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## SC Mayor, Resident Still Fuming Over Beach Smoking Ban

By MICHAEL MOLINARO

At the same meeting that Mayor Leonard T. Connors would pass a resolution to designate Sept. 17-23 as Constitution Week in Surf City, resident Daniel Nee found himself perplexed by the local workings of democracy during a fiery borough council meeting this past week.

Nee has been pushing for a smoking ban on the beaches of Surf City since a council meeting last November, when he made his stance clear. At that time, the mayor and council agreed to place a referendum on the ballot for the 2010 general election.

Nee returned at a July meeting to remind the council of an Aug. 20 deadline to add a referendum to the ballot in November. The council decided against it, and instead agreed to survey the town in the mayor's autumn letter to taxpayers.

Yet the agreement was not ratified in a resolution and thus was not binding. Since then, the mayor has decided to forgo the smoking ban survey. After letters were exchanged between Nee and the council, a discussion with Nee was added to the correspondence part of the Sept. 8 borough council meeting agenda.

"My question essentially is if council is renegeing on their decision" to conduct the survey, Nee said.

"No, I'm renegeing on it," said Connors. "What puzzled us, and the reason we asked you back, was in your letter you said I did not request a smoking ban on the borough's oceanfront beach. So you don't care whether they smoke on the beach or not?"

"What I care about is that this council is committed to hearing from its residents," Nee answered.

"Now let me stop you right there," interrupted Connors. "We're committed to it, and that's why you're here at our invitation."

"No, I'm here because I live in the town and it's my right to come to a public meeting," retorted Nee.

After the council questioned whether Nee had any public support or whether he was the lone wolf of this campaign, he said that throughout the summer it was a rare occasion if he went two days without someone walking up to him in town to show support for his cause and give encouragement.

When Nee questioned whether the council was going back on its word from the July meeting, Connors replied, "Yes, to give you a very quick answer. It was not agreed; it was not set in stone. The letter that's sent out comes from this office, the mayor's office. I am the determining factor for the last 40-some years at what goes into that letter."

The mayor then referred to a smoking survey the beach patrol was asked to conduct. Borough Clerk Mary Madonna said the Surf City lifeguard captain on July 28 reported that of approximately 3,000 people on the beach, badge checkers counted only 10 to 15 people smoking.



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“How many people that are smoking on the beach,” Nee would say after the answer the question as to whether the residents would support a smoking ban. “It makes a lot of sense to me, because they were the people smoking at that second meeting. If 10 people smoking, 200 people breathe in smoke that whole time – people with children.”

The mayor and council reiterated throughout the meeting that Nee is a one-time resident. “As far as my memory is concerned, and I’ll ask council to correct me or anybody in the audience,” said Connors, “has anybody come to this meeting requesting no smoking on the beach, or in a letter? I have not heard anybody.”

One source told The SandPaper that another resident sent council a letter in March about a beach smoking ban. The letter was read at a March 2008 meeting with the mayor and council. Then at a September 2008 council meeting, another resident asked Connors and council to consider making the beaches non-smoking, and he responded, “It’s coming.”

Surf City may be waiting for the outcome of a proposed statewide ban of smoking. That bill has been held up in the state Senate since February as the Senate was trying to merge three previous bills into one. This could give the borough the proverbial finger at if a new ban forces it to raise taxes, something the Surf City body prides itself on not doing.

“I don’t know any communities that are waiting for that, or any towns with an ordinance implementation. All they have to do is put the signs up,” said Karen Blumenfeld, executive director of the N.J. chapter of the Global Advisors for Smokefree Policy, known as the Global Smokefree Policy. She said the holdup is due to more-pressing issues involving the state budget. She said the final outcome of the bill. “We’re really excited about it,” she said, adding that it is second in the United States only to California for the highest number of local ordinances that prohibit outdoor smoking at public locations.

She cited Belmar as a good example of a Jersey Shore town where a ban on smoking on beaches apparently has made it more successful. Beach badge revenues were up 10 percent between 2000 and 2001, the first summer the ordinance was enacted.

Blumenfeld contended that was due to the ban making the beach more family-friendly and protect everyone? Children on the beach pick these things up and put them in their mouths. She also explained how a normalization of outdoor smoke-free environment changes the perception that children have of smoking as normal behavior. That, in turn, changes the attitude and behavior toward smoking, according to a study by the Centers for Disease Control and Prevention.

Surf City already has a no-smoking rule at its bayside recreation center. “All we can do is look at that policy and see if it’s working,” said Blumenfeld.

The Surf City Taxpayers Association sends out an annual letter and survey that includes an open-ended question asking them to express their most pressing concern. In 2007, one person responded that smoking on the beaches was an issue. In 2008, four people, and in 2009 seven people with the same concern.

The taxpayers association also holds an annual June meeting at which the members discuss concerns that members have raised. Though no one brought up smoking or smoking on the beaches last year, it was an issue raised the three prior years, according to Allen Mannhagen, the taxpayers association president.

Throughout the Sept. 8 meeting, the mayor and council criticized the strength of the convictions on the issue after a correspondence response between the two sides. “I myself was not opposed to smoking on the beaches.”

“How I feel on the issue doesn’t matter. What matters is how residents feel about it,” Nee said. “At (a) previous meeting this council instructed borough professionals to include a survey in that newsletter.”

“Well, you carried home the wrong information,” said Connors, who went on to say that he had not heard of any letters or requests for a smoking ban.

his letter and he makes the final call as to what goes in it.

“If we say that we’re entertaining the thought of outlawing smoking on the beach, it could have a deleterious effect. We’ve got people that are in foreclosures this year with their finances, where they’ve rented their buildings and so forth. And it might have a bad effect with regard to that issue,” said Connors.

“You think that a smoking ban would promote foreclosure? That’s off the wall,” said Nee. Blumenfeld contends that if there was any effect, the ban would more likely enhance the value of properties in the town rather than lead to decline. She remarked that being “100 percent smoke free” is now a selling point for Manhattan apartments, allowing for higher rental rates. Councilman William Hodgson chimed in concerning the issue of enforcement. “Maybe we’ll hire 10 more police to respond to people’s cell phone calls every time someone calls up for someone smoking a cigarette,” he said somewhat sarcastically.

The issue of enforcement came up at some of the previous meetings, including the first one Nee attended on Nov. 9.

Police would be able to give tickets for the violation, which could raise revenues. Belmar currently imposes a \$100 fine and two days community service to anyone discarding any tobacco-related trash on the beach, and a \$25 fine for those who smoke outside designated smoking areas.

Surf City already has several Class 1 special police officers employed during the summer months to enforce laws that include having open containers of alcohol and drinking in public. “Surf City is lucky that we have summer police officers walking the beaches. A lot of towns don’t,” Nee said after the meeting. “We already have enough police officers. There’s nothing stopping them from being able to walk up to somebody and ask them to put out a cigarette or we have to write you a ticket.”

Nee added to the discussion a piece of correspondence from Alliance for a Living Ocean, which conducts an annual Earth Day beach cleanup. “What do they cleanup the most when they do their beach cleanup?” Nee asked.

“Seaweed!” snapped Connors, raising his voice.

At ALO’s 17th annual Earth Day Cleanup in April, those who participated were asked to document everything they picked up and topping the list overwhelmingly was 1,477 cigarette filters. Plastic bottles came in second at 831 and glass bottles at 752.

The discussion lingered on into the issue of secondhand smoke, with Hodgson asking, “Is it your contention that it causes cancer in an open air environment? A whiff of smoke going by?” “You don’t believe cigarette smoke causes cancer?” asked Nee.

“Not in an open-air environment, like the beach – no I don’t,” said Hodgson. “Not unless you’re the one smoking it.”

“Secondhand smoke effects everybody on the beach when the wind is blowing it right at you,” retorted Nee.

GASP (njgasp.org) has links to several recent studies that contend the harm of secondhand smoke in an outdoor environment.

Another argument against banning smoking on the beaches is that there are already too many activities that are prohibited. “If you’re concerned about too many things being banned on the beach, strike kite-flying from the beach ordinance and replace it with smoking. Get rid of one prohibition and put another in there,” said Nee.

After some continued arguing, including the mayor saying that not having a smoking ban did not stop Nee from going to the beach over the summer, Nee proposed the next step might be to get raise a petition himself, though he questions whether or not the council will take it seriously. The governing body of Surf City does not utilize what is known as Initiative and Referendum, which allows a specific type of referendum if a petition is signed by a certain minimum number of registered town voters.

“At this point I’ve been to two council meetings,” Nee would later say. “I was promised two different things, and both times I was told, ‘no, we’re not going to do them.’”

An estimated 85 percent of adults in New Jersey do not smoke. If an oceanside beach ban of smoking were eventually enacted, it would be the first on Long Beach Island, and would join a list of other New Jersey beach towns, including Seaside Heights.

The mayor gave the last word on the subject to Nee. “What will it take to convince this council that residents of this town support a smoking ban, enough where action will be taken?”

“We’ll give you that at our next meeting,” said Connors.

“I’ll be there,” said Nee.

And so the issue of whether to ban smoking on the beaches of Surf City continues to smolder.

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