

COUNCIL MEETING MINUTES – August 18, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 18, 2014 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Clerk announced that the meeting was being held in compliance with the Open Public Meetings Act and that adequate notice of the meeting had been provided according to law.

The following members of Council were present for roll call taken by the Clerk:

Councilmember Thomas Conrad
Councilmember James Neville
Councilmember Erik Simonsen
Deputy Mayor Clark
Mayor Michael Beck

Also present: Michael Voll, Township Manager, Ron Gelzunas, Township Solicitor and Karen Fournier, Clerk's Office

Work Session

Conflict Discussion regarding Advisory Boards

Solicitor Gelzunas, upon Council's request, reviewed the ethics law to determine how it applies to the township's advisory boards. He determined that advisory boards do not fall under the same ethical regulations as the governing body. Due to a concern for consistency, Mr. Gelzunas stated that Council may want to consider giving guidance to the advisory boards as to what regulations they should follow. Councilmember Conrad said he would not have a problem with advisory boards following the state ethical regulations.

Mayor Beck cautioned the austerity of the law. He suggested clarity to the wording for such advisory boards to escape the perception of conflict.

Motion moved by Deputy Mayor Clark, seconded by Councilmember Neville for the solicitor to prepare and send a memorandum to all advisory boards and commissions advising of the ethical responsibilities that should be followed.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
NEVILLE		X	X			
SIMONSEN			X			
CLARK	X		X			
BECK			X			

Consent Agenda

Councilmember Conrad pointed out that Res. #2014-237 is removing the "new" police building from the capital improvement budget – for this bond Ordinance. Mayor Beck informed that the purpose is to move forward with "this" bond ordinance. Deputy Mayor Clark requested clarification on how the items are purchased under this Ordinance. Manager Voll clarified that all purchases require his authorization, as well as all purchases over the bid threshold require council's approval.

Approval of Minutes August 4, 2014
Res. #2014-232 Payment of Vouchers \$505,737.03

- Res. #2014-233 Resolution Approving Settlement of Tax Appeal Litigation Known a SCP2010-C36-039, LLC C/O CVS Pharmacies (assessment for 2011/2012 from \$2,805,300 to \$2,700,000)
- Res. #2014-234 Authorization for Refund of Taxes (2 properties \$659.83)
- Res. #2014-235 Authorization for the Payout of Accumulated Compensatory Time (M.Gamble \$2,093.14)
- Res. #2014-236 Authorizing the Sale of Township of Lower Surplus No Longer Needed For Public Use On GovDeals Online Auction Website (police equipment – only authorized police agencies can buy)
- Res. #2014-237 Capital Budget Amendment (required for the Bond Ordinance)
- Ordinance #2014-10 Bond Ordinance Providing for Various Capital Improvements in and by the Township of Lower in the County of Cape May, New Jersey, Appropriating \$1,312,000 Therefor and Authorizing the Issuance of \$1,235,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof – 1st reading - 2nd reading and public hearing scheduled for Wednesday, September 3, 2014. This Ordinance will be posted on the bulletin board and available to the public beginning August 19, 2014.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
NEVILLE		X	X			
SIMONSEN			X			
CLARK	X		X			
BECK			X			

Administrative Reports

Personnel Action Report

Monthly Reports – Clerk, Construction, Dog Report, Police, Treasurer, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad pointed out the irony in Cape May City Council wanting the Special Election to be paid for by the same funding formula that they are fighting against.

Councilmember Neville commented on the success of the concert series. He thanked the Recreation Advisory Board for their work.

Councilmember Simonsen discussed a recent meeting with the DOT, Turnpike Authority and T&M Engineering regarding revisions to Exit 0 off the Garden State Parkway. He also informed about a recent meeting regarding emergency response to fire and safety in Diamond Beach. He commented on the Treaty Signing of the Lenape Nations and wished everyone a safe and happy Labor Day.

Deputy Mayor Clark referred to the donation recognition board and expressed gratitude to all the contributors to the recreation program. He complimented the Recreation Department for a great concert series and commented on the Lenape Nations Treaty Signing. He discussed the goings-on with the MUA and informed of some disturbing new developments upon attending their recent meeting. He urged his colleagues that are in opposition, to reconsider, for the sake of the ratepayers of the township.

Mayor Beck applauded the concert series and gave credit to the Recreation Advisory Board and the Recreation Department for its success. He spoke highly of the Lenape Nations and their efforts promoting stewardship of the land. He thanked Eileen Kreis for being the point person for their event. He announced the next meeting to be held on Wednesday, September 3rd due to Labor Day.

Call to Public

Ed Butler, Villas, addressed Councilmember Conrad to request help for the people in Ward 1 on the two issues of high importance: the MUA dissolution and relocating the Public Safety Building.

Eleanor Chestnut, North Cape May, addressed Councilmember Conrad with discontent about his indifference to the location of the police. She informed him that the people of the Villas care about the safety of the residents and the police officers. She urged Council to move the police back to Bayshore Road. Councilmember Conrad argued that the police are not stationed at headquarters, they travel throughout their zones. He informed that what he wants is more officers on the street and for them to be located wherever it is most cost effective to the taxpayers.

Mayor Beck clarified that Councilmember Conrad's concern is financial, but reminded that safety is paramount. He outlined upcoming developments on the issue and stressed their importance in shaping the township for the next 20 years.

John Sworonski, 607 Arctic Avenue, asked for clarification on who was appointed to the Recreation Advisory Board at the last meeting. Mayor Beck provided the information. Mr. Sworonski also commented on the condition of the roads at the intersection of Bayshore Road and Fishing Creek Road. Mayor Beck and Manager Voll informed of their contact with the County in hopes of getting them repaired.

Closed Session

Res. #2014-238

Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. Litigation – Cape May School Litigation Update and Stango v. Township

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
SIMONSEN			X			
CLARK			X			
BECK			X			

Council adjourned to closed session at 6:40 p.m.

Council returned to open session at 7:01 p.m.

Motion moved by Councilmember Conrad, seconded by Councilmember Neville to move forward as discussed in closed session on both litigation matters.

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Neville. Motion to adjourn unanimous. Meeting adjourned at 7:02 pm.

Michael E Beck
Mayor

Julia Rowan
Township Clerk

Approved: Sept. 3, 2014