
Public Hearing

before

SENATE NATURAL RESOURCES AND ECONOMIC DEVELOPMENT COMMITTEE

“Public use of beaches after the Sea Bright/Monmouth Beach Restoration Project”

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: November 7, 1996
9:30 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Joseph M. Kyrillos Jr., Chair
Senator Andrew R. Ciesla, Vice-Chair
Senator Gordon A. MacInnes
Senator James E. McGreevey

ALSO PRESENT:

George J. LeBlanc
Office of Legislative Services
Aide, Senate Natural Resources and
Economic Development Committee



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SENATOR JOSEPH M. KYRILLOS JR. (Chairman): Ladies and gentlemen, sorry to begin this meeting late. Welcome to this public hearing of the Senate Natural Resources and Economic Development Committee. I think all of the public notices have been distributed according to the Open Public Meetings Act. Since this is a legislative hearing, it is being recorded. There will be a permanent record -- a transcript available to everyone who would like to review it down the line. It takes a few weeks at least, am I correct?

HEARING REPORTER: That is correct.

SENATOR KYRILLOS: With that, let's have a roll call for the record and see who's here. Then we will begin.

MR. LeBLANC (Committee Aide): Senator MacInnes?

SENATOR MacINNES: Here.

MR. LeBLANC: Senator Ciesla?

SENATOR CIESLA: Here.

MR. LeBLANC: Senator Kyrillos?

SENATOR KYRILLOS: Here.

Today, we want to focus on public use and access issues in northern Monmouth County on the beach, specifically Sea Bright and Monmouth Beach, which have been the sites of a very large -- massive, if you will -- Federal, State, and local shore protection and beach replenishment project. Nearly \$60 million in Federal, State, and local funds have gone toward or been pledged toward that project, which has literally transformed that part of the northern Jersey coast physically, economically, and spiritually, if you will.

There were a lot more people on the beaches this past summer, including this Chairman and others, than in years past, because there is a great beach. This is a great economic development project and a great quality of life goal attained for Monmouth County and for New Jersey. It is the first step toward a shorewide project that stretches down into Ocean County in the years forward, assuming funding sources hold up and, of course, really justify the goals of the predecessor Committee, the old Coastal Resources and Tourism Committee, which I chaired, with Senator Ciesla as the Vice-Chair, that came up with our State stable source of permanent shore protection funding, which enabled us to draw down the Federal money.

But there are some problems there, as I have seen, witnessed, I have heard about, and I have read about with the people of Monmouth County, Ocean County, and neighboring environs -- New Jersey as a whole -- being able to enjoy the beach that they all ought to enjoy. I am very mindful of the fact that Sea Bright, for example, is a sliver of land, and we are not going to be able to have the kind of parking facilities and have the kinds of opportunities that might be -- that we might like to have in a perfect world. But we need to make sure that there are some opportunities, that the agreed upon opportunities are there, that people who jump over the wall to get on the beach or to jog along the splash pad, as it is called, that they don't have to cut up their elbows and knees trying to do it in the face of a lot of private staircases that all of us can see there right now.

I know that as we move forward, those kinds of things are in place. I know, in talking to Councilman Murphy, here in the front row, and Mayor Rooney, in the back row, that they have plans for the long haul to make sure

this happens. By long haul, I mean relatively near haul, really, by the time we gear up for the summer season, hopefully as soon as possible. I know DEP has some thoughts that we are all going to hear about today. That will give the members of the Committee a chance to ask some questions and, hopefully, highlight for the public that we are making some progress on this access issue.

I think we are going to lead off with DEP, and then go to local officials from Sea Bright, then entertain the comments of some interest groups that are here. I see, I think, four people from Citizens' Right to Access Beaches from Point Pleasant. I will bring up all of you as a panel.

I do want to caution you that the hearing specifically focuses on, as the notice reads, the public use of beaches after the Sea Bright/Monmouth Beach restoration project. I am sure that there are plenty of people who have thoughts about the issue of access in general, and that is an important issue. However, it is not really the subject for today's hearing, although you're here and I want to hear your thoughts, in brief.

Then there is someone here from the Surfrider Foundation, I guess concerned about the access issue in general, as well. But I want to make sure that we focus, for the most part, on this very specific project.

Senator Ciesla, any thoughts? (no response)

Senator Gordon MacInnes, our colleague from Morris County?

SENATOR MacINNES: I am very interested to hear the testimony and the position of the DEP on public access to publicly restored beaches.

SENATOR KYRILLOS: I am quite certain that there were some Morris County residents down there this summer, at least--

SENATOR MacINNES: There were lots of them.

SENATOR KYRILLOS: At least a handful.

SENATOR MacINNES: Not all of them own houses on the beachfront, either.

SENATOR KYRILLOS: That's true.

SENATOR MacINNES: Despite--

SENATOR KYRILLOS: With that, why don't we bring up Jim Hall, Assistant Commissioner for Natural Resources at the Department of Environmental Protection; and Bernie Moore, Director of Coastal Engineering for the Department, to outline, if you will, Jim -- and obviously defer to Bernie when you need to -- about what this project is in general and fill in the numbers that I ought to have right here with me, and haven't talked about, with Federal, State, and local contributions, and where it goes from here. That way people will have some perspective, because I guess they are already starting on Long Branch, or soon will, and tell us what the agreements were vis-à-vis rights-of-way with private beach clubs, staircases, parking, etc. Then we will go to the Sea Bright officials.

Jimmy, thank you. Welcome.

ASSISTANT COMMISSIONER JAMES F. HALL:

Thank you, Senator.

Yes, we will take a few minutes to go through what the current status of the beachfill project is, its overall scope, and what the access requirements and agreements were that went along with it. There were some unique situations that occurred in this particular area that we had to deal with and I think in the end ended up with better access than we would have had

otherwise. But they are different than was the norm in some places, so they need to be understood and explained.

In general, I think one of the issues that has come up along the way, because of the size of the project and the length of time it takes-- It is in construction for some period of time, but as soon as you see sand there, people want to get to it. It's true that not all of the access that is required under the agreement was in place as soon as the sand was put into place, because construction was still ongoing. But the agreements to get stairs, and so forth, in place-- It required an agreement. Contracts have been let and are underway. I am fully confident that all of the access requirements that were there will be in place in the near future, so that a completed job will have the access requirements.

I will just let Bernie run through sort of the status at this point and the access agreements. I will chime in where I need to and will answer any questions.

SENATOR KYRILLOS: Bernie, can you just quickly sum up the scope of this replenishment, shore protection project, from Sea Bright down to Ocean County. I mean, quickly and in a snapshot to give everybody and the record some perspective. Then, specifically talk about what exactly has been done in Sea Bright and Monmouth Beach. I don't want to spend too much time on history and stuff.

Senator MacInnes, I'm sorry. Did you want to chime in?

SENATOR MacINNES: Before you turn it over to Mr. Moore, for Jim Hall a question about what is the State policy on beach access. You know,

in two sentences, what is the policy on who owns the beaches and how does the public get there?

ASSISTANT COMMISSIONER HALL: The policy has been and still is the same that has been in place for more than a decade that the Shore Protection Program has been in place; that is, if we assist in funding a project, we require easements to be put into place that allow public access and public use of the beach. We also, in conjunction with that, strive to get meaningful access to the best of our ability, meaning parking, and so forth, associated with it, because in many places along the shore some of the beachfront currently is privately owned. We have had, as a mandatory requirement for all the projects, that public easements be granted and obtained. Sometimes, towns have to do that by condemnation, sometimes not, so that there is public access guaranteed on the beach and the beachfill area that has been participated in by the State.

SENATOR MACINNES: Okay.

The beachfront can be privately owned, but as I understand common law, the sovereign owns the beach, right?

ASSISTANT COMMISSIONER HALL: No, there are--

SENATOR MacINNES: Anything lost by the mean high tide is owned by the people?

ASSISTANT COMMISSIONER HALL: There are many older riparian grants. Also, as you have had the shoreline fluctuate over time, there are places along the coast where people own below mean high tide, as well as down to the mean high tide line.

SENATOR MacINNES: Okay.

ASSISTANT COMMISSIONER HALL: And it varies. It is not uniform throughout. It depends upon where you are and the location.

SENATOR MacINNES: Okay.

ASSISTANT COMMISSIONER HALL: I think one of the issues that came about, particularly in Sea Bright, with some of the private beach clubs, was that some of the private beach clubs did own down to the mean high tide line. And because it was a function of their business, we did strike a different agreement with them on public access, primarily because of what the implications of cost would have been to the project and meaningful access. I can go into that in some detail later on, but--

SENATOR MacINNES: Okay, fine. That is helpful.

Thank you, Mr. Chairman.

B E R N A R D J . M O O R E: Mr. Chairman--

SENATOR KYRILLOS: Bernie.

MR. MOORE: Right now, as we look at the project, Sea Bright and Monmouth Beach have been completed, and we will be moving into Long Branch in the spring of next year. The contracts have been awarded, and that project will go from the borderline between Long Branch and Monmouth Beach down to Lake Takanassee.

We have made the final agreement with the Borough of Sea Girt, so hopefully within the next two to three weeks that project will be advertised so we can begin work again in the spring of next year for the area from Manasquan north to Belmar. Because the bids came in so good in Long Branch, we have some excess money that we don't want to lose, and we can

move now into the area between Avon and Asbury Park. That will also be bid this winter and awarded, so we can begin work in the spring down there.

In the area between Asbury Park and Lake Takanassee, which includes Deal, Interlaken, and Allenhurst, that project is scheduled for Fiscal Year 1999. We still have to write agreements with those municipalities and obtain all the necessary perpetual easements and right-of-ways in that area. Most of that area, you may or may not know, is privately owned. There are some riparian grants, but the entire beachfront is basically off limits to the public. So we have to negotiate with all of the home owners and the municipality to get the necessary perpetual easements for that project.

SENATOR MacINNES: In the absence of agreements for public access to the beachfront in those towns where there is heavy private ownership, do we proceed with a taxpayer-supported replenishment of those beaches, or is the replenishment left to the private beach owners who benefit most directly from the replenishment?

MR. MOORE: Senator, in the case of a privately owned beach, if we do not get the necessary easements prior to advertisement, the project is not advertised. We must have all of the easements in hand, and they must be approved by the Army Corps of Engineers. Case in point, Sea Girt. That was scheduled for last summer. We were supposed to start last April. We haven't, because of 12 home owners, 600 feet.

SENATOR MacINNES: Okay. Thank you.

SENATOR KYRILLOS: So the access issue is one you are going to grapple with up and down the coastline. It is going to vary from town to town and location to location.

MR. MOORE: It is going to be an issue that--

ASSISTANT COMMISSIONER HALL: Right. It varies--

MR. MOORE: It is an issue we face every day. Ocean City is a perfect example. You know, that job is completed. It is three and a half miles of shoreline. The entire beachfront is controlled or maintained by the municipality. There were probably 50 or 60 condemnation cases in that area alone. In the case of Cape May City, the municipality owns the entire beachfront. They went out and purchased that.

The policy of beach access has really been in place since 1972 as a result of the Neptune/Avon case, when we changed our policy. That has been the way we have operated--

SENATOR KYRILLOS: Sixty condemnations in Ocean City?

MR. MOORE: Yes.

SENATOR KYRILLOS: That was sure expensive.

ASSISTANT COMMISSIONER HALL: Well, in many cases you have a combination of where it is obviously people are not willing to let go of whatever rights they have. In other cases, it is just a clear title. For the most part, most condemnation awards have been for relatively minor value, because it is not a function of a business of that adjoining property, and it obviously cannot be developed.

SENATOR KYRILLOS: Is it usually a portion of someone's property, rather than the whole?

ASSISTANT COMMISSIONER HALL: Right.

MR. MOORE: Yes.

ASSISTANT COMMISSIONER HALL: It is up to an easement line for where the beach -- the limits of the beachfill project.

SENATOR KYRILLOS: What were the agreements in Sea Bright and Monmouth Beach specifically with regard to staircases, parking, rights-of-way, etc.?

MR. MOORE: All right. Both municipalities signed a State aid agreement with us, in which the State aid agreement specifically called for what rights-of-way and easements had to be acquired. You will recall, when we were building the seawall back in 1989 and 1990, we anticipated to construct public access and a splash pad behind the seawalls in Sea Bright and Monmouth Beach. Unfortunately, we had the storm of October 1991 as the project was winding down. We were getting ready to put the stairs in. The stairs that we did put in were severely damaged. Then came the January storm in 1992. What was left of the stairs actually fell down.

SENATOR KYRILLOS: The one staircase?

MR. MOORE: Well, there were several staircases that were up.

SENATOR KYRILLOS: Several?

MR. MOORE: The splash pad got damaged severely.

SENATOR KYRILLOS: This was in 1991?

MR. MOORE: October of 1991 and January of 1992. At that point, we made a decision that we would close out the contract for the repairs to the seawall and would hold in abeyance the stairway and the splash pad until we had sand out in front of the seawall, because we could see that if we did not, the splash pad would get damaged again, and we would have to go and make repairs. The stairs would probably be damaged. Again, the stairs only

went from the inside of the seawall to the top. They did not go down the other side, because there was no sand there. Okay?

SENATOR KYRILLOS: Right. Okay.

Well, at this point, what is the obligation of the State and the obligation of the locality with regard to staircases for awhile?

MR. MOORE: Right now, Senator, in Monmouth Beach, the staircases-- There were two staircases built along the seawall, right alongside of Ocean Avenue. They had been completed.

SENATOR KYRILLOS: They go both ways?

MR. MOORE: That is correct. That is correct.

SENATOR KYRILLOS: When were they completed?

MR. MOORE: Just within the last couple of months. They were not done prior to the end of September, I'll say that.

SENATOR KYRILLOS: Right, right. So there are two in Monmouth Beach?

MR. MOORE: There are two in Monmouth Beach.

SENATOR KYRILLOS: Is that the total obligation?

MR. MOORE: Then there is the public access at the municipal pool area, and there are stairways down at the far end of the parking area -- of the municipal parking lot there. So that is the total extent of--

SENATOR KYRILLOS: That is the commitment and obligation?

MR. MOORE: That is correct.

SENATOR KYRILLOS: And it has been fulfilled?

MR. MOORE: That's--

SENATOR KYRILLOS: What is the share -- State, local financial responsibility?

MR. MOORE: For the stairway, we reimbursed the municipality 100 percent.

SENATOR KYRILLOS: Okay. So these staircases are State responsibilities?

MR. MOORE: That is correct. We put them up, and that is part of the agreement that we wrote.

SENATOR KYRILLOS: And the agreement calls for the locality, the municipality, to actually construct the staircase and be responsible for getting it up?

MR. MOORE: We felt it was faster for the municipality to bid and put the job out in accordance with our plans and specifications.

SENATOR KYRILLOS: What were the requirements in Monmouth Beach, and then we will move to Sea Bright for parking and have they been fulfilled?

MR. MOORE: All right. In Monmouth Beach, between Surf Avenue and Valentine Avenue, one street back, there is vacant land back there where the municipality has provided an additional parking area for the public. The signs are installed in that area.

SENATOR KYRILLOS: How many spaces, do you know, Bernie?

MR. MOORE: It is just an open area. It covers about--

ASSISTANT COMMISSIONER HALL: It's the length of the block.

MR. MOORE: It may be a little bit more than that. Somewhere about 800 feet long. I know they have cars parked back there. I have been up there on weekends and it is totally utilized.

SENATOR KYRILLOS: As far as you are concerned, the agreement for access vis-à-vis stairs, parking--

MR. MOORE: In Monmouth Beach, has been satisfied.

SENATOR KYRILLOS: --has been completed in Monmouth Beach. Those staircases are a nuisance in the summertime.

MR. MOORE: Yes. They were put up from--

SENATOR KYRILLOS: They are going to be new to people who start to go next spring and obviously new to people who go during the wintertime, and there are probably a lot.

MR. MOORE: The only thing that is not on the staircase right now -- and the sign is back from the sign maker -- is the sign that says Public Access. It will be mounted on the stairwells. They are blue and white.

SENATOR KYRILLOS: That's important, because these private staircases, you know, can be wobbly. I know they are justified and they are legal and all of that. You know, they are very annoying to people. So when we see a lot of No Trespassing signs up and down Ocean Avenue, it reinforces the need to highlight that this is for the public. This is for the people. You are welcome to come over.

Senator MacInnes?

SENATOR MacINNES: When was the deal struck on the construction of the stairs in Monmouth Beach?

MR. MOORE: Back in 1988.

SENATOR MacINNES: In 1988?

MR. MOORE: Yes, sir.

SENATOR MacINNES: How is it that we couldn't get the stairs built before the summer of 1996? I mean, why is it that we get the stairs built in November or October or September after the heavy season of public interest?

MR. MOORE: We were still-- We just finished up the job in Monmouth Beach in 1995, the winter of 1995.

SENATOR KYRILLOS: He means the sand replenishment, Gordon.

MR. MOORE: The sand replenishment. The parking had been already -- was in use. I was looking for--

SENATOR KYRILLOS: I think the Senator's question, you know, is on target.

MR. MOORE: Yes.

SENATOR KYRILLOS: While back in 1988 there was no beach and, therefore, not as great a need to have a staircase to go over to it, because, you know, you would be going over to water, for the most part--

SENATOR MacINNES: Yes.

SENATOR KYRILLOS: There was a lot of erosion, Gordon. You know, we should have made sure that these staircases were up last spring.

ASSISTANT COMMISSIONER HALL: I understand, and I think--

SENATOR KYRILLOS: That is partly our fault, partly yours, and partly the town's. We should have been having this hearing in time to make sure those stairs were up, in my opinion.

ASSISTANT COMMISSIONER HALL: Frankly, I feel while we were still, you know, engrossed, really, in the construction and making sure what was a very massive job got done, I think, yes, we were not as active in reviewing up to the minute whether or not the towns, particularly Monmouth Beach, which was done in an earlier phase, had completed everything they should in a fashion, perhaps, as quickly as they could have. Sea Bright is different, because they were still under construction during the summer months.

SENATOR MacINNES: All right, that's fair enough. How much of Monmouth Beach remains after the 1995 replenishment? How much of the beach we put down is still there?

MR. MOORE: There is an area of approximately 800 feet long that has been targeted as a hot spot. It is an erosive area. It is toward the end of the project. There are two theories on what would cause that: One is the influence of the Shrewsbury rocks, which is a favorite fishing ground. It is protrusion of rock from the surface which kind of concentrates wave energy into a beach area. The other is the fact that it is toward the end of the project, the southerly end of the project. The ends of projects like this generally have a faster rate of erosion than the more stable portions in the middle or at the other end.

SENATOR KYRILLOS: To put it into perspective for Senator MacInnes, this is a unique spot, correct?

ASSISTANT COMMISSIONER HALL: But the balance of it--

MR. MOORE: The balance of it is still-- Yes, out of three and a half miles of beachfront, we have approximately 700 feet of beachfront that we have a problem with. The rest of the beachfront has been very stable. Have we lost some sand? Yes, we have, okay. Has it been dramatic? No. We have had--

SENATOR MacINNES: Well, the 700 feet where you had this erosive problem, how much of the beach-- If you had a rectangle drawn of the beach after you finished the project, and if you did the same rectangle now, how much beach would be left?

MR. MOORE: We would probably have about 60 percent we have lost.

SENATOR MacINNES: So you have lost, basically-- Out of the three and a half miles, we have lost, like, 11 percent or 12 percent of what was put down.

MR. MOORE: Right.

SENATOR MacINNES: And that is the first year?

MR. MOORE: That is about the second year.

SENATOR MacINNES: Well, you did it in 1995.

MR. MOORE: We finished it up in 1995. It has gone through all the winter of 1996. And we have also had--

SENATOR MacINNES: And the late summertime.

MR. MOORE: Well, we had, in Monmouth Beach itself-- The Monmouth Beach project included all of Monmouth Beach and half of Sea Bright.

SENATOR MacINNES: Right.

MR. MOORE: And we were finishing up on the other half of Sea Bright.

SENATOR MacINNES: When you talk about the southerly end of the-- Oh, wait. I am not a shore guy. Sea Bright is north of Monmouth Beach?

MR. MOORE: Sea Bright is to the north, then Monmouth Beach comes south.

SENATOR MacINNES: So the construction in Monmouth Beach was started earlier--

MR. MOORE: Correct.

SENATOR MacINNES: --and then you went back around and--

ASSISTANT COMMISSIONER HALL: Worked our way north.

SENATOR MacINNES: --worked your way north.

MR. MOORE: We worked our way north on that particular project.

SENATOR MacINNES: You don't go north at Sea Bright?

MR. MOORE: No, that is the Federal part.

SENATOR MacINNES: That's what I thought. Okay.

SENATOR KYRILLOS: Let's move on to Sea Bright now and the requirements there for the people to get on the beach.

MR. MOORE: All right. In the Borough of Sea Bright, the project, as I say, was just completed in October. We have signed the agreements for the construction of three sets of stairs in the North Beach area of Sea Bright.

SENATOR KYRILLOS: Now, is that the agreement, three public staircases? Is that the agreement?

MR. MOORE: That is correct. That is correct. And there is one other set of stairs in the southern part, below the Rumson Bridge point.

SENATOR KYRILLOS: Below the Rumson Bridge, and two above the Rumson Bridge.

MR. MOORE: Right. Parking--

SENATOR KYRILLOS: There are two public beaches now?

MR. MOORE: Pardon?

SENATOR KYRILLOS: There are two public beach areas?

MR. MOORE: That is correct.

SENATOR KYRILLOS: One in the southern part, one in the northern part?

MR. MOORE: Well, there is the main beach right there in the center of town.

SENATOR KYRILLOS: Right.

MR. MOORE: Okay?

SENATOR KYRILLOS: That is next to the Sea Bright Beach Club and--

MR. MOORE: That's correct.

ASSISTANT COMMISSIONER HALL: That is correct, Senator.

SENATOR KYRILLOS: All right.

MR. MOORE: Then, of course, you have the Anchorage Beach Club right alongside of the Surfrider--

SENATOR KYRILLOS: Yes.

MR. MOORE: --which currently is being used as a staging area for the contractor, and he is cleaning that up. But in the northern area, on the North Beach area, there were three sets of stairs to be constructed once the splash pad had been put down. The splash pad is completed, and we have entered into contracts with the municipality for the three sets of stairs -- or four sets of stairs up in that area.

SENATOR KYRILLOS: I'm sorry. Is it three or four?

ASSISTANT COMMISSIONER HALL: Three north.

MR. MOORE: Three north and one south.

SENATOR KYRILLOS: Three north and one south?

MR. MOORE: Yes.

SENATOR KYRILLOS: None of them are up currently?

MR. MOORE: No, they are not. I believe the municipality has--

SENATOR KYRILLOS: As far as you are concerned, this is now a local responsibility to drive this thing to completion?

ASSISTANT COMMISSIONER HALL: We believe--

MR. MOORE: You can hear from them-- (Assistant Commissioner Hall and Mr. Moore speaking over each other; indiscernible)

SENATOR KYRILLOS: Yes, we are going to hear from them, but I want to hear it from your perspective.

MR. MOORE: They have let the contract.

ASSISTANT COMMISSIONER HALL: They have let the contract.

SENATOR KYRILLOS: I want to know who to yell at now, you know, or who the people should yell at, you know, when it is not done.

MR. MOORE: They have let the contract. They have advertised bid-- They have working contracts. They are just waiting for me to process some money to them to get moving.

SENATOR KYRILLOS: So when-- From your perspective, when do you expect them to be up?

MR. MOORE: Hopefully, we will get started within about three or four weeks. It will take me about 10 days to get the money into their hands.

SENATOR KYRILLOS: Yes, all right. They can get started, and will be completed when?

MR. MOORE: It shouldn't take them any more than--

SENATOR KYRILLOS: Well, we are not going to hold you to the day, obviously, Bernie, but, I mean, a sense so the people will know--

MR. MOORE: Let's say by the end of January, they should be completed.

SENATOR KYRILLOS: Okay.

SENATOR MacINNES: Mr. Chairman, I'm confused. I'm sorry.

SENATOR KYRILLOS: Senator MacInnes.

SENATOR MacINNES: I'm a dense guy, and the material we have, I don't think, answered these questions.

You said that we have three and a half miles that are involved in the Sea Bright/Monmouth Beach--

MR. MOORE: That is correct, sir.

SENATOR MacINNES: Only 3500 feet of that is within Monmouth Beach?

MR. MOORE: No.

SENATOR MacINNES: Oh. I'm confused. I thought when you said that only 700 feet had been wiped out in the first winter that that was out of 3500 feet. Maybe I misunderstood you.

ASSISTANT COMMISSIONER HALL: Out of three and a half miles.

MR. MOORE: Out of three and a half miles.

SENATOR MacINNES: Oh, out of three and a half miles. Three and a half miles covers both Sea Bright and Monmouth Beach?

MR. MOORE: That is correct.

SENATOR MacINNES: How much of it is within Monmouth Beach?

MR. MOORE: About a mile and a half.

SENATOR MacINNES: So we have two access points along a mile and a half stretch. Right?

ASSISTANT COMMISSIONER HALL: Plus the beach--

MR. MOORE: Plus the-- (Assistant Commissioner Hall and Mr. Moore speaking over each other; indiscernible) --plus the municipal beach area where they have the municipal pool and the parking. That takes up the other half. You have condominiums that take care of about -- say about 1000 feet. There are two private condos there and some private homes behind the seawall. We don't have access through those areas, but--

SENATOR MacINNES: How much does Monmouth Beach, the municipality, own of the access?

MR. MOORE: They have complete access over all of it.

SENATOR MacINNES: But the condominiums are 1000 feet of it, you say.

ASSISTANT COMMISSIONER HALL: In the upland portion it is only where they have the municipal beach area. There is a parking lot, there are rest rooms, and a pool area, which is roughly half a block, or something.

MR. MOORE: But in Monmouth Beach, we have--

SENATOR MacINNES: About half a block?

ASSISTANT COMMISSIONER HALL: In length, yes.

SENATOR MacINNES: Okay. So you have a mile and a half. You have a half a block for the municipal complex, and you have two access points that are--

ASSISTANT COMMISSIONER HALL: North and south.

SENATOR MacINNES: North and south of the municipal complex?

MR. MOORE: North of it.

SENATOR MacINNES: And is the parking connected to the public access points? Is that where the new parking is?

MR. MOORE: No, the parking is down behind the street system behind the municipal pool and bathing house.

SENATOR KYRILLOS: At the municipal pool there is parking, but for the other staircases it's-- You have to envision this, Senator. It's a very narrow strip of land. It really isn't feasible for much parking right on the beach.

MR. MOORE: It's all developed.

SENATOR KYRILLOS: There needs to be a little distance.

SENATOR MacINNES: Right, okay. Is the parking marked?

MR. MOORE: Yes.

SENATOR MacINNES: The public parking?

MR. MOORE: Yes, it is.

SENATOR MacINNES: You pay for the parking?

MR. MOORE: No.

SENATOR MacINNES: So the parking is free. Do you pay for the beach?

MR. MOORE: That is correct.

SENATOR MacINNES: So if you are driving down Ocean Boulevard, or whatever it is, and you're looking for the parking, there is a sign that says Public Parking and you are able to get to it. Then, when you park your car and get out, how far do you have to go to get to the public access stairways?

MR. MOORE: About one block.

SENATOR MacINNES: Oh, okay. Fine.

Thanks. I'm sorry. I just wanted to--

SENATOR KYRILLOS: That's okay.

Getting back to Sea Bright then, you're looking toward middle or late January for the four staircases to go up?

MR. MOORE: That is correct.

ASSISTANT COMMISSIONER HALL: And the other part of the public access agreement Sea Bright had to do with the private beach clubs and some limited access there, but in exchange for that the township had acquired

virtually doubling the size of the public beach in that town and the adjacent lot.

SENATOR KYRILLOS: Right. For the record, what is the law now in Sea Bright with regard to beach flow on those private beach clubs? People can walk back and forth up to the mean high water line. Is that correct?

ASSISTANT COMMISSIONER HALL: Yes. The easement agreement that was worked out with the couple of private beach clubs was that the easement-- There was a construction easement for the entire width, and there is a public access easement for the entire rack line, which is the wash area, about 50 feet, plus 15 feet above that. That moves -- however the sand moves. So people can walk across there. People can fish there if it is not bathing hours, that kind of thing.

SENATOR KYRILLOS: Right, right, right. So everybody knows-- For the record, anybody who wants to jog from Sandy Hook down to Long Branch-- Well, you didn't get past Monmouth Beach.

ASSISTANT COMMISSIONER HALL: Right. That can be traversed without--

SENATOR KYRILLOS: But you can walk, you can jog, you can fish, you can whatever.

ASSISTANT COMMISSIONER HALL: The other thing that was also put in the agreement was that if, at some point in time, the private beach clubs should no longer be in use, they change use and are no longer private beach clubs, there would be full public access the entire way. That was also structured into the agreement.

SENATOR KYRILLOS: So when we talk to the Mayor and Councilman, the staircases now are something for them to drive. The signage for those, landscaping -- which I want to get into -- around those staircases and along the road at the base of the seawall, that is a local issue, as far as you are concerned?

MR. MOORE: Yes. It is privately owned property, in that that sandy strip between the edge of the highway and the splash pad--

SENATOR KYRILLOS: So any requirement for home owners to keep up that space--

MR. MOORE: There is no requirement. When we were doing--

SENATOR KYRILLOS: But that would be a local requirement, if there were one?

ASSISTANT COMMISSIONER HALL: That is correct.

MR. MOORE: That would be a local ordinance issue, or whatever.

SENATOR KYRILLOS: All right. Parking, now, from your perspective, in Sea Bright--

MR. MOORE: I think we have fulfilled the obligation that we wanted. In the parking area, well, out by the old Peninsula House, we have basically doubled the amount of cars that were in the original municipal parking area. We have increased that to 400 cars in that one area. Up by the pumping stations, up on the North Beach area, there is municipal property around those. The intent is to grade that out and to put stone in there and leave that so cars and fishermen can be able to get in and, you know, have some parking area.

ASSISTANT COMMISSIONER HALL: I think, particularly within the limits of what is available there, Sea Bright has made great efforts with the additional acquisition to really open up accesses as best as can possibly be done.

SENATOR KYRILLOS: They have a lot of good, strong leaders, who we are going to hear from in a minute, whom I know well.

I had one other thought. Does anyone else have anything for the Department? (no response)

So people will understand how all these private staircases have sprung up, the people who live on the nonocean side of Ocean Avenue actually own that land that the wall is on, right up to a certain point of the beach.

ASSISTANT COMMISSIONER HALL: The seawall is on, as a result of an easement -- across what is private property. Those property owners still have the right to construct their own stairs on their own property. However, they are not supposed to block the linear walk along the top of the seawall.

SENATOR KYRILLOS: I am just curious, but this is probably something for the local officials to answer. Most of the residents have labeled those staircases private, I assume?

ASSISTANT COMMISSIONER HALL: I think those that--

SENATOR KYRILLOS: Does anybody invite people to kind of jump over using that staircase, some, yes, maybe?

ASSISTANT COMMISSIONER HALL: I think you would have--

SENATOR KYRILLOS: Read can tell me when he gets up.

ASSISTANT COMMISSIONER HALL: Yes, I think you would have to ask the locals how that has progressed in terms of activity.

SENATOR MacINNES: Mr. Chairman?

SENATOR KYRILLOS: Gordon.

SENATOR MacINNES: The American Littoral Society provided some specific questions to Commissioner Shinn in a letter of July something. You have seen that, and we were given it.

ASSISTANT COMMISSIONER HALL: Right, yes.

SENATOR MacINNES: As it relates to these two municipalities, have you looked into the specific questions raised for those two towns?

ASSISTANT COMMISSIONER HALL: Yes.

MR. MOORE: Yes, Senator.

ASSISTANT COMMISSIONER HALL: Because the questions are quite extensive and quite long, we have been working to set up a meeting with Derry to go over them. We have made ourselves available to Derry to sit down and go through all the issues that he raised. There are a number of rather complex questions that go back to basic ownership issues associated with the seawall, private property, and so forth.

SENATOR MacINNES: Yes, but as it relates to the two towns, there were only nine questions that relate to nine specific property sites, right?

ASSISTANT COMMISSIONER HALL: Well, maybe I am not sure of the same correspondence that you have. I know the one that I recall seeing was several--

SENATOR MacINNES: He asked some general questions to start that I admit would probably be complicated. Then there are specific questions

related to Sea Bright and Monmouth Beach that relate to, you know, 1530 Ocean Avenue and 602 Ocean Avenue.

MR. MOORE: Senator, I have gone up there personally and looked at each and every one of them.

SENATOR MacINNES: And they are all legal or not, or whatever?

MR. MOORE: Most of them, 90 percent of them, are legal. He did raise some questions in front of a couple of the condos.

SENATOR MacINNES: Right.

MR. MOORE: And we have to go back and check with the CAFRA permits that were issued when the condos were built, because in some cases the condos have very special conditions in their permit that had -- that related to beach access. In some cases, I know, we go up with an enforcement agency and we get them to open up the gate to allow people to go across the seawall. And it stays that way for six, seven months, and then somehow the gate gets closed. Then we go back up again. Okay. So it is an ongoing situation, but the enforcement agencies do go up there periodically and survey the area.

Most of the things where he asked whether they were legal or not-- And there was also a question whether one property had a sign up about, For Sale, Riparian Beachfront, Riparian Lots. It is very possible that the owner of that particular property not only has ownership on the ocean side, but he has complete ownership all the way back to the Shrewsbury River, and he may have riparian rights. Each of those have been looked at. I mean, there are

about three signs up there now, but I don't know if they have to have that kind of wording.

SENATOR MacINNES: Mr. Chairman, I suggest that the material from the American Littoral Society be made a part of the record of this hearing, so it will be available to--

SENATOR KYRILLOS: Yes, I think that is a good idea. Derry Bennett called my office and, unfortunately, he couldn't be here. I think he wanted to be here, but he did submit a letter. I think my staff has it, and we will make sure it is made a part of the record.

George, please make sure it is part of the official transcript of the hearing.

So, gentlemen, thank you. These access issues which need to be worked out for the future notwithstanding-- They have to be because this is a huge, expensive project the taxpayers have funded. I think it is justified. Lots of smart people disagree. But that requires that everybody get a chance to enjoy things, reap the benefits from it. Notwithstanding some of these problems, you know, you have done a great job building these beaches. What an amazing difference.

ASSISTANT COMMISSIONER HALL: Access will be an ongoing effort.

SENATOR KYRILLOS: Keep us posted on how things evolve. You know, we have some bills coming up that I am sure are going to require you to come back and see us.

MR. MOORE: Okay.

SENATOR KYRILLOS: We'll be in touch. If you can kind of stay around in case something comes up during the hearing, I would appreciate it.

MR. MOORE: Okay.

Thank you, Senator.

ASSISTANT COMMISSIONER HALL: Thank you, Senator.

SENATOR KYRILLOS: Let me bring up now the officials from the Town of Sea Bright: The great Mayor, Charlie Rooney; the great Councilman, and a good friend of mine, Councilman Read Murphy; and Councilman Stephen Morse. Is it appropriate for everybody to come up together? Does that make sense?

MAYOR CHARLES ROONEY: Sure.

SENATOR KYRILLOS: You can bring up another chair.

Read, I know you have some special responsibilities for this subject, so--

Mayor, why don't you start it off.

MAYOR ROONEY: You direct the questions to me, then they can--

SENATOR KYRILLOS: Do you feel comfortable with what DEP just had to say vis-à-vis what is going to happen and what your role is?

MAYOR ROONEY: What they said was exactly the truth. It is the greatest cry that has ever hit the shore. The beach is tremendous. I was very upset this summer, because the people in Sea Bright put up these private steps, which they were entitled to, before the job was completed, and we could not put up our three stairways in North Beach. The sand wasn't on the other

side. Like Bernie said, we put steps up a few years ago and they got washed down.

So that is really what happened. I met you one night. You were upset, and you couldn't even get up the set of stairs yourself. I apologized--

SENATOR MacINNES: He was so inebriated, do you mean?

SENATOR KYRILLOS: No, there was nothing to walk on.

C O U N C I L M A N R E A D M U R P H Y: He was on his wife piggyback.

SENATOR KYRILLOS: I think I told--

SENATOR CIESLA: It was a Morris County party.

SENATOR KYRILLOS: --one of our local reporters from the *Asbury Park Press* that my wife and I wanted to jog on the splash pad. We couldn't get over, so I, you know, I realized we had a little problem there. But we are correcting that.

MAYOR ROONEY: We had a big problem there, and I had to live with that problem, because the people who live across the street, as Bernie Moore said, own the property and are legally entitled to put the steps up. So as the project was getting close to them, not even completed, they were putting steps up. No Parking, Private Property. Then, it just got out of hand. Near the end of the summer was when I met you, and I said, "We have to solve this." We just signed up on that project, the North Beach project, on October 17. Now we are entitled to put the steps up. The sand is there, and the public will get it.

What the Town of Sea Bright did-- We have a big municipal beach. We purchased the Peninsula House parking lot. That cost the local

taxpayers \$1,200,000, just to make our public access bigger. It would increase our revenue. It would help the town. It would bring people in to the local area and--

SENATOR KYRILLOS: You are getting a lot of people who are from outside the area, not Monmouth County people, but from all parts of northern New Jersey. There is no doubt about it.

MAYOR ROONEY: I am going to explain this the best I can. I was raised in Jersey City, and I used to go to Sea Bright as a young man to watch the Yankees with the ladies and the beer and all that. We had to pay to get on the--

SENATOR KYRILLOS: You still do that, Charlie.

MAYOR ROONEY: Well, I do, but I love Sea Bright. The beaches are for the people. There is a lot more to this sand than the people, but they are for the people. So what we did was, we purchased this \$1,200,000 with 1800 residents in Sea Bright. That's a big chunk of our tax rate, a big chunk. We went along with what the State mandated. I was a part of all those meetings with Bernie down here about the beach clubs, the special privileges they get. We had to do all those things, and I was right in accord with Bernie. The project would have stopped, it would have gotten all mixed up if the beach clubs were not satisfied.

Sandy Hook closes up-- The Federal government, in the last 25 years since President Reagan, has cut the Federal budget on Federal parks. I might be wrong, but I am pretty sure I'm right. President Reagan cut it -- bang, bang, bang, and in this State, too. I think last year, Clinton gave them a little relief. So what happens? A guy gets in his car--

SENATOR KYRILLOS: Hey, Charlie, the election was Tuesday.

COUNCILMAN MURPHY: I was going to say--

MAYOR ROONEY: The whole thing is really sincere, though. So we purchased this beach--

SENATOR MacINNES: Sounds like a truth teller to me.

SENATOR KYRILLOS: Hey, Gordon is going to ease up on you now. You know what, you just--

MAYOR ROONEY: I'll answer any question you want, but people rode down all last year, and this year and our beach revenue has doubled. Where do they come from? They come from the city because they couldn't get into Sandy Hook. That big public beach that we bought -- the Peninsula House -- has satisfied their needs.

Okay, I will answer any questions you want. Go ahead.

SENATOR KYRILLOS: Okay. Read Murphy.

I see Read at his command post on the Sea Bright beach in the summertime. Read, I know you have been really focused on this thing, really trying to make sure that it happens. So I commend you for it.

Is there anything you want to add to the things that--

COUNCILMAN MURPHY: I just, you know, a little history. I am a resident of Sea Bright, but I also grew up in the area. I fell in love with Sea Bright when I started lifeguarding down in that area years ago. It has always been-- First of all, we have never had any beach there. Now we have three miles of beach. This is the first time I have seen the spirit in this town where people are coming from everywhere. You know, it has helped with the

press giving us coverage like Palm Beach, New Jersey, because a bunch of our beach club owners planted palm trees on the beach.

You see people in our shops now who have come from North Jersey, saying, "Oh, God, I used to drive to Seaside. I can drive an hour shorter now and be on a larger beach." It has done wonderful things for the town.

As far as public access, Joe and I had this conversation this summer. It is true that there has always been competition in North Beach who could have the nicest set of stairs and the nicest platform. It is one of the charming effects of Sea Bright. Back in the 1960s, the whole boulevard was lined -- as Charlie can tell you -- with nice stands. Everybody tried to do theirs better. Some of the neighborhoods there have built stairs at the end of the streets. We have, you know, basically community steps. They are not marked private, even though they are private. They are done with private funds from everybody chipping in 20 bucks in the neighborhood. There is no restriction. We don't sit there and question people, "Do you live in the neighborhood?"

Our businesses are starting to kick in on this. We have the Trade Winds Beach Club, which was before us on an issue. They were arguing ownership of a piece of beach in front of them, which turned out not to be theirs, but was a possession of the State. Instead of kicking their heels up and being angry, what they did was, they gave us another set of public access steps and approximately another 150 parking spaces to access a free public beach.

SENATOR KYRILLOS: Was that Trade Winds?

COUNCILMAN MURPHY: This was Trade Winds. They built the steps with their own moneys. Anyone in the public can walk up and go

either over onto the beach-- You know, this is not a totally altruistic offer here. They can go into their rock club, too.

SENATOR KYRILLOS: Is there a minimum on drinks to be bought, or whatever?

COUNCILMAN MURPHY: Hey, I've been there.

SENATOR KYRILLOS: I hear you.

COUNCILMAN MURPHY: The concept and the perception that Sea Bright is trying to restrict people from coming from inland to our beaches is ludicrous.

SENATOR KYRILLOS: Do you see any problem with the timetable that Bernie Moore outlined--

COUNCILMAN MURPHY: No, absolutely not.

SENATOR KYRILLOS: --of middle to late January for these--

COUNCILMAN MURPHY: The only thing that--

SENATOR KYRILLOS: Is that the soonest it can get done, realistically?

COUNCILMAN MURPHY: You have worked with this Council. It might take 10 years. No. Yes, it will be done real quick.

SENATOR KYRILLOS: Because, let's face it, I mean, we are not in the height of the summer season now, but there are people who want to walk along the beach.

COUNCILMAN MURPHY: Well, there are also fishermen, and we really have to start-- I mean, these guys have been real patient. We have taken away their ability to cast off the rocks, which is what they have done for years.

SENATOR KYRILLOS: Is that a reasonable goal, though, January?

COUNCILMAN MURPHY: Yes, extremely. Extremely reasonable. As a matter of fact--

SENATOR KYRILLOS: Because, I mean, that is what, you know, we are going to hold everybody accountable for.

COUNCILMAN MURPHY: The south beach should be started in the next three to four days.

SENATOR KYRILLOS: Can there be some signs there, Read, you know, Welcome to Sea Bright, you know, something welcoming?

COUNCILMAN MURPHY: Yes. We have already placed one at the very northern point to--

SENATOR KYRILLOS: I don't mean the town in general -- I am not trying to manage your town -- but at those staircases as a lead on to the Federal/State-financed beach.

COUNCILMAN MURPHY: Yes, The Public is Welcome.

SENATOR KYRILLOS: My personal opinion is that, and I hope the Council agrees -- is that because so many of these staircases are marked Private, that you ought to make sure that the public staircases are clearly so marked Public, please come aboard.

COUNCILMAN MURPHY: Right.

SENATOR KYRILLOS: Gordon?

SENATOR MacINNES: It might be a good idea, and I don't know what the requirements are in the agreement you have with the State -- or looking at the State, what the requirements are-- If they're not specific

requirements in terms of signage in the Sea Bright and Monmouth Beach agreements, I think that that should be included in future agreements, so that there is a certainty that this access will be noticeable to the members of the public who aren't the town insiders.

COUNCILMAN MURPHY: There is no definite signage agreement. As a matter of fact, all it says is all we have to do is build stairs and give them access. If we wanted to, we could just put the stairs up and nobody would access.

SENATOR MacINNES: Yes, nobody would know.

COUNCILMAN MURPHY: But that doesn't behoove us.

SENATOR KYRILLOS: Do you agree with us that there ought to be signage?

COUNCILMAN MURPHY: One hundred percent.

SENATOR KYRILLOS: I mean, is that something that you guys can commit on behalf of the Council, that there will be signage?

COUNCILMAN MURPHY: I think--

MAYOR ROONEY: I can promise you there will be signage, and to make it real clear--

SENATOR KYRILLOS: Because Gordon can put a bill in and we can make it the law, but we don't need--

MAYOR ROONEY: I'll have the State of New Jersey print the signs and give them to us.

SENATOR MACINNES: There you go.

MAYOR ROONEY: And I'll put the responsibility right back onto Gordon.

SENATOR KYRILLOS: Another little pet peeve of mine, and I mentioned this to you, Rita, over the summertime. You know, a huge taxpayer investment going into these beaches -- it benefits everybody, and it certainly benefits Sea Bright--

COUNCILMAN MURPHY: Right.

SENATOR KYRILLOS: --obviously, and the people who live there.

Some of the paths along the side of the road look a little beat up. And I know that these are private home owners who are supposed to maintain this area. I guess I'm talking about how do you generically label--

COUNCILMAN MURPHY: Right. It's the old railroad right-of-way.

SENATOR KYRILLOS: --you know, the right-of-way, the space between the seawall and the road, and I don't know about the other side.

Now, why can't you guys pass some ordinance that requires these people to maintain this space?

COUNCILMAN MURPHY: We're looking at--

SENATOR KYRILLOS: It doesn't look good. I mean, you know, people drive into town, and the staircases are beautiful, but then the land in between the land and the staircases, there are weeds growing.

COUNCILMAN MURPHY: We've tried to address that in two perspectives. When Christie did the bicycle tour, you know, leaving from Sea Bright, we asked her about Blue Water funds to take that piece. John Garofolo, from Coastal Engineering, and I have discussed this over a time, making that a passive low-dune area, planted with seagrass.

One of the biggest problems that I have, in charge of public safety in town, is the parking that occurs up there illegally. When this project originally started, DEPE came to us -- Charley can tell you this -- with a proposal of 1500 parking spaces up there. At that time, we thought it might have been too aggressive. Right now, we question that.

SENATOR KYRILLOS: Where are you talking about, Read?

COUNCILMAN MURPHY: We're talking about that whole North Beach strip, the old railroad right-of-way in between.

SENATOR KYRILLOS: You're talking about between the road and the seawall?

COUNCILMAN MURPHY: Exactly.

SENATOR KYRILLOS: No parking exists there now, but this is something you envision?

COUNCILMAN MURPHY: This is what DEPE -- or DEP -- envisioned back then.

SENATOR KYRILLOS: Right, but that's not going to happen.

COUNCILMAN MURPHY: DOT said no, too much of a liability. Then we went to the bike path, for what we call passive environmentally sensitive access, giving the people the ability to ride bikes or run in through there. But it's marred by the ugliness of it -- the garbage and the rubble that has been dumped there. Over the years, residents in that area had dumped road rubble and concrete in hopes of keeping the sand from washing out.

SENATOR KYRILLOS: Right. Well, how can you address this problem?

COUNCILMAN MURPHY: I would like-- I'm thinking about coming back to you people and seeing if we can get some funds -- or matching funds. You know, we're doing dune grass on one side now.

SENATOR KYRILLOS: On what side?

COUNCILMAN MURPHY: We're on the east side of the wall. We have planted from our town line up to Driftwood Beach Club.

SENATOR KYRILLOS: Right.

COUNCILMAN MURPHY: And we intend to do -- we have the funds to do--

SENATOR KYRILLOS: You want to do dune grass on the other side of the wall, on the street side.

COUNCILMAN MURPHY: I'd like to just make this--

SENATOR KYRILLOS: But isn't that private property?

COUNCILMAN MURPHY: Yes, but there are ways around that.

MAYOR ROONEY: I have to interrupt.

SENATOR KYRILLOS: Let me ask you this: Why can't you pass a local ordinance that requires everybody to maintain that property? I'm not trying to say that it looks terrible. It doesn't look terrible.

COUNCILMAN MURPHY: It looks terrible.

SENATOR KYRILLOS: It doesn't look like it ought to look, in my opinion.

COUNCILMAN MURPHY: You know, we've-- Stephen asked me-- Stephen investigated and found a cheap source, through you people, of plantings, and one of the things that thrives in that area are Japanese Black Pines.

SENATOR KYRILLOS: Why couldn't the town just throw a bunch of impatiens up, from Sea Bright down to -- you know, from Sandy Hook through the town?

COUNCILMAN MURPHY: That's the king's job, here.

MAYOR ROONEY: Well, I'm going to have to interrupt you here, because I don't want him to give you any false impressions here.

The project went so fast on North Beach, the signs came up, the people built their steps before we were allowed to build the public access. This project has moved so fast and as it completed--

SENATOR KYRILLOS: Yes, I hear you. But I'm just looking forward. I'm not saying you should have done something before and you didn't. But you know, looking forward.

MAYOR ROONEY: Right. We have to clean it up.

SENATOR KYRILLOS: I guess what I'm asking is, is that a priority with you guys?

MAYOR ROONEY: It's a disgrace. It's a disgrace in front of Sea Bright. But there are people -- to clean it up, we'll have to condemn their properties.

COUNCILMAN MURPHY: Which is what-- Condemnation is going to be part of it.

MAYOR ROONEY: But it's amazing--

SENATOR KYRILLOS: Can't you pass some kind of landscaping ordinance of some sort?

COUNCILMAN MURPHY: I think it would behoove us to maintain that as like a minipark area -- you know, getting Blue Water funds

and turning it in-- I mean, there are ways, because we still have, from this last storm--

SENATOR KYRILLOS: Let me ask you this. Maybe we could do something like that for the long haul, but for this summer, for example, is there some kind of intermediate communication to the home owners to keep those spots in better order?

COUNCILMAN MURPHY: First of all, we have to change ordinances, because we allow parking over there for residents. That's one of the--

MAYOR ROONEY: I can tell you truthfully, I will do the best I can to clean up North Beach. We've had a couple of condos getting ready to put some ropes up and things like that. But I can be very truthful to you, when you go down that strip -- and I've been going down that strip -- there are people I had to condemn for the access to build the rocks, and they were just violent. They're old stock. And that same year I was running for election. We're not going to talk about elections. I would condemn their property, and then ask them to vote for me for the better of Sea Bright.

SENATOR KYRILLOS: And you're the only guy that can pull that off. (laughter)

MAYOR ROONEY: I did pull that off.

COUNCILMAN MURPHY: They still don't know they were hoodwinked.

MAYOR ROONEY: We will definitely-- That's a major project, and if we can get some funds from the State of New Jersey-- We just got the signs for the public access from Gordon.

COUNCILMAN MURPHY: Right. (laughter)

SENATOR KYRILLOS: Well, we can talk about it. (laughter) I don't know whose responsibility it is to fund it. There is a big funding commitment already.

But it's not that long a stretch, and I guess I'm asking you, as a--

COUNCILMAN MURPHY: It's 2.4 miles.

SENATOR KYRILLOS: --Senator who has supported these efforts and this effort and chairs this Committee, I'm asking you to go back to your members on the Council and figure out some beautification scheme.

MAYOR ROONEY: We'll guarantee you that.

SENATOR KYRILLOS: Gordon.

SENATOR MacINNES: A couple of questions.

Mayor, this \$1.2 million parking lot and everything, tell me how you pay for that. What's the package for a family that--

MAYOR ROONEY: A lot will come right out of general taxation.

SENATOR MacINNES: You mean free parking.

COUNCILMAN MURPHY: No.

MAYOR ROONEY: It's not free parking.

COUNCILMAN MURPHY: It's \$5 for a car and \$4 a head to enter the beach.

SENATOR MacINNES: So you've got a family of four. You can go to Sea Bright for \$21.

COUNCILMAN MURPHY: Yes.

SENATOR MacINNES: And what's the comparable fee at the Federal national park?

COUNCILMAN MURPHY: There's is, I think, \$5.

What are they getting this year?

MAYOR ROONEY: Six dollars a car.

COUNCILMAN MURPHY: Six dollars a car.

SENATOR MacINNES: Six dollars a car, and as many people as you can stuff in, right?

COUNCILMAN MURPHY: Right.

SENATOR MacINNES: I'm interested in the idea-- I voted for this Blue Water Bond issue. When I voted for it, I thought I was voting to buy land that was prone to flooding--

COUNCILMAN MURPHY: Flooding, that's exactly what this is.

SENATOR MacINNES: --and storm tides and things, but this sounds like it's part of the Sea Bright Beautification Project.

COUNCILMAN MURPHY: No.

SENATOR MacINNES: It serves both purposes?

COUNCILMAN MURPHY: Yes. It's a double-edged sword there. The area that Joe is talking about is extremely susceptible to flooding and overwash, which is the worst part. Now, this past northeaster that we had, the tides were maybe eight to ten inches below what the '92 northeaster was. We had some--

SENATOR KYRILLOS: Well, let's ask Jim Hall.

Jim, is this something that qualifies for Blue Acres funding?

ASSISTANT COMMISSIONER HALL: I think probably just to put it in perspective, there is a whole range of criteria. This might fit under

some of the eligibility portions that have to do with flood prone areas. But we're talking about \$6 million from that bond that is available for--

SENATOR KYRILLOS: Six million?

ASSISTANT COMMISSIONER HALL: Six million dollars is available to the entire coast for prestorm activity.

SENATOR MacINNES: Councilman, I wouldn't count on Blue Water.

COUNCILMAN MURPHY: I know. I already figured that one out.

ASSISTANT COMMISSIONER HALL: I think the availability and the limitations there are somewhat evident.

SENATOR KYRILLOS: I think you've got to figure out a way to crack down on the home owners there--

MAYOR ROONEY: Right.

SENATOR KYRILLOS: --and come together with a way to clean it up. It's going to help them. It's going to improve their life and their property value.

COUNCILMAN MURPHY: There is also grant money out there.

SENATOR KYRILLOS: Well, look, Sea Bright is lucky to have you all.

Councilman, I'm sorry, I didn't give you a chance to chime in.

COUNCILMAN STEPHEN W. MORSE, D.C.: I didn't have a chance at the microphone. But actually--

SENATOR KYRILLOS: I apologize. Please--

COUNCILMAN MORSE: That's good, because I had a lot of things to add, actually.

SENATOR KYRILLOS: Good. This is Dr. Stephen Morse, from the Sea Bright Council.

COUNCILMAN MORSE: I may be a little bit nervous.

SENATOR KYRILLOS: That's all right. This is a casual public hearing today.

COUNCILMAN MORSE: But I do have a lot to say, and I hope you will ask several questions of myself.

I've been on the Council for four years now, and all four years I've had the privilege of being the Chairman of the Beachfront Committee, and the Beachfront Committee runs the beaches. I can say, I wish the other senators were here right now to hear this. The spirit of the Council, since -- well, as far as I've ever known, since I've been on it particularly, has been that of -- to promote tourism on our beaches as best as we can.

Specifically, this year we had hired an individual whose sole purpose was to promote tourism on the beaches through special events and activities. He was paid, I think, around \$7000 to do that. He provided sand-building contests and kick soccer in the sand -- all sorts of things to help bring people in to the beaches. Our intent is to utilize the beach for the public, not to keep people out.

As I said, there are several of those issues I wanted to touch on. I hope I can remember all of them.

The use of the public beach in the past four years has progressively increased every year. If you relate that to revenues, the rough numbers are:

four years ago we were at \$160,000; the year after, \$180,000. Forget the years. Three years ago it went down to \$160,000. Last year it was \$195,000. The '96 summer was our all-time high of \$286,000, which partially is due to an increase in fees that we had to charge to maintain this, but also it shows the increase in numbers. I wish I had all of this stuff here. Councilman Jack Keeler was unable to attend this morning, but he had taken several pictures of the construction in the North Beach. He was trying to get aerial shots--

SENATOR KYRILLOS: So your point is, people are using it--

COUNCILMAN MORSE: Absolutely.

SENATOR KYRILLOS: --revenues are up, spirit is up.

COUNCILMAN MORSE: Absolutely.

SENATOR KYRILLOS: That's great.

COUNCILMAN MORSE: The spirit of the Council-- I can't speak for the individuals that had constructed the staircases, and truthfully, when they built the staircases and put the signs that say Keep Out, No Trespassing, I find it offensive myself. In fact, I'm embarrassed to walk down them. Neighbors of mine built one, and it says Keep Out. It's a big sign, and I saw what had happened when Senator Bill Bradley came to the beach and he had seen this sign and he shook his head, and I really felt bad about that.

SENATOR KYRILLOS: You're Chairman of the Beachfront Committee?

COUNCILMAN MORSE: Beachfront Committee, yes.

SENATOR KYRILLOS: I would suggest you get a really nice colorful sign, you know, bright colors.

COUNCILMAN MORSE: One thing that I had suggested -- I had spoke to the Council individually, and we plan to put it on our next agenda -- is to amend our sign ordinance, which would prohibit large signs to go on any of the staircases and bring the size of them to something other than a big Keep Out, Private Property. We can't restrict, by First Amendment, what they are going to write, but we'd like to see a smaller sign.

SENATOR KYRILLOS: Right. I hear you.

COUNCILMAN MORSE: With regard, again, to the access stairs: Our first concern always is the safety of the public. As I said--

Senator MacInnes, you didn't hear before, but I chair the Beachfront Committee in Sea Bright, and our spirit is to maximize the use of the beach to the public as best as possible. I don't want to repeat myself, but we had hired an individual to do PR this year, to bring people in, because our goal is to fill the beaches, and many, many days both lots were filled to capacity. We parked cars wherever we could fit them in there.

It's our spirit to keep it open and utilize. I felt we did a real good job this year.

SENATOR KYRILLOS: Councilman, any final thoughts, because I have to meet the Senate President for an 11:15 press conference, so I want to get, for the last 15 or 20 minutes, some other people on board, here.

COUNCILMAN MORSE: Okay. Again, the safety issue with the staircases, and then there are the pipes on the beach. We didn't want anybody to get hurt -- and the construction of the splash pad.

One thing we had done, with regard to some of your concerns about the stairs, is, this is the first year we had required permits for people to

build their stairs. They had to come down and seek a permit to build them and follow certain guidelines.

SENATOR KYRILLOS: Good.

COUNCILMAN MORSE: We intend to limit the size of the signs that they put up.

SENATOR KYRILLOS: Good, that's good. Make sure the private cases are built well, too, and aesthetically pleasing and all the rest, right?

COUNCILMAN MORSE: All the private cases, exactly.

SENATOR KYRILLOS: You have that within your power to do?

COUNCILMAN MORSE: Absolutely. And with regards to the cleanup of the North Beach area, just a quick history is that, in the past, certain areas were very nice, and they would get hit with storms, and people have been waiting for this project, because, little by little, people are beautifying.

One thing we had done to encourage the private home owners to beautify themselves is to purchase 2000 trees, which we will have available for the public this spring. Through the State, we have purchased--

SENATOR KYRILLOS: How many trees?

COUNCILMAN MORSE: Two thousand.

SENATOR KYRILLOS: Where are they going to go?

COUNCILMAN MORSE: I hope -- it is my intention, because I don't plan on condemning people's property, but I would encourage the residents to, at no cost to them, to pick up 30 or 40 of these seedlings -- they are through the State Department of Forestry -- and hopefully plant in the North Beach area. We want to promote that.

SENATOR KYRILLOS: On that area that I was talking about?

COUNCILMAN MORSE: Yes. That's part of--

SENATOR KYRILLOS: Try to do it -- if I can suggest this -- in a uniform and planned way, rather than a helter-skelter way.

COUNCILMAN MORSE: Right, absolutely.

SENATOR KYRILLOS: Because this is not a private backyard. This is a very public place that is going to sear the image of Sea Bright and the New Jersey Shore in the minds of a lot of people as they drive that way.

COUNCILMAN MORSE: Absolutely.

SENATOR KYRILLOS: I want to welcome Senator Jim McGreevey, a member of this Committee, and ask the councilmen, when Jim comes to the beach this summer as a member of this Committee, there ought to be a sign, Welcome Senator McGreevey to Sea Bright, something like that. Is that all right?

COUNCILMAN MORSE: Absolutely.

SENATOR MCGREEVEY: Business card size. (laughter)

SENATOR KYRILLOS: All right. Gentlemen, thank you, and I'm sorry to cut you short.

Mayor Rooney, thanks for all you are doing, and Read Murphy.

COUNCILMAN MURPHY: Mr. Chairman.

SENATOR KYRILLOS: You guys are good, solid leaders for Sea Bright and are really transforming that town.

SENATOR MCGREEVEY: Two Democrats and the Chairman count, because none of the Republican Committee members could give a damn about-- (laughter)

SENATOR KYRILLOS: Hang around, you know. I don't think anything else is going to come up that involves you, but we're going to continue to follow progress there.

Now, in the short time that we have left, I want to bring up the panel from Citizens' Right to Access Beaches: Edward Sirchio and Diane Prendimano and Elaine Conheeney and Dennis Smalling; and then Phil Mylod, from the Surfrider Foundation.

Do you want to join this--

PHILIP G. MYLOD, ESQ.: Yes, I know these guys.

SENATOR KYRILLOS: If you mind pulling up a chair, everybody will have a spot.

While I didn't want to focus on this very local situation, I want to give you guys a chance to say your piece. Unfortunately the time, because this is a voting session today, is kind of short.

I'm reminded-- Have a seat, please.

EDWARD S. SIRCHIO: Senator, I just wanted to hand this -- maybe I'll hand this out afterwards.

SENATOR KYRILLOS: Fine.

Bob, could you grab that?

I want to remind you all that the nonamplifying microphones are the ones that are picked up for the transcript, so as you speak, if you would make sure that you're speaking into the small microphones, okay.

MR. SIRCHIO: Hi, Senator. Thank you for hearing us today. My name is Ed Sirchio. I am from the Citizens' Right to Access Beaches, C. R. A. B. We formed in Point Pleasant Beach, and I'd like to compliment the

people from Sea Bright, who have done a fantastic job in obtaining beach access for the citizens, not only of Sea Bright, but of the State of New Jersey and other states.

We are experiencing this type of problem at Point Pleasant Beach. I know sand has not been resupplied there yet, but in the southern portion of Point Pleasant Beach, there is privatization taking place, especially this year. Two beaches, which were quasipublic, have now been closed to the public for private development, and where close to 3000 people would use these beaches for access, they are now being denied because associations are being formed for 24 homes and 18 homes.

I have a packet here, and because of time -- I know you are obligated to other committees. This packet-- I also gave it to Senator Ciesla at a football game. His son plays for another Pop Warner team, as my son plays for the Point team. It has, really, a breakdown about what we're about. We've been involved in the newspapers. We've had a number of protests. We've also tried to obtain Blue Acres funding. Our town denied the application, feeling that the property was too small. They said they could only fit 50 people on this beach during high tide. Now they're trying to, I would say, fix up a beach, this municipal beach, 440 feet of beach, which is located at the south end of Point Pleasant Beach, for the residents and also for anybody who would like to come to it. They have no bathroom facilities there. There is no parking there. They have three pages of ordinances of what you cannot do on this beach, and what they try to do is, they try to discourage people from going there.

I want to point out that in New Jersey there is a \$7 billion tourism market. This State depends a lot on tourism. Just like Sea Bright said, it brought a lot of people in.

Point Pleasant Beach brings a lot of people in, too, but only in the northern section of Point Pleasant Beach, where people can obtain access to a number of beaches such as Jenkinson's and Ridsen's. South of Ridsen's, there will be close to one mile of beachfront that will not be accessible to the public.

Also, what is the mean high-water mark? I found out from the DEP it's based on 18.6 years. But we can't get a base on where this mean high-water mark is for the residents or the citizens of this country. Once they access a beach, where can they go? In this package, you'll actually see a security guard kicking people off the beach -- little kids off the beach -- because this is a private beach. He's kicking little kids off the sand during the offshore races.

SENATOR KYRILLOS: This is what town?

MR. SIRCHIO: Point Pleasant Beach.

SENATOR KYRILLOS: Point Pleasant Beach.

MR. SIRCHIO: We had an offshore race on the 17th, and Senator, a number of people from your county used to go to the old Beacon Beach. I was actually watching this race, and here this guard comes down from the old Beacon Manor Hotel, that now the developer is calling Seaside Shoals, and literally kicking people off the beach watching this race -- they were standing on the wet sand -- kicking little children off. That's what really got C. R. A. B. going.

Maybe we can get a liability issue in here. The liability that some of these private property owners feel that if someone walks on their beach, they are going to get hurt and they are going to sue. Maybe a bill could be passed where they will not have that liability. I think there is something in California that there is a no-loss clause, and you look at the back of the lifeguard stands, especially on the *Baywatch* television program, you'll actually see it says, Swim at your own risk.

SENATOR KYRILLOS: Let me interrupt you on that.

Bernie, I'm sorry to interrupt your private conversation, but this was a good suggestion dealing with liability concerns of private home owners and people walking across or around their beach area. Maybe you could talk more about that thought. I'd like to get your thoughts on it, Bernie, later on, and maybe that's something we ought to pursue.

MR. SIRCHIO: Where can people go once they access a beach? We're not refusing to pay to get on a beach. We don't want to trespass across private property. We just want to go to a beach where we were able to go before.

SENATOR KYRILLOS: Right. Well said.

MR. SIRCHIO: And here's something else.

SENATOR KYRILLOS: If you could summarize. And I apologize, because I want to make sure that everybody gets their piece in.

MR. SIRCHIO: The public trust doctrine. I think I could say mostly for the three people sitting here.

UNIDENTIFIED MEMBER OF PANEL: He's speaking for all of us.

SENATOR KYRILLOS: Oh, is he your spokesman?

MR. SIRCHIO: Yes.

SENATOR KYRILLOS: Okay.

MR. SIRCHIO: The public trust doctrine: There was a Bayhead case in 1984, *Matthews v. Bayhead*, which opened up the Bayhead Association beaches to the public. A lot of the municipalities do not know about this public trust doctrine, which actually gives the right to the public to access beaches below the mean high-water mark, and it's also stated that they can actually use the dry sand area. I wish these municipalities would please inform their police, also train them on what this public trust doctrine is.

These are laws that were set up by the State Supreme Court that are not being carried out. In fact, these associations are making up their own rules.

Our town, Point Pleasant Beach, has been giving up a lot of land to development. I think it's really -- well, we think there is overdevelopment at Point Pleasant Beach, but what really bothers us the most is they're actually giving up public easements. Public easements are given up. They're vacating these easements to the public.

Again, where is the public to go? They actually put the public in between these fences. And you have a badge on, and they actually herd them in like cattle.

We also had an incident where a number of -- two women and their children were walking down from Point Pleasant Beach into Bayhead, over the bulkhead, and they were denied access to the Bayhead beach. They said, "You didn't have the right badge on."

I think this is America. And one more thing about-- We have the American Disabilities Act (*sic*). The only place that has access for disabled and the handicapped, or the physically challenged, is at Jenkinson's. There are only two public ramps in Point Pleasant Beach. All the way down the coast, there is not one ramp except for in Bayhead that is accessible to the handicapped.

One more thing: There are a number of these associations that have sprung up through the years, and they only allow access to the beach if you live on these certain streets in town.

I have a suggestion for not only Point Pleasant Beach. We have a parking problem. At the municipal beach, there are no bathroom facilities. Four hundred forty feet, I said it before, there are no bathroom facilities.

I'm sorry, I'm rushing, but--

Where are these people supposed to go: either on the dunes or in the ocean. They can't bring anything to drink. I'm not talking about alcoholic beverages. Say you take a baby on the beach, you can't even bring a bottle on the beach for a baby.

They discourage people from going on the beach. There are people who live in Point Pleasant Beach, they go to different states to vacation because they can't get on their own beaches.

And one suggestion I have for Sea Bright and also Point Pleasant Beach and all communities: If you do have a parking problem, why don't you set up some type of jitney or a bus. They do it in the Grand Canyon. They take people around and they have the municipal parking lots, and these buses could be going around picking up the tourists, dropping them at different beaches, the boardwalk, too.

That's about all I have to say. I do want to present this to you, Senator.

SENATOR KYRILLOS: I'd like to have it.

MR. SIRCHIO: What?

SENATOR KYRILLOS: I would like to have it. Thank you.

This is a nice -- thank you very much. I will go through this and have my staff go through it and get some thoughts to each of the Committee members.

If you would like this sheet to be made part of the record, we can make it part of the transcript.

MR. SIRCHIO: We are a nonprofit--

SENATOR KYRILLOS: Is that helpful?

MR. SIRCHIO: Yes.

We are a nonprofit organization. We are tax exempt.

SENATOR KYRILLOS: You don't have to say that because it's right on that sheet.

MR. SIRCHIO: Oh, okay. And we do have our phone number there, and we are growing, statewide.

SENATOR KYRILLOS: Great.

MR. SIRCHIO: Thank you very much.

SENATOR KYRILLOS: And we'll have more chance for dialog. Surfrider Foundation.

MR. MYLOD: Yes. Senator, my name is Phil Mylod. I'm with the Surfrider Foundation. That's an organization based in San Clemente,

California. It's a national organization. We have about 25,000 members. We also have an international organization. Don't ask me the number of that.

I represent-- I'm an attorney from Lavalette, along with William McKinnon. Both of us practice law by the sea. Both of us surf, and we're dedicated to access, and it's very important to us. It's so important to us that we dedicate our legal time free to these organizations -- Surfrider Foundation, and we've also been helping out with C. R. A. B. and getting them started.

Ed is exactly right when he talks about the public trust doctrine. One of the things that we want to see happening with this beach replenishment is that somebody enforce the public trust doctrine. You are taking private property and you are now putting public sand on that. Does that property now become public? We know that the ocean is public. We know that east of the mean high-water mark is public, but now when you're putting that sand there, you now have a new situation. We want to see the public trust doctrine enforced to the letter, and that's something that I think the DEP has to do when they are working out these easements with these private property owners, because right now there is a battle in New Jersey.

We know we have rights over public property. We know we have rights over quasipublic property, from the *Matthews* case, but as to private property, that's left to the private property owner, and the case law says, "We're going to do it on a case-by-case basis, but until it's decided, the private property owner is going to prevail."

Nonetheless, as this sand comes on to our beaches, we want to make sure that somebody addresses that issue, and I think it's going to be on the lap of the DEP and the local municipalities that are taking this sand.

One other issue, and it was raised by Ed. It was a liability issue. I drafted a memo, along with a third-year law student, on why towns shouldn't fear liability suits arising out of the ocean. That memo has since been published in the *National Law Journal* -- I'm sorry, the *New Jersey Law Journal*. I bring it to your attention because it addresses the liability issue as far as public property is concerned. It basically says there is no liability for injuries occurring in our ocean waterways.

What does become a concern is when you put the public sand on there, you improve that property, it may change the nature of how it's characterized. It may trigger liability.

What I am proposing and what I would like to get some feedback from the Senators is, perhaps some legislation along the lines that Ed had mentioned, so that towns and private property owners can rest assured that they can allow access without the fear of liability. We don't want them closing us down.

Surfrider Foundation--

SENATOR KYRILLOS: If you have some suggestions or model legislation or something like that, we'd appreciate seeing it.

MR. MYLOD: We do. We'll also send along the memo of law with respect to the liability issue.

SENATOR MacINNES: I'd like to see that, too.

MR. MYLOD: All right, we'll send that along.

We represent-- Primarily we're a surfer group. You know, the surfers have been the downtrodden, but through our efforts we've opened up access for everybody. So we end up representing the public at large, and it is

a good cause. We just wanted to let ourselves be heard here today. I appreciate you listening.

SENATOR KYRILLOS: Super. Thanks for being with us.

In just the minute left, I know you wanted to say something.

DENNIS SMALLING: I'll just make it real short then. My name is Dennis Smalling. I'm from the beach, too -- borough.

SENATOR KYRILLOS: Do you want to pass him the microphone, the smaller one.

MR. SMALLING: I'm kind of surprised to see how easy it is to speak in here -- you guys joking around with each other, you know. I'd like to point out one thing. You said you backed the blue water thing. Really, it's like the real estate bargain since Manhattan was sold by the Indians. You could have had a mile beach for \$1.25 million. I mean, that's a really good deal.

And that's the same issue that we're dealing with. I've been surfing for over 30 years myself. I've been hassled by the same people in the same area in every decade of my life, from teenager up to now and probably in my 50s again.

I went to California this year with an adult sense of mind, and when I was there, two things struck me: Number one, I told people I was from New Jersey. They said, "You pay to swim in that ocean?" I was telling them I was from New York.

The second one: I was there with a child from New Jersey who believed for the whole time that we were sneaking on to the beach. (laughter) I said, "Hey, do you realize that only 2 percent of this entire country is paying to go on the beach." And it's all in New Jersey.

And these beaches are the most beautiful beaches in the world. Ours are as good as they can get. The water is as clean as when I was a young boy today thanks to people taking care of stuff. And I see it sliding back, and if that's going to be the case, I want to leave. There is too much spent for too few people.

SENATOR KYRILLOS: Are you saying that there is no place in America that charges an admission fee?

MR. SMALLING: I can honestly say I've been on, physically touching on the beach, three-quarters of the United States shoreline, and the only place I ever had to pay or was made to leave by not paying was in New Jersey. And as a matter of fact, if I were to follow Senator Bradley's footsteps and didn't say I was an official, I would have been arrested before I hit three towns, and that's a fact.

SENATOR MacINNES: Mr. Chairman, I'll tell you, I grew up in California back when Dewey Webber was making about nine-and-a-half-foot surfboards, and coming to New Jersey and going to the shore for the first time was a stunning shock to me, and it has discouraged me, and I've lived in New Jersey now 33 years, and I don't go to the New Jersey shore because I grew up expecting that the ocean belongs to all of us. And this is such an--

It's not an inconvenience, it's an insult, and anything that we can do statutorily to open up the beaches of New Jersey-- And I'd like to see the most radical, even if impractical presently -- because, you know, all ideas, if they are to be achieved have to be talked about sometime, and we ought to start talking about a much more aggressive and radical approach to represent

the people who own the beach. And it's not just the beach owner -- the beachfront home owners.

SENATOR KYRILLOS: I'd be interested from your perspective, and Gordon, as always, speaks very eloquently on the subject.

MR. SMALLING: Well, even as a taxpayer, alone--

SENATOR KYRILLOS: I'd like to know how those other localities pay for the enhanced traffic and services.

MR. SMALLING: In California, people assume it's their birthright -- that the ocean is their birthright -- where here, it's a right of very few people. And I don't think that even the basic New Jerseyan realizes that the person--

SENATOR KYRILLOS: That is a concern.

MR. SMALLING: --that lives in Passaic Valley owns as much or right of that beach that I do.

SENATOR KYRILLOS: That is a concern, I'm sure, for the home owners of Point Pleasant Beach, for example, that have to pay the property tax.

MR. SMALLING: And now that we're putting--

SENATOR KYRILLOS: I'm not saying that you're right or wrong, but--

MR. SMALLING: Now that we're actually dumping massive amounts of money on our beaches, it becomes a big concern, because, who are you protecting? You are only protecting those people who have something to lose right there, and you're still building new houses right there.

SENATOR MacINNES: Here's the context on this. The context is that we're spending \$24 million in one small town, Sea Bright. And I appreciate, by the way, the very open and encouraging attitude of the Sea Bright officials we heard from today. I think it was splendid.

SENATOR KYRILLOS: I agree.

SENATOR MacINNES: But here we are. We're spending the \$24 million. Their share of that is very small. And don't you think that if you have a real beach that the value of your property that you own in that town is going to appreciate very noticeably? And don't you think, if you have a noticeable increase in the value of the property that your property tax rates, over time, are going to come down? Look at the property tax rates on an equalized basis along the shore, where there are a lot of second homes there that pay property taxes and where the school taxes are measured in pennies.

I mean, this is a tremendous private benefit which is being given to home owners in those shore communities by the taxpayer, and we're not getting enough in return.

SENATOR KYRILLOS: Councilman, I know you want to respond, but-- If you can in a sentence, I'll let you, but then we're going to have to close the meeting.

COUNCILMAN MORSE: One sentence is that all the public access stairs that will be built, there's no charge to access those. The only charges are on the bathing beaches, and 90 -- I'd have to guess -- 95 percent of the moneys, probably most of it, is directly to provide safety to the people who swim in the bathing areas, and maintenance and cleanup.

SENATOR MacINNES: I understand.

COUNCILMAN MORSE: The other beaches that are not protected, there is no charge. You can enter and exit, surf, fish, and everything. We never charge fishermen or surfers. It's just a--

SENATOR MacINNES: But this is a quaint New Jersey practice that is not found elsewhere.

SENATOR KYRILLOS: That is different from what some of these folks feel.

Okay. We have to end it, and I apologize. And if this were a meeting on the general and philosophical questions surrounding access, we would have had lots of residential home owners and mayors and the like here, and it wasn't advertised that way. So, in a sense, it's not fair to get too inordinately into these issues.

I'm afraid we're done, and I apologize. But I'm glad that we touched on it, because they're important questions and we can talk more about them, and I think we have gotten a clear sense of where we're headed in Sea Bright and Monmouth Beach, which is the beginning of this big, huge northern New Jersey beach renaissance, so I'm grateful for that, and we'll keep focused on it.

Thank you all very much for being here. We appreciate it.

(HEARING CONCLUDED)