

SPECIAL COUNCIL MEETING MINUTES – June 8, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 8, 2015 at 4:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Clerk announced that the meeting was being held in compliance with the Open Public Meetings Act and that adequate notice of the meeting had been provided according to law.

The following members of Council were present for roll call taken by the Clerk:

Councilmember Thomas Conrad
 Councilmember David Perry
 Councilmember Erik Simonsen
 Deputy Mayor Clark
 Mayor Michael Beck

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Due to the significant amount of people in attendance, Mayor Beck requested courtesy and brevity from the public when making their comments at the microphone in an effort to keep order.

Ordinance #2015-04; Ordinance Revising and Restating Chapter 178, Beaches, of the Code of Lower Township
 This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

Councilmember Conrad motioned to amend the ordinance to remove Article 5, use of watercraft. He deferred to Solicitor Stefankiewicz for legal advice.

Solicitor Stefankiewicz advised that the change does not require an additional first reading and stated reasons to validate the same.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
PERRY		X	X			
SIMONSEN			X			
CLARK			X			
BECK			X			

Councilmember Perry dispelled some misinformation that was circulating about the Special Meeting. He revealed concerns and complaints from his constituents regarding the beaches and explained the Recreation Advisory Board's role in recommending changes to the ordinance, thanking them for their efforts. He informed the public about regulations already existing in the ordinance and pointed out the changes in the proposed ordinance. He expressed concern about dogs on the beach with small children and elderly. He referred to a newspaper article dating back to 2009, when the issues were first being addressed. He also reminded of recent changes to the animal ordinance regarding extreme weather. He addressed the proposed amendments including fire safety regulations, removing Article 5 and solicitation on the beach.

Councilmember Conrad reiterated the safety reasons for the proposed ordinance. He reminded that the ordinance only applies to Township owned beaches that are highlighted on the displayed map.

Councilmember Simonsen voiced favor with the removal of Article 5.

Deputy Mayor Clark thanked everyone for attending the meeting. He expressed concern about the process of changing laws to public spaces and poor communication to the public. He cited letters from constituents who are opposed to the ordinance and/or the timing of the Special Meeting.

Mayor Beck questioned the number of citations issued in the past five years for violations of beach rules and dog bites. He also questioned the consistency of the law in public parks. He strongly urged increased signage and

enforcement, with zero tolerance, in addition to recording and publicizing violations. He stated his adamant opposition to putting the law into effect at the current time.

Manager Ridgway reminded that animal control will be enforcing the beach rules.
Mayor Beck commented about the Township's past failure to enforce the beach rules.

Call to Public

Mark DiDonato, Vice-Chairman of the Recreation Advisory Board, revealed the request to the RAB to evaluate the current beach ordinance. In February, 2015 they presented to Council their recommendation to amend the beach regulations, Chapter 178 of the Township Code. The recommendations were based upon complaints to Township representatives dating back to 2007.

Steve Morey, RAB member, thanked Councilmember Perry for outlining the beach ordinance and questioned Solicitor Stefankiewicz about the rules covering the use of watercraft. He fielded questions from Mayor Beck, and encouraged proactive actions from Council regarding beach regulations. He added comments about high tide affecting the efficiency of the leash law.

Mark DiDonato reminded that the RAB was asked by former Manager Voll to review the beach ordinance.

Beth Ruffer, dog owner, voiced concern about additional rules upon the passage of the proposed ordinance.

Linda Blanchette, Brookdale Road, voiced opposition to the proposed ordinance, stating her belief that government should not regulate civility.

Jeff Hodgson, 403 Washington Blvd, representing 10-12 people unable to attend, voiced opposition to the ordinance because they do not want to lose their beach freedom.

Ed Butler, Villas, asked if the ordinance will include private beaches. He also expressed interest in tabling the ordinance and holding a work session for further discussion on the matter.

Deputy Mayor Clark inquired about how the law applies to the area below the mean high water mark. Solicitor Stefankiewicz informed that the ordinance applies to Township owned property.

Pat Tatar, Villas, asked if Township beaches will be marked to discern them from private beaches.

Eleanor Chestnut, 9 Beverly Road, voiced dissent with tourists abusing Township beaches. She expressed interest in better communication, signage and enforcement.

Alice Dalla Palu, 401 Clubhouse Drive, voiced favor with the leash law and encouraged Council to increase enforcement.

Rich Anderson, Arbor Road, agrees with increased enforcement and zero tolerance.

Will Rosenberg, Appleblossom Drive, believes that signage is poor and statistics need to be recorded. He also stated that trash is a bigger problem on the beach than dogs.

Kathy McLeer, Cape May Beach, believes the Township needs to enforce the rules already in place. She also pointed out the reason she takes her dogs to the beach during peak hours.

Greg Basile, 24 Vacation Road, expressed concern about dogs on private beaches. He voiced approval to the leash law and better signage, but remains concerned about watercraft.

Mickey Kane, Arbor Road, questioned the RAB's recommendation to legislate courtesy. She favored the idea of keeping a record of violations to determine if more rules are necessary and she suggested that any changes be made after this season.

Bill Greenfield, Villas, gave a synopsis of his recent experience on the bay. He voiced displeasure with the Special Meeting and creating new beach rules. He agrees with increased enforcement and zero tolerance.

Dan Anderson, Townbank Road, suggested that the Recreation Department look into establishing a dog park or dog beach.

Patience Unknown, Villas, voiced displeasure with the ordinance and believes that drugs and slumlords are bigger problems than dogs on the beach.

Joe Link, Glenwood Place, believes the Township needs to enforce the laws already in place. He voiced displeasure with the Township's purchase of property from Emerson Avenue to Lincoln Boulevard.

Dave Huegel, North Cape May, articulated his disapproval with the new ordinance. He also expressed an interest in enforcing the laws already in place and adding trash cans and organizing a beach cleanup.

Tom Chestnut, Townbank, inquired about the fine for beach violations and agreed that we need better signage and zero tolerance.

Joe Thomas, Roseanne Avenue, suggested that the flooding issues are more important. He agreed that the Township needs to conduct a study and enforce the laws already in place.

Denise Jones, Bates Avenue, voiced disapproval of the ordinance.

Cathy Myers, Bates Avenue, supports increased signage and enforcement and disagrees with restricting dogs from the beach.

Rick Bouts, Townbank, voiced opposition to the ordinance.

Bob Crane, Townbank, voiced opposition to the ordinance and thanked Mayor Beck and Deputy Mayor Clark for suggesting zero tolerance. He also inquired about the beaches south of the canal.

Eileen Kreis addressed Council to voice opposition to the disrespect against the RAB and suggested that they make an effort to defend their volunteers. She commended and thanked the RAB for the work they have done.

Billy Wood, Rose Avenue, disapproves of the ordinance and suggested a dog park instead.

Jeff Hodgson, made a suggestion to Council to request a show of hands from the public to determine who is in support of the ordinance and who is opposed to it.

Councilmember Perry made a motion to adopt Ordinance #2015-04, seconded by Councilmember Conrad.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY	X		X			
SIMONSEN			X			
CLARK				X		
BECK				X		

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Simonsen. Motion to adjourn unanimous. Meeting adjourned at 5:40 p.m.

Michael E. Beck
Mayor

Jeff Hodgson
Township Clerk

Approved: 6-15-2015