A Work Session of the Borough Council of the Borough of Avalon was held on

Wednesday, June 8, 2016 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 2 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 Absent

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

Brian Reynolds, Chairperson, Avalon Environmental Commission

Councilman Covington made a statement referencing comments made at the May 25, 2016 work session and expressed disappointment in the disparaging remarks attacking Borough officials and contractors. He added all Council Meetings should be conducted in a civil manner. He further noted all allegations and conflicting statements made at the May 25, 2016 meeting are being investigated.

Councilman Burns agreed with Councilman Covington and noted the Borough Administrator has conducted additional research since the May 25, 2016 meeting.

Scott Wahl read the following report:

As a follow up to discussion at the Council meeting in late May regarding the Borough’s award and application of a $24,000 grant to address the Southern Pine Beetle issue in the Borough, we conducted the following due diligence. I followed up the following the day with Avalon’s environmental consultant, Joe Lomax, to ask questions and addressed concerns by those in the public who discussed it. We asked for a timeline review from Jim Dunn from NJ Forest Services/NJDEP on the application and process to this point, and we asked for and received a site visit from Mr. Dunn and Ron Concory, Southern Pine Beetle Project Manager, State Forestry Services, NJDEP. That meeting was held on Friday June 3rd at the 48th Street Beach path and included Councilman Burns, Mr. Dunn and Mr. Concory, Bill Macomber, Joe Lomax, Aaron Baker from Lomax Consulting, and myself. Since our last meeting, Avalon also received its third, five year approval from the NJDEP for our Community Forestry Management Plan, marking 15 years of approvals for Avalon’s management of its forests. A summary of the allegations made by a few members of the public during the last Council meeting and answers are as follows:

It is true Mr. Lomax nor anyone at the Lomax Consulting Group are certified tree experts. The application of a certified tree expert in the execution of this grant is not applicable. As pointed out by the NJDEP, Mr. Lomax has a graduate degree in entomology with advanced studies in entomology and ecology, and has been appointed by two governors from different political parties to be serve as an ecologist for a NJDEP Pesticide Control Council. It is not only the opinion of the Mayor, the Borough but from our state advisors that Mr. Lomax has the necessary qualifications to assist the Borough with this grant. In addition, Mr. Baker’s qualifications were questioned and it was alleged he is the nephew of Mr. Lomax. Mr. Baker is no relation to Mr. Lomax and holds a master’s degree in environmental management. I’m pretty certain no one in this room has that degree.

Scott Wahl, continued, Mr. Demitroff, who spoke at the meeting, alleged that removing some Japanese Black Pine trees would make the dune system unstable and compromise the Borough. The mean high water line is about 1000 feet from the maritime forest. The roots of the trees are being left in the dunes to hold the dunes together. And, the trees being removed are largely in the second dunes and not the primary dunes that face the ocean. There were allegations that the beetle does not exist nor does the blue stain fungus. Both untrue. I took photos of trees with the Southern Pine Beetles borings in them, and Mr. Macomber and Mr. Lomax shared with me a section of a tree that was cut with the blue stain fungus in its trunk. To date, every tree that has been removed is dead. There were also allegations that the Borough has been improperly removing trees when they are cut. Also untrue. Any tree within 50 feet of a beach path that has been removed has been taken out of the dunes; any tree to be cut further than 50 feet away from the dune is left there. There are questions about the reforesting of the area and who approves what can or should be planted there. Since the pines have been removed on the north side of the path black oaks, white cedars, and southern arrowwood have been planted, while red oaks, red cedar, sassafras have self-planted since they are no longer in competition with the pines. Seedlings and acorns have been distributed by Mr. Lomax and his staff voluntarily, seedlings purchased from the State Nursery were planted. More seedlings will be planted in the fall. As far as approvals for can be planted in the dune system, Lomax Consulting works with the Avalon Environmental Commission to determine the appropriate species to restore ecosystems. The Dune Vegetation Management Plan and the species have been reviewed by Mr. Lomax, the Environmental Commission, the New Jersey DEP, the USDA Plant Materials Center of the NRCS, and the US Fish and Wildlife Service. This is an inclusive and broad reaching process. In addition, we have used State Nursery stock/species only if they are native to Cape May County and are adapted to the dune system; several commercial nurseries are supplying native species consistent with the plan. The Avalon Environmental Commission and Lomax Consulting have both evaluated management practices in the planting process to improve survivorship. This has all been vetted through public meetings. Finally, both Mr. Concory and Mr. Dunn, during their visit, reviewed the work that has been accomplished to date, evidenced the existence of the blue stain fungus, the southern pine beetle, and the turpentine beetle, identified dead or stressed trees that threaten public safety on the beach path, identified to our group freshly dead pine needles that could be an accelerant for a maritime forest fire, reviewed what has been cut and what is planned for removal, and identified to us native species that are growing in areas where these dead trees have been removed.

Councilman Burns added the experts on behalf of the State reviewed all work that was completed as well as future plans, and those experts reported all work has been done correctly and the future plans appeared to be in compliance with all regulations as well.

Councilman McCorristin commended all involved for the action taken to try and resolve the issue as quickly as possible and stressed the importance of reforestation. He inquired if all trees marked with ribbons along the 48th Street beach path will be removed.

Scott Wahl explained any tree marked with a ribbon is slated for removal. To date, all trees that have been removed has been dead, although there are stressed trees and live trees slated for removal as well. Mr. Dunn and Mr. Concory have recommended the removal of any live trees to help promote growth of native vegetation as well as vegetation planted through reforestation efforts.

Bill Macomber reported there are trees of different species near the 48th Street beach path marked for removal as well because they are also dead and could pose a threat to public safety.

Councilman Burns reported when the beetles bore into a tree, the tree attempts to naturally repel the beetle by releasing sap, which dehydrates and kills the tree.

Councilman McCorristin suggested also planting smaller plants and bushes to promote more ground coverage in reforestation efforts.

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 Professional Services Contract Resolutions for the following:

Stephen D. Barse, Esquire – Borough Solicitor

Lawrence Pepper, Esquire – Labor Attorney

McManimon & Scotland – Bond Counsel

Scott Wahl reported the rates for all three contracts are remaining the same and renewing the contracts will enable the Borough to keep three outstanding professionals on staff.

Council agreed to proceed with Resolutions to be prepared for the June 22, 2016 Regular Meeting.

Discussion regarding Resolution authorizing participation in the Ocean City’s Cooperative Pricing Program for Delivery of Sand Fence, Post and Posts & Rail Fence Materials.

Bill Macomber reported due to recent storm damage, a higher quantity of fencing than originally expected must be ordered. The Borough currently participates in this Cooperative Pricing Program, however the proposed Resolution allows the Borough to purchase the appropriate fencing through the program. The cost of fencing to be purchased is approximately $41,000.00.

Council President Dean asked if the materials are less expensive when purchased through the Cooperative Pricing Program.

Bill Macomber responded yes, and noted there are approximately four municipalities that participate in the program which allows for a cheaper cost due to the high quantities of material purchased through the program.

After discussion, Council agreed to proceed with a Resolution to be adopted at tonight’s Regular Meeting.

Discussion regarding Resolution approving Taxi License to Irma Guy, Ocean Cab Services of Villas, NJ.

Scott Wahl reported the application has been reviewed and recommended Council approve the application.

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

Discussion regarding meeting time of the second Borough Council Meeting of the month for 2016/2017.

Scott Wahl reported Council Vice President Hudanich had reached out to the Borough Clerk and asked that the meeting schedule be discussed for the upcoming year. During that discussion, Council Vice President Hudanich suggested visiting the possibility of holding the 7:00 p.m. meeting at an earlier time due to the success of the meetings at 4:00 p.m. with increased pubic attendance. Many municipalities within Cape May County have changed their meeting schedule to hold all governing body meetings before sunset. Those municipalities have reported increased attendance since implementing the change and have had feedback from Senior Citizen residents praising the easier accessibility of a meeting before dark. An analysis of attendance at Avalon Council meetings over the past year has shown higher attendance during the 4:00 p.m. meetings over the 7:00 p.m. meetings.

Councilman Burns agreed he has seen different individuals in attendance between the two meetings, however expressed disagreement that attendance was higher at 4:00 p.m. meetings.

Marie Hood reported a public count and a reporter count is recorded in the minutes of every Avalon Council meeting. An analysis was taken comparing the attendance at 4:00 p.m. meetings and 7:00 p.m. meetings. The attendance at meetings with items affecting neighborhoods were much higher than meetings that did not address neighborhood issues. Removing those types of meetings from the analysis, the results showed a two-to-one ratio of attendance in favor of the 4:00 p.m. meetings.

Councilman McCorristin agreed that he has seen higher attendance at the 4:00 p.m. meetings, and in that higher attendance were individuals that had never attended Council Meetings in the past.

Councilman Burns stressed the importance of attracting as much public to Avalon Council Meetings and spoke in support of offering varying meeting times to make the meetings as accessible to the public as possible.

Scott Wahl mentioned it was the suggestion of Council Vice President Hudanich to consider changing the fourth meeting of the month from 7:00 p.m. to 5:00 p.m.

Councilman McCorristin spoke in support of changing the 7:00 p.m. meeting to be held at 5:00 p.m. and mentioned the earlier meeting time is also more accessible to Borough employees.

Councilman Covington did not feel the need to change the meeting times.

Council President Dean supported holding additional discussion regarding meeting times at the June 22, 2016 work session when Council Vice President Hudanich is a participant in the discussion.

Council agreed to hold further discussion at the June 22, 2016 Work Session.

Discussion regarding Resolution approving David R. Torroni, Jr. membership into NJ State Fireman’s Relief Association.

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

Update from Tom Thornton concerning the following:

1. Sand Backpassing Project.

Tom Thornton reported approximately 55,000 cubic yards of material has been relocated to the fill area, and no more movement of material is necessary. The Public Works Department is working to level the sand in the fill area, and the project will be completed this week. In order to close the permits, a post-project survey must be conducted, and is scheduled to be completed tomorrow. He thanked the Public Works Department for their efforts and stated the project was very successful in replenishing the beach as well as saving the Borough money.

Council commended the Public Works Department as well as all involved in the project for a job well done and safely done during adverse conditions, and their efforts to keep the beach open during the term of the project.

Scott Wahl pointed out the project was completed during the busiest time of the year and thanked the Public Works Department for completing the work and doing an outstanding job.

1. Bay Park Marina Dredging Project.

Tom Thornton reported the necessary permit modifications were obtained from the Office of Dredging and Sediment Technology through the Department of Environmental Protection which allowed the project to be completed as originally planned. The material dredged and removed was not as watery as expected, which allowed for easier transportation to the disposal site. The project went well and the Bay Park Marina was opened on Saturday, June 4, 2016. He also reported bids will be received for the project for the 5th Avenue Bulkhead on Tuesday, June 14, 2016. Approximately eight contractors have received bid specifications, and there are hopes for a competitive bid to complete the project at a reasonable cost.

Public Comments:

Elaine Scattergood, 75 30th Street, read the following letter from Martha Wright, 632 7th Street, into the record:

Dear Council Members,

I am writing to submit public comment on agenda item number four: discussion regarding meeting time of the second Borough Council Meeting of the month for 2016/2017. As you may recall, I protested the change in time from 7 p.m. to 4 p.m. when it was proposed in 2015 for 2015/2016. I stand by my prior comments. Working people cannot attend a meeting at four in the afternoon. In fact, it can be a challenge to get to a 7 o’clock meeting when you hold a conventional nine to five or nine to six job. Many of our homeowners live and work in Pennsylvania. It is virtually impossible to get down in time for a 7 o’clock meeting when you must travel one or two hours to get to Avalon. I have observed attendance by the general public at the 4 p.m. meetings over the past year and compared it to general attendance in prior years. There has been no increase in attendance at the 4 p.m. meetings by the general public. On the other hand, attendance at the 7 o’clock meetings has increased slightly. While I can appreciate that select Borough employees would prefer not to hang around from 4:15 until 7 o’clock p.m. one extra night a month to attend a second 7 o’clock Council Meeting, these employees are public servants. Their salaries are paid by homeowners through property taxes. I urge you to reconsider the timing of the second Borough Council Meeting and shift it back to 7:00 p.m. for the good of the general public. Thank you for your consideration, Martha Wright, 632 7th Street.

Elaine Scattergood spoke in opposition of meetings held at 4:00 p.m. and expressed the opinion the Borough Council discourages public attendance. She stated Borough Council needs to better serve the residents of Avalon.

Councilman Covington stated he believes the Council and the Administration serve the constituents and homeowners that are permanent residents and part time residents very well as evidenced by remarks received from the public as well as the tax structure. He expressed taking offense to Ms. Scattergood’s comments.

Elaine Scattergood stressed the importance of possibly sensitive items that affect neighborhoods be held at the later meeting time to encourage attendance and public input on the matter. She also expressed the opinion that the public should have been invited to the meetings held with the individuals who inspected the 48th Street beach path after the May 25, 2016 meeting.

Scott Wahl reported the concerns and allegations were heard loudly and clearly at the May 25, 2016 meeting and it was the due diligence of the Borough to investigate the allegations and questions that arose, which is what was done.

Elaine Scattergood stressed the importance of working together to get the correct answers and cooperation. She also recommended the Borough contract a certified tree expert to evaluate the Japanese Black Pine trees along the 48th Street beach path.

Councilman Burns explained having a certified tree expert evaluate the trees is not required by the grant. An entomologist was contracted to evaluate the condition due to the main concern being the southern pine beetles.

Elaine Scattergood asked if the Council would have any objection to an independent certified tree expert evaluate the Japanese Black Pine trees.

Councilman Covington felt there would be no objection if a certified tree expert wished to evaluate the trees.

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

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Absent Councilman McCorristin Aye

Council President Dean Aye

Work Session adjourned at 4:45 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President