

FEBRUARY 21, 2023

Mayor Susan R. Marshall called the regular meeting of the Tuckerton Borough Council to order on February 21, 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 Frank D'Amore, Suzanne Taylor, Ron Peterson and Mayor Marshall.

Mayor Marshall led the salute to the flag.

Mr. Vreeland stated that Council has not even started looking into the zoning requirements for Cannabis but as for his personal opinion he would not recommend putting a Cannabis store at the Tuckerton Beach Grill.

ORDINANCE #1 OF 2023

ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AAMENDING 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. Colangelo that the meeting be opened to the public for comment on Ordinance #1 of 2023. It was so moved.

Amanda Wilkins, Galloway Township, stated that not feeding the feral cats will become more of a nuisance for the public. She stated that she has done research on what the surrounding towns have done and explained that the Borough can add time limits to when cats are allowed to be fed, residents can register the colonies, and participate in "TNR" programs. She gives Council print outs of other towns' ordinances on the subject.

MaryAnn Cottrell, 695 Pine Ave, asked Council what there definition of a feral cat and domestic cat is. She believes that some residents will use this ordinance to just be anti-cat and is worried that outside domestic cats will be affected by this by getting poisoned. She stated that she does not believe cat owners should be getting penalized and that this ordinance should be tabled.

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Linda Cook, President of Friends of Ocean County Animal Shelter, stated that she would help the Borough for free with the feral cat problem. She also stated that most of these cats are not feral, they are abandoned and go into survival mode. She asked if this ordinance will also pertain to hunters feeding deer.

Mayor Marshall stated that she does not believe it does.

Ann Marie Sweeney, 600 South Green Street, stated that she believes this ordinance is very reactionary to one person that complained. She continues by stating there are cats down in the beach area that a very lovely lady feeds once a day and they do not bother anyone. She stated that someone posted about this ordinance in the TBA Facebook page and the people in the comments section were awful.

Mr. Martin stated that he has had at least five residents come up to him with concerns about squirrels and foxes and are concerned for their children.

Mr. Vreeland stated that there is a potential health hazard they need to take into consideration.

Val, Friends of Ocean County Animal Shelter, stated that there have been problems in the past where residents were the issue and start targeting cats.

Jim McAndrew, Borough Code Enforcement Officer, stated that he has not received any complaints about feral cats, he was only having issues with seagulls and believes the Borough should put more consideration into the feral cats.

Seeing there were no further comments or questions, Mr. Vreeland moved, seconded by Mr. Colangelo that the public hearing on Ordinance #1 of 2023 be closed. It was so moved.

Mr. Vreeland moved, second by Mr. Colangelo that Ordinance #1 of 2023 be tabled for further review at this time. It was so moved by the following vote: Yes – Vreeland, Martin, Colangelo, D’Amore Taylor, Peterson; No – none; Abstain – none; Absent – none.

RESOLUTION #60-23

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

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Mr. Martin moved, second by Mr. Vreeland that Resolution #60-23 be approved authorizing payment of claims in the amount of \$284,272.72. It was so moved by the unanimous consent of Council.

RESOLUTION #61-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A PROPOSAL FOR ENGINEERING SERVICES FOR THE SFY 2022 REHABILITATION PROJECT OF WELL NO. 3 AND WELL NO. 4

Mr. Martin moved, second by Mr. Vreeland that Resolution #61-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Colangelo stated that the Household Hazardous Waste Program will take place in Stafford on May 20th.

Mr. Colangelo stated that the Document Shredding Program will be in Stafford on April 29th and Little Egg Harbor on June 17th. Residents can find more information about both these programs on the Borough website under the Public Works tab.

RESOLUTION #62-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE APPROVAL OF A ROAD OPENING PERMIT ON HERON ROAD FOR BLOCK 113 LOT 94 AND GRANTING RELIEF UNDER SECTION 229-15 OF THE BOROUGH CODE

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #62-23 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #63-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE APPROVAL OF A ROAD OPENING PERMIT ON KINGFISHER ROAD FOR BLOCK 113 LOT 2 AND GRANTING RELIEF UNDER SECTION 229-15 OF THE BOROUGH CODE

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Mr. Colangelo moved, second by Mr. Vreeland that Resolution #63-23 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #64-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, CALLING FOR A MORATORIUM ON SURVEYING AND ACOUSTIC TESTING RELATED TO OFFSHORE WIND PROJECTS PENDING A THROUGH INVESTIGATION INTO THE UNPRECEDENTED NUMBER OF RECENT WHALE DEATHS.

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #64-23 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #65-23

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

Mr. Martin moved, second by Mr. Vreeland that Resolution #65-23 be approved as read. It was so moved by the unanimous consent of Council.

Mrs. Taylor stated that Kaylyn Ullman would like to thank Mr. Solimani for the sign for the Community Garden.

Mr. Martin stated that he met with Van Drew to discuss Thompson's Creek and the Spit of Land. He stated that the State Police are conducting an investigation on the Creek and once Van Drew gets the report they can look at options for the creek. Mr. Martin stated that Van Drew gave him a verbal agreement that he believes that Thompson's Creek should be a navigable waterway.

Mr. Martin continued that unfortunately Van Drew stated that at this time they cannot really do anything with the Spit of Land because the Borough has no plans for a living shoreline. He referred the Borough to the American Littoral Society.

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

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Charles Adam, Owner of Stewarts, stated that he opposes Marijuana retail in town. He states that there are a limited amount of locations where it can be sold, it adds to the crime in town as well as increases loitering, traffic, and DUIs in town. He believes that Marijuana is not a good fit for Tuckerton and the cons do not outweigh the tax revenue that the Borough would get.

Paul Solimani, 20 Edgewater Drive, stated that 22 people showed up to the first Paradise Cove Uplander Association meeting. He stated that they talked about getting things done with VanDrew's office, getting more people involved with the Tuckerton Environmental Commission, finding dredging opportunities for dredging Thompson's Creek, putting up a sign for Paradise Cove, starting a "Save Thompson's Creek" campaign, and coordinating a creek clean up. He wants to know if they need permits for garage sales or block parties in town. He also stated that he is meeting with Assembly man Rumpf on Saturday.

Ms. Hollberg stated that the Borough does not require a permit for garage sales.

Chief Olsen says that for the Block Party, you cannot be blocking traffic for emergency vehicles.

Bruce DeRites, 189 Flamingo Road, stated that in his other town he was a part of a committee that helped gather research for marijuana retail and states that he opposes it and thinks it will open the flood gates. He believes that the risk does not outweigh the benefit.

Jeff Peterson, 320 Kingfisher Road, states that as a retired police officer he opposes marijuana retail in Tuckerton. He states that he has seen the negative effects such as the smell in town and is afraid how it will affect the children in town. He also stated that Mr. Martinelli did a traffic study and thinks the Borough should talk to him before they make any decisions. He believes that allowing marijuana retail will change this town forever.

James Martinelli, 350 Kingfisher Road, stated that he did a traffic study on South Green Street going into the beach area and stated that if the Borough allowed a marijuana store down there it would add 150,000 more vehicles into the traffic patterns. He implores the Borough to do a traffic study before they make any decisions.

Duncan Delino, Esq., Montclair Cannabis Attorney, stated that the government has not change any statutes, people are not allowed to smoke in public or while driving, and if anyone wants he is more than willing to give everyone more accurate research and information on the subject.

Jeff Ward, 318 Kingfisher Road, stated that he lives near the Tuckerton Beach Grill and he is opposed to anything like that being put in the Tuckerton Beach Grill.

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Candice Johnson, Jersey Shore Extracts LLC, stated that she wants the public to do their own research because marijuana has a negative connotation to it. She also stated that the revenue that cannabis would bring in would be very helpful to the town.

Anne Marie Sweeney, 600 South Green Street, stated that when her mother was sick and on hospice, cannabis was the only thing that helped her pain. She also stated that these stores have amazing security and people are spending way more than \$35. Mrs. Sweeney continued that the Fire Department has started up their campaign again and believes that them getting reinstated is the worst thing that could happen and believes the Borough needs to make a decision.

Gary Corriero, 925 South Green Street, asked if someone on Council is spearheading the investigation with the fire department and wants to know if the Borough plans on reinstating them.

Sen. Connors stated that there is no plan to reinstate them right now and if the Borough does they would have to comply with many stipulations to make sure they are following all the rules. He continued that the alternative is for the Borough to start a new department and that will cost a lot of money for the tax payers.

Robert Buono, 188 Flamingo Road, asked if there was an update on dredging and the speedbump in Flamingo Lagoon and wants to know when soundings will be done.

Mr. Martin stated that the contractor is not done yet. They still have to come back and do final touch ups and post survey/soundings to make sure everything was done properly. He also stated that there is still 30 feet to the speed bump and they have agreed to a change order so they might be able to do more.

Carolyn Keen, 84 Curlew Road, thanked Mr. Martin for all of his help with dredging and asks if there is an ordinance on the books about picking up after your dog. She suggested maybe getting a sign so people know. She also stated that the TBA is planning their annual beach cleanup and wants to try and collaborate with Adopt-A-Highway and Paradise Cove.

Paul Darno, 214 Heron Road, stated that there are no Cannabis retail locations along the Jersey Shore and believes there is a reason why. He stated that if the Borough allowed it in this town he would think differently about living here.

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 8:15pm.

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Respectfully submitted,

**SAMANTHA HOLLBERG, RMC
DEPUTY BOROUGH CLERK**

Approved:

**SUSAN R. MARSHALL
MAYOR**