

**UPPER TOWNSHIP PLANNING BOARD
STRATHMERE DEANNEXATION**

**MEETING MINUTES
FEBRUARY 2, 2008**

A special meeting was held at the Upper Township Elementary School, 50 Old Tuckahoe Road, Marmora, New Jersey at 9 a.m. The meeting was in regards to 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.

Solicitor Marcolongo stated that the Citizens of Strathmere and Whale Beach have submitted a Petition to Township Committee. It is the Planning Board's duty is to report back to Township Committee. The Planning Board is not deciding only fact finding and gathering information as to how the proposed deannexation would impact the Township.

The Planning Board has hired Stuart Wisner, Licensed Professional Planner, to do an investigation and prepare a report listing items that could be affected by the deannexation.

Mary Darcy Bittner, Esquire, represented the Citizens of Strathmere and Whale Beach.

Stuart Wisner was sworn in as Board Professional.

The meeting was open to the public.

Edward Tetterer, 26 Sherman Avenue, was sworn in. He is a member of the Citizens for Strathmere and Whale Beach. He commented that Strathmere transferred from Sea Isle City in 1905 when there were only 12 residents in the town. He referred to this as cultural disconnection. He feels the residents of Strathmere are neglected by Upper Township. Strathmere is the only coastal resort without a local police force or seawall to protect the residents. He asked that Strathmere be released from the Township. He feels that Strathmere will be better served if managed by a government that has a second natured seaside understanding.

Robert Roland, 18 W. Seacliff Avenue, was sworn in. He testified that there is a problem with the drainage pipe at the west end of Seacliff Avenue north of the bridge. He has called the Township and they don't come out. When this happens it floods from Seacliff Avenue up to Commonwealth Avenue. The water creates a ditch that exists for up to a week. He feels this is a safety concern. He submitted 3 sheets of paper with 10 photographs that were taken on August 16, 2007 and September 11, 2007. The photos were marked as Exhibit S-1.

Mr. Roland stated that the water gushes out of the pipe and could be dangerous. When it floods there is a pool of stagnant water that smells bad and is unhealthy for the community. He has been dealing with this problem for 5 to 7 years. He feels it is the Municipality's responsibility to maintain and repair the problem and not the resident's responsibility.

Mayor Palombo stated that the Township has applied for DEP permit to rectify the problem.

Randy Roash, 124 Prescott Avenue, was sworn in. He is a year round resident. He testified that the area just described by Mr. Roland doesn't drain and that it freezes in the winter. He doesn't believe that emergency vehicles could access the road. His child attends Upper Township Schools. He feels the bus service is not reliable. His son's bus ride is unreasonably long. He discussed an incident where his son was left off in Ocean City and he had to go pick him up. He feels that Strathmere students should attend Sea Isle City Schools. He refers to Strathmere as a geographical separation.

Katherine Cheesman, 9 Sherman Avenue, was sworn in along with her granddaughter Linda Styers of the same address.

Mrs. Cheesman testified that she wrote the comments that her granddaughter is going to read into the record. Mrs. Cheesman is 96 and is the oldest resident of Strathmere.

Ms. Styers read the letter that stated that Mrs. Cheesman built her home in 1955. Her taxes are currently over \$8,000.00. She is concerned since there is not a local police force. The Upper Township Senior Center is so far away. Free transportation only goes as far as Sea Isle City. Her home in Strathmere is a summer home for her and her family. She called the State Police one time and it took a half-hour for them to arrive.

Judith Rinear, 9 Putnam Avenue, was sworn in. She supports the deannexation. She is a year round resident. She is concerned that there is no law enforcement and that it takes so long for the State Police to respond. She referred to a snowstorm several years ago when the Township did not come out and plow the roads right away and she was forced to miss work. She finds the lack of services provided to the residents of Strathmere very annoying.

Lynn Fayter, 118 Putnam Avenue, was sworn in. She discussed the blizzard of 2003 and back-bay flooding that went almost to Ocean Drive. She couldn't get to work at the hospital since the Public Works Dept. did not come until Tuesday to plow the roads.

Ms. Bittner submitted a letter from the State Police. Solicitor Marcolongo marked the correspondence as Exhibit S-2.

Lt. Thomas D'Intino, of the Sea Isle City Police Department, was sworn in. He testified that he is responsible for overseeing the patrol units in Sea Isle City. He is also the

department head for the department of public safety. In the summer they hire additional officers from Memorial Day to Labor Day. During the winter there are 20 full time officers.

Lt. D'Intino testified that due to the expansion in the summer population the town is split up into 3 zones. In the summer they hire an additional 24 seasonal Class II officers. He guesses there are approximately 60,000 people in Sea Isle on a weekend during the summer and even more 4th of July weekend. They have marked and unmarked patrol vehicles, an SUV, bicycles, patrol motorcycles and a couple ATV's that they use to patrol the beach. Two patrol officers patrol the beach day and night. They also have foot patrol. The beach curfew is 10 p.m. They have a no-open-container ordinance in the City.

Lt. D'Intino described 911 false alarms and the time in which to clear the calls. He reviewed the clear times on several calls and referred to a package of calls that were placed to the station. Sea Isle and Strathmere have an agreement for mutual aid in regards to fire and ambulance but not police.

There was discussion regarding the salary of Sea Isle City Police officers.

There was a 5-minute recess at this time.

Solicitor Marcolongo stated that he marked the package referred to by Lt. D'Intino as Exhibit S-3.

Charles Dall'Acqua, 33 E. Sumner Avenue, was sworn in. He testified that he purchased his home in Strathmere in 2002. Prior to that he owned a home in Sea Isle City for 10 years. He supports the beaches being cleared after 10 p.m. He is concerned about the garbage on the beach. He stated that Sea Isle City cleans their beaches. He submitted a photo taken Memorial Day Weekend showing snow fence lying on the beach. The photo was marked as Exhibit S-4. He stated that he called the township several times to clean up the garbage on the beach. He discussed the Christmas trees the Township left at the end of his street.

Mr. Dall'Acqua also has concerns in regards to the dune erosion. He stated that during a storm or major surges, water is coming up over the embankment and washing sand into the street in front of his house. He submitted additional photos that were marked as Exhibit S-5 through S-11. He wants the Township to put sand in front of the bulkhead to keep water from coming over. He bought posts, borrowed a posthole digger and installed roughly one hundred feet of fencing along the dunes. The fence was put up on a vacant lot. He does not know who the owner of the lot is.

Mr. Dall'Acqua referred to a night in September during a confrontation on the beach between him and 3 men in their mid 20's obviously intoxicated. The embers from their bonfire were flying onto his house. The State Police were called and they showed up

probably 30 to 35 minutes later. The men had already left by the time they arrived. There have been other situations with bonfires. The breeze blows embers up into the dunes and onto peoples property. This is the reason he would like to have a curfew.

Mr. Dall'Aqua stated that he has called Paul Dietrich to request that the areas that are not striped for no parking be painted. The response was that the project was done. He stated that people continue to park at the end of the block even though there is a sign. He doesn't think it is right that the Township uses the prisoners for free help to put up fencing.

Ms. Bittner commented that the Director of Public Works in Sea Isle City have indicated that they do not use prisoners for any jobs including dune fencing.

Albert Lord, 1805 Riverwatch Lane, Annapolis, Maryland, was sworn in. He testified that he owns 29 East Seaview Avenue. He has been coming to Strathmere since 1972. He has owned property in Strathmere since 1992 and currently owns 2 properties. He supports the separation from Upper Township. He feels that township services are inadequate to the needs of Strathmere. He feels the services don't match the level of taxes that the residents pay. He believes that separation is necessary. He feels this is a matter of cash and that the township cannot afford the services that it needs to perform.

Mr. Lord testified that the ocean has taken out his back fence and has come within 2 feet of undermining his septic system. He has pleaded for help from the township. He has spent \$250,000 trying to install a steel sea wall. He feels that he has suffered a significant devaluation. He feels that Upper Township should install the sea wall.

Mayor Palombo stated that the township is not allowed to put sand on State owned property without the proper permits. The Township is currently waiting for the agreement for the Township to sign from the State to be able to put sand where it is eroding. The Township has paid about \$80,000 for the sand in front of Mr. Lord's property. The State will not allow the Township to put rocks, stone, gravel or any type of structure other than sand in that area.

Ms. Bittner submitted the 2004 annual report by Dr. Farrell of Stockton College. The report was marked as Exhibit S-12. It is a 2-page exhibit containing the cover page along with page 17 of the report. She also entered an article from the Atlantic City Press dated January 26, 2008. The article discusses the Longport sea wall built in the 1980's. Solicitor Marcolongo marked the article as Exhibit S-13.

Edward Beal, 1 N. Bayview Avenue, was sworn in. He has lived in Strathmere for 34 years with his wife Cathy. They first bought a house here in 1974. They are very concerned about police and other safety protections. They are concerned about the trash pickup.

Roy Diamond, 509 Bayview, was sworn in. His family has been homeowners in Strathmere for 22 years. He is a member of the Strathmere Improvement Association and of the Citizens for Strathmere and Whale Beach. His wife is a first responder with the Strathmere Volunteer Fire Company. He is an attorney in Pennsylvania and an urban planner. He owns 2 businesses that provide real estate and property management services. He feels that Township Committee and the Planning Board have demonstrated that the identity of the township is a mainland community not a seashore community. He stated that Upper Township's recreation priorities are those of an inland community.

Mr. Diamond stated that after the storm in 1962 Sea Isle City bought the privately owned beachfront parcels that were deemed unbuildable as a result of the storm. This allowed them to qualify for beach reclamation opportunities and resources provided by the NJ Dept. of Coastal Engineering and to preserve beach recreation open space. Upper Township chose to reject the opportunity to buy the land east of the Army Corps berm line. Today, approximately 116 privately owned parcels exist on Whale Beach and Strathmere. He stated that Upper Township implies that it owns and controls the beach when it does not.

Mr. Diamond referred to a March 30, 1962 addendum to the Upper Township Master Plan which indicates that another approach to restricting development along the beachfront would be through the direct purchase of land by the Township. The report also indicated that Strathmere had at that moment become a distinct liability. In February 1967 the NJ Dept. of Conservation and Economic Development reprimanded Upper Township for failing to maintain even a temporary dune created by the Army Corps of Engineers after the storm.

Mr. Diamond further testified that records indicate Upper Township spends \$3 in the maintenance, operation and construction of recreational facilities on the mainland to each dollar spent on the Strathmere beachfront.

Mr. Diamond stated that the Coastal Research Center of the Richard Stockton College issued a NJ Beach Profile Network Report for Cape May County in 2001. Profile No. 121 notes that while there has been substantial beach erosion, Upper Township failed to provide new sand until 1984. He stated that the 2006 report refers to the Township's failure to adequately protect its beaches and families that live nearby.

Mayor Palombo stated that there is \$400,000 allocated towards the next beach replenishment project, which will not require any type of bonding. \$80,000 was spent on Neptune Road. Funding has not been available for the beach replenishment project because the federal government has not allocated the funds that were needed. Hopefully, the money may be available in the next 2 or 3 years.

Mr. Diamond feels the \$400,000 is a small amount compared to what is spent on the mainland.

There was a one-hour recess for lunch.

Chair Scrocca informed the audience that the hearing would be continued until February 12, 2008 from 6 p.m. until 9 p.m. at the Township Hall.

Solicitor Marcolongo marked the copy of Upper Township Master Plan from 1962 as Exhibit S-14. A letter from February 24, 1967 from the NJ Dept. of Conservation to the Mayor of Upper Township was marked as Exhibit S-15. The Upper Township Beach and Recreation Spending Chart was marked as Exhibit S-16. The New Jersey Profile Network regarding Cape May County, containing 3 pages, was marked as Exhibit S-17. One page of the final report from Stockton Coastal Research Center from 2006 was marked as Exhibit S-18.

John F. Vassallo, Jr., Attorney specializing in alcoholic beverage control practice, was sworn in. He was the Director of the Division of Alcoholic Beverage Control from March 1982 until January 1990. He testified that Upper Township currently has 7 liquor licenses, 2 of which are in Strathmere. If Strathmere annexed with Sea Isle City the license would follow and be administered by Sea Isle City. There would be no threat to liquor license owners. There should be no fiscal impact by the transfer of the licenses.

Chair Scrocca stated that if the licenses were transferred, Upper Township would lose the benefit of a large commercial tax rateable.

Neal Sagoti, 2400 Commonwealth Avenue, was sworn in. He is an attorney in Pennsylvania for 34 years. He resides with his wife Maureen who is a psychologist and her parents Joseph and Mary McGinty. His alarm has gone off 3 times. Each time it took over 1 hour for the State Police to arrive. He feels that Sea Isle City could have been there sooner. He has observed people shooting off illegal fireworks. He is concerned about the beach parties that go on all night and the speeding on the roads. He discussed a situation where his car got stuck in flooding water in front of Mildred's Restaurant. It took 3 hours for the police to arrive. His other concerns are that there are hardly any lifeguards on the beaches. The Township only picks up the trash once a week. The Township does not enforce the laws on the beach. He wants services for his tax money. He has never gone to a Township Committee meeting to raise his concerns.

Maureen Sagoti, 2400 Commonwealth Avenue, was sworn in. She testified that she has owned her home for 10 years. Her concerns are that there is no protection and no services. She stated that Strathmere is filled to capacity in the summer since the beach is free and so is parking. She is concerned about speeding cars. She referred to a time that her house alarm went off and it took 2 hours for the police to arrive.

Herb Hollinger, 113 Putnam Road, was sworn in. He has lived in Strathmere since 1962. He is a firefighter with the Strathmere Volunteer Fire Company and past President of the Strathmere Fish and Environmental Club. He stated that Strathmere is the most likely area to suffer when it comes to prompt response and least likely area to receive proactive

protection. He discussed the police and the territory that they are responsible for covering. His concerns are speeders and drunken beach parties. He feels that tragedies would be avoided if the rules were enforced. He sees the need for constant police presence especially during the summer. He informed the Board that Strathmere Volunteer Fire Company pays for a State Trooper to be stationed at the firehouse during the weekends in the summer. They pay the trooper out of their own pockets, out of the fire company's general fund, and with donations from the Strathmere Improvement Association and concerned citizens. They have seen an effective change. The Sea Isle Police are called to respond until the state police can get there. He asked that Strathmere and Whale Beach be allowed to join a neighboring community that can provide the police and safety services they need. He wants the speeders ticketed and the parties and fires on the beach extinguished. He asked that the jet ski be put back in the budget.

Greg Bennett, 21 E. Winthrop Avenue, was sworn in. He is the President of the Strathmere Volunteer Fire Company. In the summer of 2006 the fire company began paying an off duty trooper \$80.00 an hour for 4 hours during the weekends. They intend to continue to pay a trooper in the future. His main concern is fire and traffic. He is in support of the proposed deannexation. He stated that Strathmere likes its character and they do not want to look like Sea Isle City. They do not want the zoning to change and duplexes to be permitted. He will supply Ms. Bittner with incident reports to give to the Board prior to the next hearing.

Rex Schutte, was sworn in. His family owned 18 Sumner Avenue since 1969. He reiterated the issue of fireworks and that there is always debris in their backyard from the fireworks. He is concerned about the noise. He feels the parking issue needs to be addressed.

Colleen Cox Snee, was sworn in. Her parents and her own 18 Webster Avenue since 1968. This property is a quadplex with 4 separate units. In 2004 the 2 downstairs units were vandalized and she had to pay \$40,000.00 to repair the damage. In 2005 they were vandalized again to the tune of \$8,000.00. Both incidents happened during the winter. She feels the lack of police presence contributed to the vandalism.

Dennis Sigovich, of Philadelphia, was sworn in. He owns 300 N. Commonwealth Avenue. He reaffirmed the testimony by Mr. Roland in regards to the flooding on Commonwealth and Seacliff. He feels this would not be a problem if the drainage pipe were maintained. He submitted a photo taken from his property showing the flooding. The photo was marked as Exhibit S-19. On August 17th he called the police at 1 a.m. during a drunken party and the police did not respond. He feels this is an example of lack of police. He discussed an incident at the Deauville on 8/2/06 when there was foul language going over the PA system. He phoned the police and was told that the township did not have a noise ordinance. He feels this would not have been a problem if there was a noise ordinance in place.

Kenneth Weaver, 212 Bayview Drive, was sworn in. He submitted 3 photographs showing the seaweed on the beach. The photos were marked as Exhibits S-20, S-21 and S-22. Another photo showing the annual beach parade on August 25th was marked as Exhibit S-23. His Grandparents opened the general store in 1910 and his Grandfather was the first postmaster. He purchased his home in 1997. He discussed the problem with the seaweed that made the beach virtually unusable for almost a month. He observed an unusual sandbar this summer and the seaweed kept getting stuck in it. He feels it is not natural to have that much seaweed and finds it to be unacceptable.

Mayor Palombo informed the public that the Township signed an agreement with the State that they will not rake the beach since some of the debris helps keep the sand on the beach.

Nancy Fulum, 14 E. Seaview Avenue, was sworn in. She is a previous Ocean City resident and has lived in Strathmere for 3 years. She believes the seaweed was a public safety hazard. She called the Township repeatedly to have the seaweed cleaned up. She stated that beach erosion is a problem. She believes that people congregate on the beach since they know there are no police in Strathmere. She picks up trash on the beach everyday and is frustrated that the township only picks up trash once a week. She feels the lack of police is a magnet for vandalism.

There was a 10 minute break at this time.

Mary Lynn Fenelli, 38 E. Webster Avenue, was sworn in. She has been a summer resident of Strathmere for 9 years. She discussed fires on the beach. She picks up the remains from the fires so that no one gets hurt. Her concerns are the lack of police protection and noise. She stated that there are uncontrolled fires at night. The embers from the fires fly toward the dunes and the houses. There is excessive noise and environmental dangers. She feels the lack of police is a safety issue. She read sections of Sea Isle's ordinance regarding beach curfew, trash on the beach, and noise. She believes that being a part of Sea Isle would help cure some of the challenges.

Joseph Finelli, 38 E. Webster Avenue, was sworn in. He discussed the snow fencing. He feels the beach party's on the beach at night are a nuisance and that the signs listing the laws must be enforced. He stated that you have to keep your windows closed at night and turn on the air due to the noise. They are destroying the fence and using it for firewood during the parties. He commented that Sea Isles beach laws are enforced. They have never been to a township committee meeting to voice their concerns.

Tony Adario, 512 Bayview Drive and 59 Rock Avenue, Watchung, NJ, was sworn in. He has been coming to Strathmere since 1965. He is here to support Strathmere and Whale Beach's request for deannexation from Upper Township. He can't sell his house in Strathmere because the taxes are too high. He discussed burglaries and the lack of police. He wants the residents of Strathmere to receive the quarterly newsletter that is sent to the mainland residents. He discussed local purposes taxes. He feels that

Strathmere should have a noise ordinance. During the winter he wants protection from break in's, the beaches monitored for erosion, the streets checked for flooding, and the streets plowed in a timely manner. When Cape May County Open Space was willing to purchase lots in Strathmere the township didn't support the idea. He feels that Strathmere is the "cash cow" of Upper Township. He is not in favor of sewers since it would look like Ocean City and Sea Isle City with townhouses and duplexes. He commented that he would like to keep Strathmere the quite and quaint community it is but Township officials would prefer that every square inch be developed.

Harry Geiser, 200 S. Commonwealth Avenue, stated that his house has been broken into 3 times. The first time it took the State Police 45 minutes to arrive. The second time the State Police showed up an hour and a half later at the same time as Sea Isle City. The third time he didn't bother calling.

Ted Kingston, 5 E. Willard Avenue, has lived in Strathmere full time since 1963. He is a member of the Strathmere Volunteer Fire Company and Strathmere Improvement Committee along with the Citizens for Strathmere and Whale Beach. He referred to the 1960's when the Township refused to install a bulkhead even though Neptune Avenue was falling into the ocean. The Township could not justify the expenditure of \$300,000 so the residents of Strathmere ended up paying for the bulkhead to be installed. During the 1980's the residents of Strathmere fought with the Committee to get reliable water. Whale Beach had no water and the fire hydrants didn't work. The Bergus', the Strathmere Improvement Association, and a court order are responsible for the water system in Strathmere being upgraded. He commented on the location of the lifeguard shack in front of someone's home and in front of the bulkhead. He wants a resident of Strathmere to sit on township committee so the closed-door meetings represent all the people of the township. He asked the Board to recommend deannexation.

Solicitor Marcolongo marked a package of 6 letters that were submitted by Mr. Kingston as Exhibit S-24. The package contains two letters from John Kingston to the United States Army Corps of Engineers dated November 30, 1963 and the other is not dated, statement of John Kingston to the Upper Township Committee dated January 20, 1964, a letter from James Rankin, Chief Engineer to the Upper Township Committee with a handwritten note dated February 1965, and a letter from David Emmell, Chairperson, Beach Erosion Committee, Strathmere Improvement Association to Frank Farley dated October 24, 1966.

Chair Scrocca announced that the meeting was closed and that the next meeting would be held at the Upper Township Municipal Hall on February 12, 2008 at 6 p.m.

The meeting was adjourned at 4:19 p.m.

Submitted by,