

CURRENTS

Township Reaches Settlement To Obtain Beachfront Easements

Big news on the beach protection horizon came to light at the Long Beach Township Board of Commissioners meeting May 7. The township has reached a settlement with oceanfront landowners that should help clear the way for a planned local/state/federal beach renourishment project.

Township Attorney Richard Shackleton was on hand to give the history behind Resolution 04-0507.05, approving the \$180,000 settlement to procure six easements from the Loveladies beach-front property owners who have taken the township to court in recent years over the "floating easements" that the township has been trying to acquire.

After beaches suffered major erosion in 1990, the township negotiated an agreement with the state Department of Environmental Protection to induce the Army Corps of Engineers to dredge the coastline in order to offset the massive loss of sand. The township, in exchange, was to acquire easements that would ensure public use of the township's flat beach, which is all area between the sand dunes and the high-water line.

The initial drafting of these easements encountered difficulty after owners pointed out that at fluctuat-

ing times, due to storm conditions and changing tides, the area specified in the original easement would include land very close to their homes and, at some points, actually underneath their properties.

Shackleton recalled a conversation he had with one owner who told him, "I'd love to sign the easement, but sometimes after a bad storm, the easement line (as then worded) is west of my house."

The owner added, "And I really don't want to give people easement rights to run around underneath my house."

Realizing the validity of the owner's argument, Shackleton re-drafted the easements' dimensions to include "from the easterly toe of the dune or from the bulkhead line, whichever is further east."

"It was a migrating description," Shackleton said, "because we all know who live here, the beaches come and the beaches go."

This rewording resulted in "floating easements," easements with changing dimensions. That definition was one that multiple beach-front owners in Loveladies took exception to, and they refused to sign off on the agreement.

A court battle ensued, which Reso-

lution 04-0507.05 would finally end.

After two appeals, the beach-front owners have agreed to settle for \$180,000, which would cover the costs they incurred from lawyer and appraiser fees, in exchange for the easements the township had been trying to acquire before either lawyers or appraisers were hired.

Shackleton offered a few words of solace for those opposed to the easements.

"If any of you know people in Loveladies who have granted the easement, and you ask them if in 2003, the use of their beach was any different than 1995 or so, if they're honest, they're going to say, 'No,'" Shackleton said, dismissing the increase in beach users on those

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beaches in the past few years because an increase, he reported, was seen on all beaches in the area.

In other news, Commissioner Robert Palmer, who met with Gov. James McGreevey at a question-and-answer session for local officials held in April, reported that the meeting dealt largely with school tax relief, with the state searching for alternative school funding from its heavy reliance on revenue from property taxes.

One such way McGreevey is suggesting is through the "Millionaire's Tax," an additional tax on those who claim a yearly income of \$500,000 or greater.

"I don't think (the Millionaire's Tax) involves anybody here," Palmer said at the meeting. "But if it does, you're lucky."

Estimating New Jersey's tax burden to fall squarely in the \$8 billion range, Palmer seemed unimpressed by the \$88 million that McGreevey predicts will be raised by the Millionaire's Tax to counterbalance it.

"It's some sort of help, but it's only the tip of the iceberg," Palmer said.

Palmer also expressed concern over another suggestion from the McGreevey administration to reduce the surplus of school budgets statewide to 3 percent, from an estimated 5 percent average, a proposal that Palmer called "great but only a temporary fix."

"That'll go in this year's budget to help, but then it's done," Palmer said, adding that in some cases, if schools do reduce their surplus to 3 percent, "I don't know if you'd have one month's payroll on hand."

Along with the potential effects the Long Beach Island Consolidated School District may see due to budget concerns, the township's beaches are facing the impact of poor financing now.

Though Ocean County has agreed to make \$1.5 million available to Long Beach Township for maintaining its beaches, the township will still officially open them to the public a week later than last year's opening date, on June 26. The official opening most notably means providing lifeguard supervision.

Mayor Peter Murphy's reading of a proclamation that designated May as Older Americans' Month was met with a round of applause from the audience of mainly senior citizens.

— Katherine Hurley