

Remarks of
Mayor Vincent R. Barrella
Point Pleasant Beach
Before the
Senate Budget Committee

May 17, 2012

My name is Vincent Barrella, and I am the Mayor of Point Pleasant Beach, a shore community of approximately 5,000 residents that is the summer playground for 2 million visitors from New Jersey and surrounding states.

I would like to thank the Committee for providing me with the opportunity to appear before you today. I am here today to speak in opposition to S-1914. Before doing so, however, I would like to express my agreement with the following statement which remains as true today as it was when it was penned in 2009:

"To attack our history of local decision making is wrong for New Jersey."

These words were written by my fellow Republican, Governor Chris Christie.

Unfortunately, S-1914 represents an attack on local decision making. When the Legislature and Governor were advancing the 2% tax levy cap along with management reforms the League argued that the cap should be the final piece not the center piece of the reforms. We cautioned that without the necessary management reforms the 2% cap would be difficult if not unworkable. More problematic is the caps one size fits all approach.

In these difficult times it is essential that municipalities are allowed to retain a reasonable degree of flexibility in dealing with how services are provided and paid for. S-1914 appears to be a response to the efforts of some municipalities to manage this problem. Respectfully, I believe it to represent overkill and a continuation of the State's efforts to micromanage municipalities. There is a much more effective check on local officials who seek to game the system than S-1914. That check is the local electorate. Not a day goes by where upon a visit to the local supermarket or convenience store I do not encounter my constituents, and you can rest assured that those I encounter have no problem letting me know what they think. If we are to operate as a business then we need to have available business tools, such as "user fees" and pricing systems, to do so. User fees provide a direct connection between what people pay and what they get. No

business would be able to survive if they had to run their business following our budget laws. Respectfully, government that is closest to the people governs best.

That having been said, I wish to focus on the somewhat ambiguous language of this legislation and how without clarification I believe it may have unintended consequences. On April 26, while at the NJCM convention, I had the honor and privilege of speaking with acting DCA Commissioner Rich Constable. During the course of our conversation I outlined for Commissioner Constable two ordinances that were on this past Tuesday's council agenda.

The first, Ordinance 2012-15, was adopted and is now law. It changes the hours for the sale and service of alcohol in Point Pleasant Beach. Effectively, licensed establishments will not be able to sell or serve alcohol after midnight. This is a change from our present cutoff of 2:00 AM. This ordinance was deemed necessary to provide for quality of life and public safety and also reflects the fact that we can no longer afford to provide the additional police presence required by later closings.

The second, Ordinance 2012-16, was not adopted Tuesday evening. Rather, it was reintroduced and will be on our June 12 agenda. Consequently, it is not law. This proposed ordinance recognizes that some license holders may view earlier closings as having an adverse impact on their business model, and allows those that harbor that view to petition for a modification and extension of their hours provided they remit to the Borough a user or impact fee to defray the cost of additional police services required by the later closing time. The Borough has no obligation to offer this reasonable middle ground approach in setting the hours of sale and service within our borders. Furthermore, under the proposed ordinance, the decision whether to seek a modification and extension of hours rests solely with the licensee.

I provide the following so that the Committee understands the situation we are confronted with. As I already stated, Point Pleasant Beach has fewer than 5,000 full-time residents. Last summer we experienced an enormous spike in "Jersey Shore" type

behavior. We have a regular police force consisting of 21 officers, and a DCA study says we should have 24. This summer we also have hired 88 Special Law Enforcement Officers, a substantial increase from prior summers. Thus, we will have 109 law enforcement officers available to us. This fact, together with our fewer than 5,000 full-time residents, clearly establishes the extraordinary nature of police services we provide to a great degree because of the more than 20 licensed establishments within our small resort community. Does anyone believe that Point Pleasant Beach needs 109 law enforcement officers for its fewer than 5,000 full time residents? Any reasonable person could only conclude that the answer is -- No.

Commissioner Constable indicated to me that Senator Sweeney was going to propose a bill that would preclude Point Pleasant Beach from defraying these extraordinary costs we are forced to incur. Upon hearing that a Senate quorum session was set for May 3, I contacted Senator Sweeney's office to express my concerns. I subsequently received a call from Kevin Drennen, from the Senate Majority Office. Mr. Drennen indicated he would speak with the sponsor in order to provide clarification. He subsequently advised me that the intent of the bill was not to capture within its scope impact or user fees designed to defray the cost of extraordinary police services, but suggested that I review the language of the bill when it became available.

I have done so, and that is why I am here today. S-1914 defines "traditional municipal services" as basic services provided throughout the municipality without regard to a taxpayer's preference and which have been traditionally funded through the municipal purpose tax levy. One example given is "general police patrol and response." Point Pleasant Beach has in the past provided police services throughout the municipality, and has consistently hired a significant number of special law enforcement officers to deal with the influx of summer visitors largely concentrated in our 4th District. Special law enforcement officers have also in the past been utilized off-season, on a very limited basis, throughout the municipality. I am concerned that a question could be raised that "basic services" and more specifically "general police patrol and response" might be read to refer to those services which customarily have been provided in the past, even though

they are extraordinary in nature. Does the term "basic services" refer to those services provided year-round and which are necessary and reasonable based upon our full-time population, or are extraordinary seasonal expenditures included within its scope?

Furthermore, Point Pleasant Beach provides garbage collection on a two day per week basis throughout the year. During the summer months certain areas of the Borough are provided with seven day a week garbage collection. These extraordinary seven day a week services have traditionally been funded through the municipal purpose tax levy. My concern is that if the governing body of the Borough were to seek to impose a user or impact fee for this additional garbage collection the proposed legislation may be used as a basis to deny us this opportunity.

I am confident that if forced to litigate either the extraordinary police or garbage services issue we would prevail, but I do not believe that we should be placed in a position of having to do so. On Monday I appeared before the State Government, Wagering, Tourism & Historic Preservation Committee. At the conclusion of my testimony Senator Whalen also indicated that S-1914 is not intended to cover impact or user fees for extraordinary services provided by a municipality. He suggested that if we desired language consistent with the intent of the sponsor could be provided.

Respectfully, I request that clarification be provided within the definition of "Traditional municipal services" so as to insure that there is no question that extraordinary services, such as the cost of special law enforcement officers and seven-day a week garbage pick-up, both of which are largely provided as a result of the seasonal needs of a municipality, are not included in said definition. Representatives of the League have developed language and have incorporated it into other proposed changes.

Thank you for your time and I welcome any questions you may have.