

## **UPPER TOWNSHIP PLANNING BOARD**

### **STRATHMERE DEANNEXATION MEETING MINUTES**

**July 21, 2008**

A special meeting of the Upper Township Planning Board was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 6:00 p.m. for the purpose of holding a public hearing regarding the Petition filed by the Citizens of Strathmere and Whale Beach to deannex a portion of Upper Township commonly known as Strathmere and Whale Beach from Upper Township and annex same to Sea Isle City, New Jersey.

#### **CALL TO ORDER**

#### **SUNSHINE ANNOUNCEMENT**

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

Present: Daniel Bready (arrived at 6:15), William Brown, James Kelly, Curtis Corson, James Schroder, Donald Kissling (arrived at 6:05), Susan Ragan, Mayor Richard Palombo and Chair Renee Scrocca.

Absent: Duane Terwilliger

Also in attendance were Dean Marcolongo, Board Solicitor, Stuart Wiser, Professional Planner, and Janet McCrosson, substituting for the Planning Board Secretary.

#### **SWEAR IN STUART WISER AS BOARD PROFESSIONAL**

Michael Garcia, auditor for the School Board, was sworn in and repeated the scope of his conclusions after finishing his presentation at the last meeting. His analysis showed that by removing Strathmere from Upper Township, there would be a decrease of \$393,461,300. in the assessment values used to calculate school taxes. This would mean that 17.5% of the current tax base would be eliminated from the ability to fund the schools. This in turn would mean a 19.7 cent increase each year in the school tax rate. He cited the dollar amounts for properties with various assessments. There would be slight reductions in expenses to the school district by eliminating Strathmere, estimated at \$19,515. This would equal the tuition for one High School student and approximately \$4,000. in transportation costs to get the students to either Upper Township schools or the High School. There would be an insignificant increase in the State Aid revenue that the Township receives in the amount of \$13,499. Under the current (new) funding formula, there would be no negative impact on the Township if Strathmere were to remain. The original assertion that letting Strathmere leave would increase State Aid is not the case. The school district has already been impacted by the elimination of the annual municipal contribution, and by the high increase in tuition costs to Ocean City High School. The

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District already spends less per pupil than the State average, almost \$1,100. less over the last ten years. The District has also been impacted by what is essentially flat State Aid. Based on these foregoing facts, removing Strathmere from Upper Township would have a severe negative impact on the finances of the Upper Township School District.

The Chair asked if any Board members had questions for Mr. Garcia. No one spoke. The Chair called on Ms. Bittner.

Ms. Bittner asked Mr. Garcia if he was familiar with Chapter Law 260 of the new school funding formula, to which he answered that he was, in as much as he needed to be able to conduct his analysis. They both agreed that it was a new law, becoming effective in January of 2008. Ms. Bittner asked if there were an expiration date on the law, which Mr. Garcia agreed there was not. She stated that one section was only in effect for three years. Mr. Garcia disagreed, stating that it was, to his understanding, only giving specific criteria for the first three years, then for every year thereafter. Ms. Bittner accepted that clarification. She asked if that changing formula was in regard to the calculation of Adjustment Aid? He agreed. She stated that the formula for adjustment aid will change over three years then stay static. He disagreed. After the third year, if any district remains at the same enrollment, they will have no decrease in their adjustment aid. If they have a significant decrease in enrollment, the adjustment aid will be recalculated. The State cites 5% as their enrollment threshold. Otherwise, the State will hold you harmless in the total amount of State Aid received in the 2008-2009 budget, the year this law came into effect.

Ms. Bittner asked if Mr. Garcia recalled Mr. Costello stating there was little likelihood that enrollment would drop more than 5%, and Upper Township could plan on their aid staying at the same level. Mr. Garcia stated he was present, and recalls hearing something to that effect.

Ms. Bittner referred to Formula Aid being the same as State Aid. Mr. Garcia replied that the total package was State Aid, comprised of Formula Aid, Adjustment Aid, Special Education Aid. Ms. Bittner stated she would be specific about which portion of aid she was talking about. She asked if the calculation for Formula Aid under Chapter 260 would remain constant over the next three years or change as the Adjustment Aid does. Mr. Garcia stated that he is not an expert in the State Aid formula, which is why he testified a month ago that the State ran the numbers for him because they have the experts in that field and his numbers are based on the information he received from the New Jersey Department of Education. He cannot attempt to recalculate the State Aid. She asked him to agree that, for the life of this law, Formula Aid is determined by looking at the Adequacy Budget and subtracting the Fair Share. Mr. Garcia restated that he is not an expert in the law, but would say that generally that statement may be true, but from discussions he's had with the State, there are other caveats that he is not aware of that also factor into it.

Ms. Bittner asked Mr. Garcia to agree that the Adequacy Budget for the 2008-2009 year was approximately 24.4 million dollars. Mr. Garcia stated that if she is referring to the numbers that came from the State, he did not come up with that number. She said it was in his report. Mr. Marcolongo asked her to let everyone know where in the report she was finding this amount. She had it in her notes and asked Mr. Garcia to find it. He found

the approximately 24.4 million dollar figure on page 33, behind tab #2, and stated again that it was the State's calculation, not his. She reiterated that this was the number he used. He again stated that he did not run the calculations. He tried to clarify for Ms. Bittner that the Upper Township school district was aware that State Aid was a huge issue any time any district is restructured. The number for State Aid is calculated by the State of New Jersey. No one can tell you what that number is going to be without all the facts. The State runs the formula and calculates the number. Because his firm felt that it was a substantial factor in the Strathmere issue, they went directly to the source and had the State run the numbers as to what the increase in State Aid might be. The State calculated the increase of \$13,499. in total, with all the various components included. They sent the information in an e-mail, which Mr. Garcia forwarded. He stated that he would never attempt to guess at what the number would be.

Ms. Bittner then said that he, then, would only be considered a messenger of an e-mail, doing nothing in determining total aid to Upper Township. Mr. Garcia stated that he accumulated data from numerous sources, one of which was the State of New Jersey, but did not calculate the number for State Aid. He provided the State with the information they needed, such as the number of students and the ratable values in Strathmere. She then said that he must know how to calculate State Aid if he knew what to provide the State. He referred to his letter to the State requesting them to perform the calculations and in which he stated that he was providing the information he knew they would need, but if there was more information needed, they should contact him. They responded that this information was sufficient and they would have any other pertinent information already on file.

Ms. Bittner stated she is not disputing the number that Mr. Garcia delivered to the Board from the State of New Jersey. What she is trying to determine is if he knows how the number was determined. She would like him to acknowledge that he has a general idea, that being adequacy budget minus fair share equals formula aid, then adjustment aid based on that and then looked at formula aid, other aid and adjustment aid to determine what the total aid is.

Mr. Marcolongo interrupted to ask if formula aid and equalization aid is the same. He is referring to page 32 of the report. Ms. Bittner said yes, as the definition is the same. Mr. Garcia stated that the entire package is a formula.

Ms. Bittner then tried to explain Adjustment Aid as being something written into this law to protect people that may be hurt by Formula Aid being lower than it was by keeping the level of aid at the level of the prior school year. Since Formula Aid may shrink, Adjustment Aid can make up the difference. Mr. Garcia agreed.

Ms. Bittner asked Mr. Garcia if Formula Aid is sufficient, then the Township would not need any Adjustment Aid. Mr. Garcia agreed. Projecting several years ahead, Ms. Bittner stated if Formula Aid is greater, Upper Township would still not qualify for Adjustment Aid. Mr. Garcia agreed. Ms. Bittner stated that Mr. Garcia and Mr. Costello had previously testified that Adjustment Aid, which she referred to as a band-aid, would always stay the same. Mr. Garcia stated that no, the testimony was that the total State Aid package would remain the same, not the Adjustment Aid. Ms. Bittner said she was referring to only the Adjustment Aid.

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Ms. Bittner then jumped to the 2009-2010 school year, and asked if the law stated that the Adequacy Budget would be increased each year by the Consumer Price Index. She then tried to present a theoretical scenario to recalculate what State Aid might be and asked Mr. Garcia to agree to her numbers. Mr. Garcia stated that she is trying to have him calculate State Aid, and only the State can do that. Ms. Bittner then suggested phrasing it differently so he would answer the question.

Mr. Marcolongo interjected that Mr. Garcia is not refusing to answer, but is unable to answer.

Ms. Bittner presented the scenario phrased another way, trying to make the point that the total aid Upper Township is entitled to with Strathmere is 10.9 million dollars a year under this Chapter 260 Law, with a decreasing share of that being from the Adjustment Aid. She then presented a scenario with no Strathmere in it, and when she referred to a specific number, Mr. Garcia stated that it was not his number, but one from the State. He stated that what Ms. Bittner is referring to as Fair Share is not titled that in the State's e-mail, but she is adding two numbers together to get what she calls Fair Share. He called it a component of the State's formula.

The State has determined that with Strathmere included, the Fair Share that Upper Township can pay for the schools is 18.9 million dollars, and without Strathmere included, that Fair Share amount drops to 15.8 millions dollars. Fair share is determined by the valuation of real estate and the income of the people.

Ms. Bittner then stated that if Strathmere leaves the Township, total aid to the Township would be \$11,006,131. Mr. Garcia said he does not know where she got that number. She started presenting numbers that Mr. Garcia would respond to by saying "okay", when Mr. Marcolongo interrupted to ask if "okay" meant he agreed with Ms. Bittner. He said he was merely listening for the next statement. The Board members stated that they were getting confused by thinking Mr. Garcia agreed with Ms. Bittner's numbers.

Ms. Bittner reiterated that even if they don't have enough money, the level of 2008-2009 aid would be guaranteed by the State at 10.9 million dollars. Then she tried to show that aid would increase to 11,006,131. if Strathmere left the Township.

Mr. Garcia stated that the numbers Ms. Bittner is citing come from the analysis prepared by him. She agreed. Mr. Corson asked if her point was that if Strathmere leaves, aid will increase and there will be no tax increase in the Township. She did not agree. Mr. Marcolongo asked if the bottom line was that if Strathmere left there would be a slight increase of approximately \$14,000. in aid. She and Mr. Garcia said yes.

After asking Mr. Garcia three or four questions in a row without giving him time to answer, the Chair asked Ms. Bittner to allow him time to answer her questions. He stated that if the total package without adjustment aid is \$10.9 million, then adjustment aid is no longer part of the discussion.

Ms. Bittner then asked Mr. Garcia to do an analysis of future years calculations without including Strathmere as part of the picture. He stated that the aid will remain at \$10.9. He cannot project what may happen in the future. He again stated that only the State can answer State Aid questions. She continued to ask him the same question, to calculate future numbers with assumed numbers.

Mr. Garcia stated that what he has so far testified to is only the items that are in the State e-mail regarding the formula. He feels she is asking him to infer that information in ways he is unable to do. He does not know how the State runs their formula.

What she thinks she is asking him to do is tell the Board what would happen the first year with Strathmere in the Township and without Strathmere in the Township. Then tell the Board the same information with one change.

The Chair interjected that he has already said many times, he cannot do that.

Mr. Kelly feels Mr. Garcia is merely relaying to the Board what the State has provided to him, yet Ms. Bittner keeps saying “your” numbers and wanting him to adapt his figures to the State numbers, which he cannot do.

Ms. Bittner offered to once again, rephrase the question. Would Mr. Garcia agree the law increases the Adequacy budget by the Consumer Price Index, no matter what that number may be. Yes, he would. Therefore, that would increase the Formula Aid. He agreed. She asked if the Formula Aid would be more if Strathmere were not included in the Township. He agreed. She then asked him to agree to a number three years in the future as to the Adequacy Budget. Mr. Garcia merely accepts the math she is presenting, not the amount as fact. He cannot project the State’s numbers into the future.

The Chair asked Ms. Bittner why she insists on asking him to project into the future when he consistently has stated he cannot do that, and feels she is wasting everyone’s time.

Ms. Bittner feels that if the Board is interested in considering the effects of Strathmere leaving the Township, and concerned that they may take school money with them, they should know that in the future, with mandatory aid increases, the Township will get approximately \$2.3 million more in aid. The Chair asked if she was testifying as a witness?

Ms. Bittner responded that she was telling the Board what she assumed was considered interesting information and that if she is not allowed to speak to the witness, the Board won’t hear it.

The Chair stated that Ms. Bittner is grossly misrepresenting what the Board is saying. She stated that Ms. Bittner can’t pick numbers out of the air and ask Mr. Garcia to agree to them, which it seems she is doing. He has stated over and over that he cannot do that.

Ms. Bittner stated that the only arbitrary number is the Consumer Price Index, but would be happy to use the exact number.

Mayor Palombo asked Mr. Garcia if it would be feasible to go back to the State and ask them to re-run the numbers for a period of time into the future. Mr. Garcia felt that would be the proper course to follow. He would like Mr. Garcia to ask the same individual who originally ran the figures to do it again for a period of five years.

Mr. Kissling stated that the assumption is being made that State Aid will remain the same, but in his experience it changes from year to year.

Mr. Garcia said that generally speaking, a district will be held harmless, for instance no significant decrease in aid, but never is it safe to assume a large increase. It would not be a sound decision based on the facts you have.

Mr. Wisner asked if it was safe to say no one should bank on what is coming out of Trenton because of the property tax situation and the State budget. So to say that it is

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historically true that towns may not get less than previously given, it may not be true in the future.

Mr. Garcia agreed that there is a lot of uncertainty.

Mr. Marcolongo stated that to his understanding, the amount of State Aid is not really the issue that is having the impact upon the taxpayers.

Mr. Garcia agreed saying the impact will come from the loss of ratables in Strathmere, which is 17.5% of the ratables that fund the school district.

Mr. Marcolongo then stated that in reality, the State Aid decrease is insignificant in the overall picture. Mr. Garcia agreed.

The Chair asked if there were any other questions for Mr. Garcia. Hearing none, she thanked him and he was told that he would be informed as to the next meeting, but was reminded to request the new information from the State as soon as possible. He said he would present the numbers the State gives him, or the Board may want to consider finding an expert in the funding formula to directly testify.

Ms. Bittner stated that she felt the situation was similar to when the State Police issue was in front of the Board. She wanted to present a witness, the Attorney General fought it saying only the Chair could get him, forcing her clients to hire other experts, then having the Board ask for the original witness Ms. Bittner wanted. She feels in the same position now. After asking for someone from the State to come, the Attorney General fought it and her client hired their own accountant and the Board did not accept his numbers.

Mr. Corson interjected that the Board did take his numbers.

The Chair stated that Ms. Bittner is making an assumption that the Board has already made a decision based on the testimony of any witness, and that is absolutely incorrect. All information from every source will be weighed at the end.

Ms. Bittner suggested rather than requesting a new e-mail from the Department of Education, ask the writer of the e-mail to appear before the Board.

Mr. Marcolongo stated he felt it would be appropriate to see what information is received first, having Mr. Garcia report back to him as to whether the information is adequate. The Chair agreed saying the Board should get the numbers first, then decide if the State should send someone.

Mr. Corson asked if it would be appropriate to give the information to Ms. Bittner when the Board receives it so she can also have a chance to review it. No one had a problem with that.

Mr. Dietrich was then called to testify. He was sworn in and asked to state his educational and employment background, as well as the titles he holds with Upper Township. He is currently the Township Engineer, Superintendent of Public Works, Computer Director, Municipal Housing Liaison and Stormwater Program Coordinator as well as coordinating the UTTV on the governmental side. He was asked what areas he was going to testify in. He responded that he had gone over prior testimony and would like to enlighten the Board on various issues that were brought up, a rebuttal of sorts from his side of the matter.

In no particular order, he began with the issue he believed Mr. Roland had brought up about drainage on Seacliff Avenue. This has been worked on for many years, predating

his tenure as Superintendent of Public Works or Engineer. The pipe had been continually getting clogged, so the Road Department over the years installed another drainage pipe above the original one to keep it from clogging. Some of the neighbors put a flexible pipe at the end of the new pipe to extend it further to relieve some of the flooding. Public Works tried inconsistently to clean it out either with a backhoe or by hand. When he came on board in 1999, he talked to the neighbors and tried to find a better solution. He received authorization from the Township Committee to apply for permits to extend the outfall pipe to the end of what is considered the pier head line, as far as the DEP would allow. It took about 2 years to get the permits from the DEP and the Tidelands Bureau. However, by the time the permits were approved the end of the outfall pipe was no longer out to the waterline due to the shifting sands. The pipe was about 6' from the water. Now we are at least 12' to 18' from the edge of the water. He has talked with engineers from other barrier island communities. Some towns had used stormwater pumps in areas where there were problems that the pressure couldn't be relieved through natural drainage flow. Last year the Township authorized the purchase of a pump and it was installed this past Spring. They are still learning how to make it work properly. There is some infiltration of water into the pump, which becomes stagnant. When it flushes out, the odor is noticeable. There have been some concerns, but the issues are typical of any stormwater outfall in a beach area above the high tide line. The DEP had the township put up a cautionary submerged drainage pipe sign.

Mr. Dietrich asked the Chair if she wanted to take questions on each subject or wait until he was finished, and she recommended that he continue on.

The next issue was brought up by Mrs. Rainer about the darkness in Strathmere. Mr. Dietrich did a cursory review of street lighting. Strathmere may need more lighting, but in his tenure here, he doesn't recall any requests from residents in Strathmere for new street lights. He also doesn't recall any request from anywhere in the Township that was, after review, denied by the Township Committee.

She also had concerns over the "lack of response", in her words, to the President's Day snowstorm. The township is broken into zones, each one having a primary and secondary target. Strathmere has a dedicated truck that goes there first thing. Once finished with Strathmere, they go to the Allendale Road area in Marmora and begin cleaning those streets. But their first response is to Strathmere, as long as there are no flood waters, and they do not leave until they either run out of salt or the streets are cleared. During that particular storm, a blizzard worse than we've seen in a long time, a State of Emergency was declared for that entire week-end by the Governor. He wasn't sure if the County extended that, but thinks most places followed what the Governor had ordered, from the 16<sup>th</sup> to the 18<sup>th</sup>. Strathmere had 3 pieces of equipment full time during the storm because it was the easiest location to reach, where other neighborhoods were blocked by plowing from the State or County vehicles. In talking to some of the Public Works crews working that storm, they felt Strathmere was cleaned out a lot sooner than Ocean City or Sea Isle as far as having all of the streets passable sooner than the side streets in Sea Isle or Ocean City.

Mr. Dell'Aqua spoke of the piles of Christmas trees at the end of his street during one of the hearings. He did not understand the process. As long as Mr. Dietrich has been here,

the Environmental Fishing Club of Strathmere has requested the trees to be located at a half dozen street ends, and the residents then distribute them along the dunes. If it wasn't a request of the residents, Mr. Dietrich wouldn't recommend the Township expend their forces to do that. Because of the placement of the trees, sometimes it is detrimental. It does collect the sand, and the neighborhood is proactive in their efforts, but it is only done because they have requested it. The Township Committee has always made sure the trees are delivered.

There are two or three general beach clean-ups done throughout the year. They are not specifically done by the Township, but at least one of them is. We get the heavy debris off the beaches, Clean Ocean Action coordinates a beach clean-up, and when the prisoners are putting up new snow fence we do a clean-up and make sure there is no heavy debris or large items on the beach. Public Works does not do a regularly scheduled clean-up, but they will respond to a request from the Beach Patrol or a resident. The Committee has this year hired people to pick up litter.

As far as erosion on the beaches, it is a cyclical problem. No matter what barrier island in what State, it will be a problem. Strathmere is no different. Dr. Farrell summarized that cyclical nature very well. Mr. Dietrich met last week with the Army Corps of Engineers and the DEP for an update on the Army Corps Federal project, which has been authorized by Congress. They are waiting for the funding to be authorized. In the FY 2009 budget, there is \$250,000. appropriated in the Senate budget, and zero dollars in the Congressional budget. We hope that the \$250,000. will be maintained to continue with the paperwork needed with the State. It will be FY 2010 or 2011 before any significant funding becomes available.

The Chair noted that it was 7:30 and recommended a five minute break at this time.

The meeting resumed at 7:38.

Continuing on with concerns of Mr. Dell'Aqua, he had requested sand to be placed directly in front of his property, saying it would only take "six scoops of sand". You can't place six scoops here and six scoops there to solve a problem. The township has placed 20,000 cubic yards on the North End, which held fairly well until the Mother's Day storm, and then 85% of that sand, placed there to protect the properties, was essentially gone. You can't micromanage beach replenishment, it has to be worked at continuously, as the Township has been doing at least since the 1970's, working with the State. In 1999 there was a severe erosion problem, and 80,000 cubic yards of emergency beach sand was placed. That precipitated the larger beach fill in 2001-2002, which placed sand from Seaview Avenue to Hawthorne, about 250,000 cubic yards. This was a similarly sized project to what is being worked on for this Fall 2008 time period. There was a small window of opportunity to do this about 2-3 weeks ago, but the contractors terms were not economically viable at that time, based on his conditions. In discussions with the State it was determined that it would be better to wait until the Fall when the same project could be accomplished a little cheaper. At this point in the summer season, we are getting favorable winds, and the chance of major erosion prior to the beach fill is not as significant. The Fall project will be a 25% Township share, and 75% State share for

about 275,000 cubic yards of sand. The State has put approximately \$3.5 million dollars in their Capital Plan for the total project.

Mr. Dell'Aqua also talked of having to put up some of his own snow fencing. It has been customary in the off season, for the Township to drop off fence and posts at a resident's request. This was part of what the Environmental Fishing Club did as neighborhood involvement, sort of a partnership between the residents and the Township. Since Mr. Dietrich started, the Township has always utilized the Department of Corrections and the DEP through the Clean Shores Program to get a full week of dune fence installation, which is about 2/3 to 3/4 of all the dune fencing on Whale Beach and Strathmere. As erosion is happening, you can see the fencing placed 5 or 6 years ago to build up the dunes, which means it is working. It has been said we do not use the best fence posts. Mr. Dietrich disagrees. The manual lists several types of wood, but we have found that for the life we need of the posts, what we use (2 x 3 pine or fir) is more than adequate and better than steel. Some pieces may have broken, but none has rotted.

Residential trash collection is done once a week in the township. In Strathmere, it is the 3<sup>rd</sup> or 4<sup>th</sup> year we have added holiday pick-up. Due to an error on the Township web-site, there was some confusion as to the 2008 holiday pick-up in Strathmere and some residents did not put out their trash on Memorial Day Monday, but Public Works went back on Tuesday to pick that up anyway. No other area of the Township receives trash pick-up on a holiday. Last August, 2007, the Road Department itemized how much trash was collected from Strathmere in a single day to analyze whether it would be cost effective for the Township to provide twice a week collection. There was approximately 2.25 tons of straight trash, .56 tons of commingled (bottles and cans), and 1.13 tons of paper. That's barely a truck load. A typical truck during the week averages between 5 – 6 tons per load. Pro-rated for the winter, it is significantly less, but in the summer, to collect twice would be two half loads, which would mean we could not complete the other daily mainland routes. Since we already make two runs a day to the landfill we would have to add three additional trucks just to make a separate run because of time constraints.

Beach trash collection is basically a carry-in, carry-out policy, as in most parks. There are trash receptacles at the street ends, which are collected three times a week during the summer, in the off season between one and two times weekly. The biggest problem with those cans is the residents fill them with household trash leaving no room for the beach goers. People who don't want to leave their trash out in their personal can after a weekend until their regular pickup day throw the trash into the street end receptacles.

Mr. Wisner asked if he understood correctly that residential trash collection in Strathmere is once weekly, and the beach street end collection is done three times a week. Mr. Dietrich stated that was correct. Mr. Corson added that the tot lot was also included in the three times a week pick up as well as at the State Park.

Regarding some general concerns about fireworks and beach fires, Mr. Dietrich stated that was a continuous problem whether in Strathmere, Petersburg, Tuckahoe or Marmora. Caldwell Park has fires set in the baseball dugouts, Petersburg has pits that fires are set in, and these are probably more of a problem than what is seen in Strathmere. That issue is Township wide. A resident on Meadowlark Lane on a street-end cul-de-sac backing up to a State forest area requested a street light because people come to the end of the street

and have parties. Mt. Pleasant-Tuckahoe Road is known for drag racing and parties, leaving trash behind and painting the street with 1/4 mile markers. These types of issues are not specific to Strathmere.

Mr. Jacob and some other residents had brought up vegetation on beach cross-overs. This has been a problem. Over the last year, in conjunction with our Safety Program, we are doing monthly inspections of all cross-overs to see the physical structures as well as checking for overhanging vegetation and is the path clear. If there is vegetation, it is trimmed. Over the past five to ten years, especially in the Public Works Department, there has been new management and changing the dynamics of capital improvement and personnel issues. There has been better attention to concerns of the residents and trying to be more pro-active.

Another concern, especially in the Whale Beach area, is snow fencing. This is difficult right now due to the condition of the beach. It is difficult because of the tides. Until there is more beach, it would be a waste of the Township and resident's money. A little sand could be captured, but only on a dry beach. As long as the tide comes up to the existing dunes, very little sand will be captured. Once we get the beach fill next Spring, the beach should grow. During the 2001-2002 beach fill, the beach grew by about 150-200 feet, and the dune grew 8-10 feet towards the ocean and in height. We put two or three tiers of dune fence in and "grew" a dune. Without that dune, last year's Mother's Day storm would have caused significant problems. Sea Isle ended up with 18" of sand in their streets, we did not have any breach at Whale Beach. The 2009 project should protect us for five or so years. He feels we have had appropriate planning and development of the beaches in Strathmere.

Mr. Bamford had talked of street lights and of lights out. This is a continuous problem as well. We currently have two lights out in the parking lot of the Township Hall, which the Clerk called in two months ago, yet nothing has been done by the electric company.

When we get complaints, they are reported immediately to the electric company. We do not control how quickly Atlantic City Electric responds to these reports of lights out.

Mr. Townsend talked about inequities at the boat ramps. To some degree, the only benefit of the Beesley's Point ramp is having a larger parking area. There is such a shallow draft in Beesley's Point that people complain only the smallest Boston Whalers and skiffs can get in or out at low tide. The **two** ramps in Strathmere are free, although there is no attendant, and you can get your boats in or out at any time. He feels there are no inequities. Both have ruts or gullies, but the attendant does not do maintenance at Beesley's Point.

Mr. Townsend also spoke of general drainage issues. Mr. Dietrich feels that these issues are typical barrier island drainage issues, whether in the Wildwoods, Avalon, Stone Harbor, Sea Isle, Strathmere, Ocean City, Brigantine. It seems magnified in Strathmere because there are only two main roads and a dozen cross streets. It sits at an elevation that is approximately high tide level. Where is it going to go? The Township or any engineer cannot make it go away except to make a fountain. We have tried different technologies to alleviate the problem, but there is just not a lot that can be done. He is waiting to see if the Seacliff Avenue pump works during a storm event, and if it does well, will ask the Township Committee to examine Bayview Avenue as well. Two years ago a video

inspection was performed on the pipes along Bayview Avenue. Generally the pipes were in good shape with only minor infiltration of water.

Regarding State Planning, there was discussion that the Township was focused on creating State Centers only on the mainland and ignoring Strathmere. We did try the first time around. Looking back to 1999-2000, when we negotiated with what was then called the State Planning Commission, the DEP stated that the first thing Upper Township had to do was take Strathmere off of the Plan. They would not give Strathmere a Center Designation because of the issue of sewers, or lack thereof. This was followed up by the County suing the DEP over the Water Quality Management Plan that had been previously approved. In the consent agreement it was stipulated that the northern end of Sea Isle City, meaning everything from 22<sup>nd</sup> Street north, through Whale Beach and Strathmere would not be eligible to be sewerred in any frame or fashion until the undeveloped properties that were located along Whale Beach, both in Sea Isle City and Upper Township, were preserved to prevent over development. The State did not want a continuation of duplex development across Whale Beach and Strathmere. As we started the most recent State Plan Endorsement process that was some of the discussion we were getting from the residents of Strathmere. They did not want to be like Sea Isle City or Ocean City, and did not want duplex development. They preferred to go back to the smaller bungalow style homes as opposed to even the homes being developed now. That is why we did not try to get the Plan Endorsement designation status for Strathmere. The State won't give that because once you have that endorsement, it acknowledges that you can have sewers. We left it in our planning documents as an item we wanted to possibly focus on sometime in the future. We have always tried to work with the County MUA to maintain the sewer capacity at the Sea Isle plant for the existing development and possible future development, but not for duplex development. We have gotten several calls over the past few years from the MUA asking us to relinquish that capacity because Sea Isle wants it. They are at their capacity and have been told they may have a sewer ban if they do not solve the problem.

Mr. Corson asked if stormwater can infiltrate into the pipes, can it then flow out of the pipes as well. Typically not, because the pressure causes a vacuum to draw the water in, but the groundwater pressure keeps it from flowing out.

Mr. Hollinger had brought up the conditions of the fencing. Mr. Dietrich stated that one day Mr. Hollinger had called him at the Township office to say there was some dune fencing down along the roadway. When asked for a specific location so it could be addressed with a crew, he would not say. Two weeks prior a crew had been dispatched to repair some fencing and Mr. Dietrich was trying to determine if they had done their job or if it was a different location. He asked Mr. Hollinger to call back with a location. Instead of calling back, Mr. Hollinger then appeared before this Board with pictures and stated he talked to the Engineer and was told the fencing was in good shape. Mr. Dietrich felt it ironic that instead of following up to get it fixed, Mr. Hollinger seemed to use his discussion with Mr. Dietrich as an excuse to appear before the Board. He showed pictures of good fencing in Ocean City, but not in Whale Beach in Sea Isle where the fencing was laying down or in bad condition. Last year we repaired almost 90% of the fencing in the Whale Beach area. Sometimes it still gets knocked over.

Mr. Hoffman was talking about the Army Corps of Engineers project and the ultimate costs for the Township. He seemed to be trying to extrapolate if the Township had to pay for the initial portion of the construction plus the fifty year renourishment cycle, it was between \$12 – \$16 million dollars and we would have to bond it. That won't happen because when you look at what the Army Corps wants to build, they build big jobs. The total construction cost for just the initial phase is estimated (in 2000 dollars) at \$54,260,000. The periodic nourishment for the fifty years is an additional \$202,500. That is for the entire Great Egg Harbor Inlet to Townsend's Inlet, which includes the southern end of Ocean City, Strathmere Whale Beach section and the remaining portion of Sea Isle City. If we never get federal funding for this project and the local towns and the State have to do beach fills, as we did in 2002 and will have to do this Fall, we're not going to build the profile that the Army Corps of Engineers is proposing. We're going to propose something much smaller. Our share for those costs would be manageable for the Township. We have been appropriating money every year for Capital Funds and have the ability to satisfy our beach fill needs every five to eight years, depending on the cyclical nature of the beaches. We developed in 2002 a beach management plan of sorts to the extent of wildlife and flora and fauna, and based on our State Aid agreement, will look at updating that later this year. Since the beach fill in 2002, we are approximately at the same beach profile now as we were then, which indicates the program worked. The Township Committee has, over the years, made a commitment to keep the beach replenished.

Regarding recreation, Strathmere has 1 tot lot and essentially a 1.3 mile park, which is the beach. It is an open public area as any other park is. For any Strathmere resident, the tot lot is no more than half a mile away. On the mainland, some of the furthest residents in Steelmantown would take their children to the nearest tot lot in Tuckahoe, a distance of almost four miles. The same Strathmere resident would travel 7 ½ miles to get from the Post Office in Strathmere to the Elementary School in Marmora. The Steelmantown resident travels 11.1 miles. Looking at the distances some of the mainland residents travel, Strathmere is actually closer to some of the activities in the Township.

Mr. Dietrich stated that these are the direct issues he wanted to comment on.

The Chair asked if there were any questions from the Board.

Mr. Kelly asked if the beach clean-up 2 or 3 times a year was a scheduled event or done on an as needed basis.

Mr. Dietrich stated that Clean Action Ocean was fairly consistent with coming to the Township Committee to request permission to clean the beach, and the dune fencing in the Fall includes sweeping the beaches for heavy debris. Utilizing the prisoner program in the Spring, the wetlands on the mainland and the back bays and the beaches are checked.

Mr. Kelly then asked about the snow fencing. He realizes that the neighborhood association installs the fencing, and wonders if that is a good idea. Should we work with them? Mr. Dietrich stated that the installation is fairly simple, and only had one case

where he had to contact the residents to make sure it was being installed in the location and fashion it was intended for. Typically, if requested, we will drop off enough poles and fencing for them to do it. Mr. Kelly asked if the safety crew that Mr. Dietrich mentioned earlier looked at the beach crossovers. Do they also look at the fencing? Mr. Dietrich has recently added that to their inspection criteria.

Regarding the trash collection, Mr. Kelly asked if the size of the community caused the lack of enough tonnage to warrant more frequent trash collection. He wondered if there was a way to solve the problem. For the street end collection, the Township utilizes a smaller truck, not a typical trash truck. We have recently begun to have recycling at the street ends as well as trash. This was to increase the already high percentage of recyclables that are collected in the Township. We have one of the highest recycling rates in Cape May County. We use a "mini-packer" truck which holds approximately 2-1/2 cubic yards of materials, just for the trash. A mini dump truck picks up the co-mingled recyclables. There have been some resident concerns because with the mini dump truck, sometimes materials will blow off of the truck while traveling from street end to street end if the tarp is not properly attached. This year with money budgeted, we are purchasing a second mini-packer for Strathmere to alleviate that problem. Mr. Kelly asked if one of the three days in Strathmere is the normal residential pick up day, and would it be conceivable to add a second residential pick up to those who need it.

Mr. Dietrich explained that this issue has been looked at, but there are different types of collection classifications. The "park" trash is more contaminated with recycling than residential trash, and we can get hit with a fine if there is too much contamination in residential pickup. The residential recycling is separated, and the street ends are not. Mr. Schroder asked if there was one most common complaint coming from Strathmere. Mr. Dietrich gets a lot of calls for trash in general, throughout the Township, not just in Strathmere, so he would say that was one, but also, of a cyclical nature, he gets calls about beach fencing. Three years ago there were no calls about the beaches or fencing, because we had beaches that were in good shape. On the mainland, he gets calls about ATV riding in Petersburg, or gypsy moths throughout the Township, or noise. Each year brings a new hot topic. He doesn't feel there is one specific issue, but issues that come and go.

Mr. Schroder asked if Mr. Dietrich's personal opinion was that trash collection in Strathmere is adequate. For the volume that we need to collect, yes, he feels it is adequate. The summer paper collection is only filling the truck 30%. That includes tonnage from 3 restaurants as well as the general population. Cans and bottles are about 45%, with bars and restaurants included. The mainland has peaks in the summer with 9 different campgrounds needing recycling pickups as well as the restaurants in the Townships that have extra business in the summer. The Township is not a sleepy rural town when it comes to trash in the summer months.

Mr. Schroder stated that according to some of the testimony given, services given to Strathmere are inadequate. Specifically, he asked if a resident calls with a complaint, does he always react to it and send someone out. Mr. Dietrich stated that he tries to. Mr. Roland has written several letters over the last three months and he has been trying to resolve the issue and has talked to him. It is no different with any Township resident.

Mr. Dietrich prides himself on responding to calls. He feels there have been positive changes since he became Superintendent of Public Works.

Mr. Schroder asked if, after reading over the testimony given, Mr. Dietrich discovered any issues he was previously unaware of. The vegetation on the crossovers is probably the one issue he has been made more aware of through the testimony given. His role as Superintendent of Public Works precluded his being involved in the day-to-day operations, and was more focused on the personnel issues and capital direction. He noticed no particular department was taking responsibility for the vegetation, but he feels that beach protection has always been a high priority for the Township. Since 1999, the beaches have been improved greatly. But the erosion changes location every year due to channel dynamics and other factors.

Mr. Wisner had several questions for Mr. Dietrich. In terms of the costs for the activities at Mr. Roland's house, the permitting and the installation of the pipe extension, and the pump assembly issue, could he estimate what the costs might have been.

Mr. Dietrich responded that to extend the outfall pipe was approximately \$32,000., permitting through construction. The pump was less than \$15,000.

Mr. Wisner asked if Mr. Dietrich was on the streets during the President's Day weekend storm. He came out after the high tides receded, because access from both Ocean City and Sea Isle was blocked during high tide. He was there both days by about 10 AM. Could he judge, based on his observations, the conditions in Strathmere and Whale Beach versus the condition in Sea Isle City. In Strathmere based on the debris seen, there was not as much wind damage as he expected. Most of the damage was at the corner of Seaview and Neptune, losing an 8' x 15' section of the roadway, and washed debris slightly down Neptune and quite a way down Seaview.

Mr. Wisner said he was referring more to the cleanup side of the damage. Were the streets more passable or less passable or was there not a difference. From an access standpoint, it was clearer in Strathmere because there was only that one area that was impacted by damage and light debris. At its worst, you could still drive a light pickup truck around there. In the Sea Isle section of Whale Beach, where it breached a geotube, there was about a 1,000' section where there was 18 inches of sand in the roadway which took the County and Sea Isle's road departments about a day and a half to dig out, then another day to clean up the shoulders of the road. He did not tour Sea Isle or Ocean City to see the rest of the damage, but that was very apparent because it impacted Strathmere to the point where you couldn't get electric company repair crews in until the sand was cleared. That was one of the delays in restoring electric. However, Strathmere's electric was restored before some of the mainland communities had power.

In terms of routine beach cleaning, you testified that you respond to individual calls as well as having several group efforts at beach cleaning. Is it correct to say that Upper Township is not allowed to rake the beach? Yes, that is correct. How is general garbage such as soda bottles and sandwich wrappers taken care of? Until recently, we have relied on the methods of other State Parks, where what is carried in should be carried out by the population. The Environmental Fishing Club, as well as some of the beachfront residents, tried to keep an eye on the beaches. This year we did hire three part-time workers in the Recreation Department for the general litter pick-up, but they do not rake. They are there Monday through Friday from 6 AM until 10 AM. For the beach and both boat ramps in

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Strathmere, then they go to the Beesley's Point boat ramp. Mr. Dietrich stated that he felt this was how the Township Committee reacts to requests from residents, no matter where they live in the Township. If something is needed, they find a way to get it done.

Mr. Wisner asked if the carry-in, carry-out policy is the same in other parks in the Township. Yes, there are trash cans in parks the same as at the street ends of the beach. We do not put our cans on the beach side of the dunes because we don't want them falling over onto the beach.

The Chair asked that Mr. Wisner hold any more questions until the next meeting. Several dates were considered for the next meeting. After several attempts to choose a date that everyone could attend, it was decided that Tuesday, August 19<sup>th</sup> was the best option. Mayor Palombo will not be present, but will read the transcript prior to the next meeting.

The Chair stated that the anticipated agenda would be to finish up with Mr. Dietrich, potentially finish with Mr. Garcia, and begin hearing from the general public. She also anticipates another meeting after that.

The last item of business is to approve the payment of the bill for the secretary for the meeting. Motioned by Mr. Corson, seconded by Mr. Kelly, all in favor.

The meeting was adjourned at 9 PM.

Respectfully submitted,

Janet McCrosson

