitted on the beach, especially in the areas of endangered species nesting. Beth Tipping asked Jim Waldron if there are fines involved and how will this be enforced? Mr. Waldron explained the possible fines and advised a memo had been sent to the police department as the nesting season was entered. If people see the infractions, they need to be responsible and call into the police department. Mr. Lomax advised the board if they need any more information he will be glad to look into the matter in question.

Brian Reynolds reminded the board that the current Avalon Beach Management Plan will expire in August 2015. All the members have received the draft for the new plan and have reviewed the plan. Mr. Lomax interjected that the work group putting together this plan consisted of three Borough staff members and three Environmental Commission members. It is extremely important for the Borough to have this plan prepared, adhered to and adapted, to be in compliance with the CAFRA Rule under the Public Rights Doctrine.

Each Commission member presented their input from the draft. The wording in the document referred to the fact the Borough was to "expect to hear back in a timely manner." In other parts of the document "timely manner" referred to a 5 day period, which was mutually agreed would be acceptable throughout.

The procedures for maintenance equipment to perform work in the protected zones were questioned. Joe Lomax stated that a qualified Federal or State Division of Fish and Wildlife staff or a trained volunteer must be available to assist the Borough. If none are available a qualified biologist is to be utilized.

Only if bird nesting occurs in a restricted zone is an overseer required. However, Todd Pover's office from NJ FWS has always been readily available. The two zone concepts are confusing and need to be clarified and need to be consistent.

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Donna Rothman and Deb Anne Macaluso started a discussion on a possible dog beach, which they felt might help with the problem that occurs having people walk their dogs on the beach especially in the restricted areas. They were advised this would need to be presented to the Borough for consideration. Beth Tipping questioned people walking on the dunes who own homes up in that area. Can they be stopped? The signage says "stay off of the dunes." If people see this infraction they need to call the Code Enforcing Officer, Paul Short. It was decided that this information needs to be available to the residents and visitors for them to call.

A motion for recommended corrections and additions and subsequent presentation to Borough Council was made by Deb Anne Macaluso and seconded by Donna Rothman. Approved by all.

There was an update on Armacost Park given by Brian: 20% of seedlings show growth, there has been low rainfall in the last month per Rutgers data. There was new growth on trees where the strangling vines had been cut.

A reminder that Thursday, May 21st, at 1pm the 44th – 48th Dune Paths will be dedicated and all Environmental members are asked to attend.

Public comments:

Elaine Scattergood expressed her disappointment that the public wasn't included in the dogs on beach discussion. She said no raking should take place where the Piping Plovers nest. The Chair responded that the Borough is not allowed to rake in area identified as nesting Piping Plovers and that the Borough adheres to this directive. Elaine said Ruth Fischer would like to have the beaches free of people in the Piping Plovers nesting areas. The Chair mentioned that Avalon is a resort and people do go to the beaches and that the document "Avalon Beach Management Plan" protects the endangered species while allowing our beaches to be open.

Martha Wright asked about the Borough having cameras installed on the trees to see what predators are around and if anyone is encroaching on the dunes. She also said that in the fall she presented the Environmental Commission with addresses where landscaping was being done that may not be according to the Borough's regulations. Deb Anne explained that the properties were looked at, however didn't know who to call. Martha said there are railroad ties, mulch and non-native plantings. Deb Anne advised Martha that the members take this all very seriously and do look into any items presented to them.

Brian asked if there were any other items to discuss. In response to a question from Deb Anne Macaluso, Joe Lomax talked about the Wetlands and their part in protecting the turtles and will be glad to give the telephone number to the board members for the Wetlands. You can call them if a turtle is found injured and the patrol will come out to retrieve the turtle, many times they can be saved or if the eggs haven't been laid, they can be taken until they are hatched.

The fireworks that are set off during the summer, especially Memorial Day and July 4th, may be causing stress or harm to wildlife. There is a code which prohibits fireworks except those displayed by the Borough. It is difficult for the police to find where the fireworks are coming from without an eye witness to sign a complaint. Elaine Scattergood asked why we couldn't stop all fireworks. As many of the members stated, the fireworks display is synonymous with the fourth of July. It is part of what families come down to see.

Since there wasn't any other business a motion to adjourn was made by Kevin Coyle and seconded by Beth Tipping. The meeting was adjourned at 5:25 p.m.

Next meeting will be June 16th, at 4 pm.