

OCTOBER 2, 2023

Mayor Marshall called the regular meeting of the Tuckerton Borough Council to order on October 2, 2023 at 7:00 pm.

Provisions of the Open Public Meetings Act were complied with as notice was published to the *Beacon* and the *Asbury Park Press* stating the time, date and place of this meeting.

The following members of Council were in attendance: Keith Vreeland, Brian Martin, Sam Colangelo, Mayor Marshall, Frank D'Amore, Mike Dupuis, and Ron Peterson.

Mayor Marshall led the salute to the flag.

Reads proclamation for Eleanor Cowperthwaite's 100th Birthday.

ORDINANCE #8 OF 2023

**ORDINANCE OF THE BOROUGH OF TUCKERTON
COUNTY OF OCEAN STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 253
OF THE BOROUGH CODE OF THE BOROUGH OF
TUCKERTON ENTITLED "WILDLIFE FEEDING"
SO AS TO REVISE THE REGULATIONS
PERTAINING TO THE FEEDING OF WILDLIFE
WITHIN THE BOROUGH OF TUCKERTON**

Mr. Vreeland moved, second by Mr. Peterson that the meeting be opened to the public for a hearing on Ordinance #8 of 2023. It was so moved.

Virginia Kop'Kash, 123 Clay Street, believes this ordinance makes sense and wants to know if they can add feral cats to it.

Mr. Vreeland stated that it applies to wild, not domesticated cats.

Douglas Ventura, 91 Dolphin Road, stated that the feeding continued after last meeting and it is a nuisance as well as a health hazard and this ordinance needs to be passed.

Billy McGee, 149 Wood Street, stated that he loves all the animals in town and feeds all of them. He wants to know where we draw a line. He understands that if it's excessive but where do we draw the line and thinks it will open a bigger can of worms.

Mr. Vreeland stated that he has been down to look at it and this ordinance is to help the neighbors who are being affected by it.

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Elizabeth Obiedzinski-Garvin, 209 Cedar Street, stated that she has known Debbie, one of the people named on the petition, for a long time and lists a lot of her accomplishments and speaks highly of her character. She continued to state that people were saying she was nasty at the last meeting and that they contacted the Ocean County Board of Health with photos and they stated that they would not accept them because they have to witness it. She wants to know why Council is accepting pictures without a time stamp on them or any identification at all. She also believes it's really creepy that people are taking pictures of her house with a daughter and two young children. She continued by stating that she has a mulberry tree in her back yard and every year her car is covered in purple bird poop from the tree and she just gets the car washed and doesn't cut down the tree. The 16 people that signed the petition from Tuckerton Beach do not depict the whole town's opinion. Finally, she urges the town to reconsider this ordinance.

Diane Murphy, 43 Tarpon Road, stated that feral pigeons are classified as pests because they can carry diseases and by feeding them it can cause more of an issue. The seeds also bring in cockroaches, ants, mice, and rats. Moreover, pigeon and seagull droppings are very toxic and can break down wood, roofs, etc. She also stated that it allows water build up and damage and it is a common reason for invasion of pests in attics. She shows pictures of all the pigeons on her roof waiting to be fed and her neighbors dock. Finally, she stated this ordinance should and must be passed.

Charlie Zamstein, 90 Dolphin Road, stated that this is not about anyone's personality or character and it is not one-sided. He stated this rule is sensible and makes sense.

Paul Suvoy, 92 Dolphin Road, reiterated what was already said and stated that he is a wildlife buff and what he is most worried about is when the poop turns into powder and it is harder to keep away from children such as his grandkids.

Steve Obiedzinski, 209 Cedar Street, is concerned that he will not be able to feed deer and squirrels. He believes this is an isolated issue and is afraid it will affect the whole town.

Larry Ditzel, 88 Dolphin Road, stated that he is having problems with his solar panels because of the pigeons.

Dawn Mathis, 987 Pine Ave, stated that she used to live in the beach area years ago and it was a problem then too. She does not believe adding the songbirds to the ordinance is fair to anyone. She thinks that they are punishing everyone in the town for one incident in the beach area and thinks that they should look in to other town ordinances before passing this one.

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Kaylyn Ullman, 239 South Green Street, wanted to remind everyone that Tuckerton was built on farmland and the bay and with that comes wildlife. She suggests maybe wait on the ordinance and everyone stop feeding the birds for two weeks and see how the birds react and if they go find food somewhere else.

Paul Solimani, 20 Edgewater Drive, stated that the seagulls steal food off his grill and his solution was using bird spike on his roof. They also make pigeon guards for the solar panels. He stated that there are other solutions

Deborah McMunn, 83 Dolphin Road, stated that there are no rats down in the beach area, there are mice. She has not done any ground feeding since the last meeting. She also stated that seagulls are native to this area and there are cardinals, hummingbirds, bees, butterflies, etc. and she is not doing this to piss people off. She likes animals and feeds the birds everywhere. She continued to state that the ducks have been fed for years and doesn't know why she cannot continue. She believes people cause more damage than the birds.

Nancy Hunziker, Dolphin Road, stated that if there are any sick animals she always calls Debbie and does not see the problem that other people are having.

Mr. Vreeland moved, second by Mr. Martin the meeting be closed from the public hearing on Ordinance #8 of 2023. It was so moved

Mr. Dupuis thanked everyone for stating their opinions and recognizes that it's a tough call. He explained that one of the major changes in the ordinance has to do with changing no feeding on public property to also include private property. He was skeptical at first because he also likes feeding the birds as well as chickens and scatter feeds. However after speaking with Mr. Vreeland he explained that they did look at many other shore town ordinances to write this one. He also stated that one thing to keep in mind is as long as your neighbors aren't being affect by the feeding there is not going to be an issue. He believes this will be a case by case basis and will give the construction office some teeth to enforce.

Mr. Martin commented on Mr. McGee's testimony about where to draw the line. He believes that the great part about being a governing body and ordinances is that they can be changed if it does not work. He agreed with Mrs. McMunn when she said that people are more the problem then the animals and stated that there are ordinances in place to help with the littering in town. Just because there is an ordinance against something does not mean people follow it. He also stated that Diane Murphy made some good points about the diseases that bird feeding can bring. Finally, he wanted everyone to know he took notes on everyone's concerns because he was not sure how he felt on the matter and thanked the public for being civil.

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Mr. Peterson stated that he also lives down at the beach and he sees a problem with the pigeons and the solar panels. He does not know if there is something we can do about enforcing solar companies to install precautions to keep the birds away but from what he sees the seagulls aren't as big a problem as the pigeons.

Mr. Vreeland stated that his biggest concerns is when it becomes a nuisance and a health issue.

Mr. Vreeland moved, second by Mr. Peterson that Ordinance #8 of 2023 be approved on second and final reading. It was so moved by the following vote: Yes – Vreeland, Martin, Colangelo, D'Amore, Dupuis, Peterson; No – none; Abstain – none; Absent – none.

Mr. Martin stated that there will be a town meeting on October 7th, 2023 at 10am to talk about the future of Tuckerton financially.

RESOLUTION #147-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING PAYMENT OF CLAIMS

Mr. Martin moved, second by Mr. Vreeland that Resolution #147-23 be approved authorizing payment of claims in the amount of \$30,624.49. It was so moved by the unanimous consent of Council.

RESOLUTION #148-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE BOROUGH OF TUCKERTON AND THE COUNTY OF OCEAN

Mr. Martin moved, second by Mr. Vreeland that Resolution #148-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Colangelo stated that the Public Works yard will be closed on October 9th.

Mr. Colangelo also stated that the work on the second well will be starting this week.

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Mr. Dupuis moved, seconded by Mr. Vreeland to approve the minutes of the meetings for September 18, 2023 with an amendment. It was so moved.

RESOLUTION #149-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF SHARED SERVICES AGREEMENTS WITH THE COUNTY OF OCEAN FOR THE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM, THE DRUG RECOGNITION EXPERT CALLOUT PROGRAM, AND THE "MOVE OVER" LAW ENFORCEMENT PROGRAM

Mr. Peterson moved, second by Mr. Dupuis that Resolution #149-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Martin moved, seconded by Mr. Vreeland to accept Michael Kadlubowski resignation with regrets. It was so moved.

Mr. Dupuis moved, seconded by Mr. Vreeland to approve a raffle license with waiver of fee for the Tuckerton Library Association on November 4, 2023.

RESOLUTION #150-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR AN EXECUTIVE SESSION IN ACCORDANCE WITH PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #150-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Martin stated that the Pride & Celebration Committee is working with the Tuckerton Seaport to have a trick or treat event at the Seaport on Friday, October 20, 2023 from 4-6pm. He stated that it is completely free for residents.

Mr. Colangelo moved, second by Mr. Vreeland that the meeting be opened to the public.

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Denise Moon, Little Egg Harbor Township, explained that there was a situation at Retro Fitness in town on Friday where a gentleman needed emergency medical help and it took 45 minutes to get an emergency vehicle to the scene. She stated that this is unacceptable and something needs to be done.

Mrs. Gleghorn, read off the report from the CAD sheet with the information from this incident which showed that police officers showing up minutes after the call and administered first aid immediately. She continued to state that the entire scene was cleared by 6:21am and the gentleman is reportedly doing well.

Calvin Morey, 106 Floyd Lane, stated that he has been a part of the first aid squad for a long time and wanted to let everyone know that first aid and EMS are the same thing and they can only administer simple things such as an epipens. Medics that are dispatched from the hospital are the ones that can give more intense medical care and transport services.

Lee Eggert, 121 Willow Landing Terr., stated that the police are wonderful when it comes to EMS calls. The problem is that the town plays Russian roulette when it comes to ambulance services because there are not enough volunteers, and no one wants to volunteer here with the way we treat people. Mr. Eggert also stated that the Borough has revenue issues because it has a spending problem. He believes the town is wasting money on many things such as the Bass River shared service for Municipal Clerk services and the Police Accreditation. He expressed his unhappiness with Council and how they are running the town.

Paul Solimani, 20 Edgewater Drive, gave an update on the Paradise Cove Uplanders Association, thanked Mike for spreading mulch at the garden and stated that as an electrician you need to be certified and stay up on those certifications to continue working just like it should be with the fire department.

Bob Challender, 68 Edgewater Drive, thanked Mr. Martin for setting up the town meeting. He also stated that Little Egg Harbor has a Chamber of Commerce and maybe Tuckerton should start one.

Mayor Marshall stated that Tuckerton is part of the Little Egg Harbor Chamber of Commerce and she is a member.

Mr. Peterson stated that the EDC needs members and if would like to join than he can sent a letter of interest to the Mayor.

Pete Gioiello, 358 Kingfisher Road, thanked Council for setting up the town meeting for Saturday and he reiterated that if anyone wants to join EDC they should. He also thanked Mr. Martin for getting the extra money for Landyard Lagoon. He asked about the Spit of Land grant that was opening up at the end of September and if they can

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put checked valves in on some of the other streets in the beach area because they work great on Kingfisher.

Mr. Martin stated that the grant opportunity he is talking about is not for the Spit of Land, but to help with more dredging on Kingfisher Road. He and VanDrew pushed to get the Spit of Land into the federal government budget and he also shared the drone footage from the Asbury Park Press with the county to try and push this issue as well.

Mrs. Gleghorn stated that the budget in Congress was passed and the Spit of Land was included in that. She also stated that Curlew, Kingfisher, and Heron road all have checked valves and Bass will be getting them when they re-do the road which we are awarding a bid at the October 16th meeting.

Chris Volz, 265 Kingfisher Road, stated that if there are checked valves on Heron, they are not functioning well and that she believes the problem comes from the dips in the road that were left after the reconstruction. She also wanted to know why the police do not have tasers and an update on a trail-cam at South Green Street Park.

Mr. Peterson stated that the checked valves work for regular high tides but when it comes over the bulkhead it takes a long time to recede.

Mrs. Gleghorn stated that the taser would be a police chief question. She does not know what the Attorney General's regulations are for them as well as funding is also an issue.

Mrs. Gleghorn let Mrs. Volz know that Public Works was working on getting her a camera to put down there as well as a sign.

Chuck Watson, 90 Curlew Road, stated that he believes there is only one checked valve in one of the storm drains on Curlew which floods the others and he thanked council for passing the ordinance for feeding wildlife and said one of the worse things people can do for wildlife is feed them.

Mrs. Gleghorn stated that she believes that all the drains had checked valves on Curlew and our Public Works tries to go out after big storms to check on everything. Unfortunately, this past weekend was a perfect storm with high tides and rain and there was not enough pressure to push the valves open.

There being no further comments or questions, Mr. Colangelo moved, second by Mr. Vreeland that the public portion of the meeting be closed. It was so moved.

Mr. Colangelo moved, second by Mr. Vreeland that the meeting be adjourned. The motion was unanimously approved at 8:51pm.

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Respectfully submitted,

**JENNY GLEGHORN, RMC
BOROUGH CLERK**

Approved:

**SUSAN R. MARSHALL
MAYOR**