

Sweeney: Proposed bill about much more than eliminating beach fees

Written by Cindy Nevitt
Thursday, December 13, 2012 12:30 pm



U.S. Rep. Frank LoBiondo's office said Wednesday, Dec. 12 that it is not within the jurisdiction of the state Legislature to determine the distribution of federal funds, something it appears two New Jersey senators are attempting with anti-beach fee legislation they proposed last week.

"They can't put strings on federal money," said Jason Galanes, communications director of LoBiondo's 2nd Congressional District office in Washington, D.C., in response to a proposed bill by Sen. Michael Doherty (R-Hunterdon/Somerset/Warren) and Senate President Stephen Sweeney (D-Gloucester/Salem/Cumberland). The bill, No. S2368, would prohibit municipalities that accept state and federal funding for beach replenishment after Nov. 2, 2012, from charging beach access fees.

"That's a fake claim," Galanes said. "They can't say that. They have no power to put strings on federal money."

Sweeney agreed.

"He's right," the 3rd District representative said. "We don't have any say over federal money."

Doherty, the 23rd Legislative District representative and the primary sponsor of the proposed bill, did not return a phone call or an email requesting comment.

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“Where we do have jurisdiction is in the towns that will receive federal funds,” Sweeney said in a phone interview Wednesday, calling the matter “a state-specific issue.”

“We’re not talking about touching federal funds at all,” he said. “We’re not talking about controlling federal funds. That’s not our job. What we’re saying is we can legislate beach fees. We can ban beach fees.”

Insensitive, or sensible?

The timing of the bill, which Doherty drafted three weeks after Sandy crashed ashore on Oct. 29 in New Jersey, causing an estimated \$37 billion in damages, and announced six weeks after the historic storm, prompted cries of insensitivity from Cape May County elected leaders. But Sweeney disagreed, saying now is the optimum time to force municipalities to choose between accepting government money or continuing to charge beach fees.

“We’re saying you’re going to be receiving federal tax dollars, \$1.3 billion for beach replenishment for the state of New Jersey, and we don’t feel that it’s fair to charge people to sit on the sand,” Sweeney said.

“People have been screaming about beach fees since they were implemented,” he added. “Sen. Doherty had the bill, and he came to me with it. In 35 years of beach fees, there is never going to be a larger investment from our federal government than at this time.”

But Galanes of LoBiondo’s office pointed out that federal funding is meant only to pay for beach construction, and that the federal share of beach replenishment projects is 65 percent of the cost. The remaining 35 percent is paid by the state, with 8.75 percent of that paid by the local municipality.

“If the goal they are trying to achieve is to stop construction of the beaches, this is an extreme way to go about it,” Galanas said of the senators’ proposed legislation.

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Sweeney, who said he is “philosophically opposed to user fees” and has been since 1997 when he was a Gloucester County freeholder, does not agree with those shore leaders who contend their towns need the money to cover the costs of operating and maintaining the beaches.

“I hear their argument and it just doesn’t hold water with me,” he said. “How did we have lifeguards on our beaches before fees? I see it as an excuse to put it on the consumer.”

In spending \$38 billion annually in the state, visitors increase the value of the real estate in shore towns, which increases real estate taxes, which allows those municipalities to collect more tax money, Sweeney said. It goes to follow then that those municipalities should be able to support, without additional charges, beach operations and maintenance, he said.

“You don’t have to pay to breathe,” he said. “God gave us the air. God gave us the beach. You shouldn’t have to pay to use the beach.”

Solutions and a compromise

Saying he represents the poorest people in the state, Sweeney said his interest is in protecting those constituents who might not otherwise be able to afford a trip to the beach. The son of an ironworker who grew up in Pennsauken, the 53-year-old senator said he and his three brothers would never have spent a day at the beach during their family’s annual weekly vacation in Atlantic City if a charge for that access had been in effect.

The owner of a condo in Wildwood Crest, which does not charge beach fees, Sweeney said he pays around \$4,500 annually in real estate taxes, an amount he said is inflated by an entrenched system of paying salaries to employees whose jobs could be consolidated through the practice of shared services, helping to cut the cost of government.

“It’s to protect the status quo,” Sweeney said. “They charge fees so they can keep the same police department. It’s not fair to keep coming back to me for more money. They need to control and cut the cost of government, but they don’t want to do what they have to do.”

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And so, through the proposed anti-beach fee legislation, Sweeney said governments in beach towns will be forced to make the hard choices they have failed to make. He did not say what measures he would take against inland municipalities that have bloated budgets.

“As we rebuild the beaches, we need to keep pressure on governments to be more cost-efficient,” he said. “This is not me grandstanding. This is me being very consistent in my beliefs.

“People are inclined to get money from the taxpayer rather than make government more efficient. If they could have one police chief instead of four or five, I’d be with you,” he said, referring to the staffing of each municipality with its own personnel. “I wouldn’t have an argument then.”

Sweeney, who was not invited to the Monday press conference convened by Cape May County elected officials to voice their opposition to the proposed bill, said he is open to working with administrators who are willing to examine their budgets with a serious eye toward reducing costs; with Sen. Jeff Van Drew (D-1st District), who has written him a letter asking him to reconsider the proposed bill; and with LoBiondo, whom he called a friend.

“I challenge any one of those mayors to look at their operations,” Sweeney said. “I’d be happy to talk to them privately or publicly. I’m not going to get my feelings hurt if we disagree. I will work to find an area of compromise if possible. But if we don’t talk, we’ll never find anything.”

As for LoBiondo, Sweeney said he would call the congressman to discuss the legislation, and had a suggested solution for how municipalities would be able to continue charging beach fees while accepting federal and state funds for beach replenishment.

“He can have strings attached,” Sweeney said. “He can put it in the legislation that they can charge beach fees. If the congressman suggests towns have the right to charge beach fees, he can just write it in there. He’s in a leadership position to do that.”