

COUNCIL MEETING MINUTES -- AUGUST 5, 2013

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 5, 2013 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 Glenn Douglass
Deputy Mayor Clark
Mayor Michael Beck

Also present: Michael Voll, Township Manager, Chuck Sandman, Township Solicitor and Karen Fournier, Clerk's Office.

Presentation- Mayor Beck opened the meeting with a proclamation honoring The Cape May Lighthouse located in Lower Township for Lighthouse Day August 7th.

Work Session

Presentation - Commercial Utility Consultants (CUC) John P. Fish

Mayor Beck welcomed John P. Fish of Commercial Utility Consultants, a company founded in 1975 that has saved clients over two billion dollars on their electric bills. In 1999 the State of New Jersey deregulated the power industry. Mr. Fish explained that the process of deregulation separates the delivery and supply of electricity. Each year third party suppliers purchase their electricity through a state held auction called "Basic Generation Services". Only 16% of the State's population have chosen a third party supplier to save on their bills. Those who have not chosen a third party provider are automatically put in the states default rate because Atlantic City Electric does not produce their own electricity since deregulation. Four suppliers make up the default rate in our State, NJAC Title 14 gives municipality's the right to compete against that rate and put a local default rate in. If the municipality chooses to establish a Government Energy Aggregation Program, all residents will be included unless they elect not to participate. Mr. Fish further explained the contract, the default rate, and an outreach plan to the residents to educate them on the program if the municipality decides the savings are strong enough to move forward. Councilmembers Conrad, Neville, and Douglass each discussed the process of opting in and out of the program at any time without penalty fees. They also said that this program would be available to residential properties first, and then businesses. Deputy Mayor Clark voiced his concerns about residents on a budget. Mr. Fish assured that the residents budget billing amount should not change, just the name of the supplier. He stated this program also will not financially hurt anyone who works for Atlantic City Electric because they do not generate the power. Councilmember Douglass said that Atlantic City Electric will still be who you call if the electric goes out. Councilmember Conrad explained that this will not be a promo rate and there is no fine print if the state rate is better at the time of renewal we will fall back into that rate. Fish agreed that the Township decides the terms of the contract. Clark and Fish spoke of the advantages of co-oping with other towns the savings are often greater. Mayor Beck, Councilmember Neville and Mr. Fish discussed the contract, term, renewal options, and percentages of savings compared to our current South Jersey co-op. There will be four mailing sent out to all the residents educating them on the program. Mayor Beck opened questions to the public.

Consent Agenda

Councilmember Douglass motioned to remove Resolution #2013-214, unanimous ayes.

- Approval of Minutes July 15, 2013
- Res. #2013-209 Payment of Vouchers \$ 5,773,335.47
- Res. #2013-210 Renewal of Commercial Excavation (Gravel Pit) License for Cape May Mining & Recycling, LLC (formerly A & H Mining & Recycling)
- Res. #2013-211 Authorization for Refund of Taxes (3 properties \$1,532.19)
- Res. #2013-212 A Resolution Authorizing And Approving A Shared Service Agreement Between the Township of Lower and the County of Cape May for Use of Emergency Management Equipment (2) Medical ATV's and CMC EMCC Communications Van
- Res. #2013-213 A Resolution Authorizing and Approving A Memorandum of Agreement Between the Township of Lower and the Cape May County Prosecutor's Office for Use, Installation and Maintenance of An Automatic License Plate Reader System
VOID
- Res. #2013-214
- Res. #2013-215 Issuance of Ice Cream Operator License for the Year 2013 (Jason Brown)
- Res. #2013-216 Resolution Approving A Professional Service Contract with Hatch Mott MacDonald Without Public Bidding (tax map revisions \$23,200.)
- Res. #2013-217 Bid Acceptance and Award for Two (2) 2014 Rear Loading Refuse Trucks (Granturk \$392,746.)
- Ordinance #2013-16 An Ordinance Amending Chapter Seven Entitled "Traffic" of the Revised General Ordinances of the Township of Lower (Approving Stop Signs at Farmstead & Cape/Cold Spring & Cape & Mayflower & Cape) 1st Reading - 2nd reading and public hearing August 19th
- Ordinance #2013-17 An Ordinance Amending Chapter 230 of the Revised General Ordinances of the Township of Lower (unobstructed views at corners changing from 8 feet to 12 feet) 1st reading - 2nd reading and public hearing August 19th

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

Regular Agenda

Res. #2013-218 Authorizing the Payment of Vouchers (Douglass Landscaping \$5,192.50)

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

Res. #2013-219 Resolution Awarding Commercial Utility Consultant as Energy Consultant In Connection With An Energy Aggregation Program

Deputy Mayor Clark thanked all who were involved in studying all aspects of this energy program.

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

Ordinance #2013-18 An Ordinance for The Township of Lower to Establish An Energy Aggregation Program - 1st reading - 2nd reading and public hearing August 19th

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

Administrative Reports

Monthly Report - Police Department

Council Comments

Councilmembers Conrad and Neville thanked all for their involvement in the “Sensational Soul Cruisers” community concert, they hope to see enjoyable events similar to this more often. Councilmember Neville also mentioned that the Douglass/Coombs run was a well-attended success.

Councilmember Neville stated that the Township is still waiting to obtain a report from Hatch Mott McDonald that involves the drainage issue on Roseann Avenue. Manager Mike Voll agreed that Hatch Mott McDonald had been awarded a \$65,000 contract several months ago to alleviate the drainage problem. Pipe drains at the end of Clearwater Drive have periodically been checked and cleared by Public Works to the best of their ability until the issue can be permanently resolved. Mapping and surveys have not yet been completed by Hatch Mott McDonald because the aftermath of Super Storm Sandy took precedence over this matter. Manager Voll assured this situation continues to be evaluated; it has improved but is not perfect yet. The Township Engineer, George Curvan, believes the Hatch Mott McDonald surveys may take a few more months, at that time we will be able to do an analysis on watershed and make further improvements. Mayor Beck sympathizes with the residents of that area and knows they are suffering; we need to get the professional reports before we can move further with the project.

Deputy Mayor Clark was proud to say that over twenty businesses in our area have become “Friends of Lower Township” to underwrite our recreational program. He thanked The Lobster House, Saltwater Café, and Harpoon Henrys and looks forward to thanking other businesses during future meetings. He gave a report on the Economic Development Advisory Committee. Members of the committee will present their

ideas at the first meeting in September. Deputy Mayor Clark also mentioned that several people of Cape May have stopped him and sent thanks to Mayor Beck and Council for the way they have handled the Regional School issue.

Mayor Beck thanked the Delaware River Bay Authority and our Recreation Department for their hard work to put on the concert series. He also announced upcoming events: National Night Out at LCMR on August 6th from 7-9:00 p.m.; 15-Minute Child Break Parent Presentation on August 15th at 6:00 p.m. in township hall; Lower Township's Community Blood Drive on August 20th from 10:00-3:00 p.m.; Music and refreshments at the Fishing Creek School August 9th 6:00 p.m.

Call to the Public

Dan Santoro who lives on the 300 block of Roseann Avenue verbalized his concerns about the flooding. Complaints have been going on for at least 10 years and he would like to know if the flooding is a fixable problem. Manager Voll, Township Engineer, George Curvan, and Mayor Beck all agreed that there is no simple fix to the flooding. All who are involved are doing what they can, but no permanent fix will come until the Hatch Mott McDonald analysis is complete. Mr. Santoro went on to ask why realtors are not properly disclosing information to home buyers in the flood area. Township Solicitor Sandman said inspections prior to the purchase of a home should reveal problems, and if owners have covered up problems the buyer can go after the homeowner. He also said if the realtors know of any problems with a property it is their duty to disclose it.

Joe Thomas of 307 Roseann Avenue addressed Council about the unsafe condition of his street. He is concerned his elderly neighbors won't be able to cross the street come winter; time is of the essence and it's past time for action.

Nick of 308 Roseann Avenue moved into his home in May 2013 and he was shocked to learn of the flooding. His wife is now suffering with a lung condition because of mold. Solicitor Sandman told Nick If a homeowner or realtor has knowledge of a situation; it's their duty to disclose the information. Home inspections prior to the purchase of a home should also be used to reveal problems such as mold.

Jack Frederick, whose mother resides at 315 Roseann Avenue, agrees with his neighbors about the flooding. He would like barricades on the street when it's flooded to decrease wake that traffic causes.

Councilmember Conrad reiterated that Council is doing everything they can. They need to wait for studies to be concluded. Infrastructure is one of the key things to the residents. Previously this issue was kicked down the road. We inherited this mess, but do want to get it done for the residents.

Jim O'Rielly questioned Township Engineer on the elevation of the outfall pipe at the end of Clearwater Drive. He said that it does not drain properly and the water laying in it is stagnant. Mr. Curvan explained to Mr. O'Rielly that the pipe is not designed to completely drain out. Councilmember Douglass and Mayor Beck agreed with Mr. O'Reilly that since the creek has been cleaned out it is possible the pitch of the pipe may need to be adjusted but we have to wait for studies to be completed.

Nick Hallbecker of 312 Suzanne Avenue was at a Council Meeting a year ago to hear a report on the problems with flooding at that time. He would like to know what the deliverable target date is. Manager Voll could not give Mr. Hallbecker a date at that time; however he does not believe there will be any further delays. The Township will have mud removed from the pipe as soon as possible. The Director of Public Works, Gary Douglass, told Mr. Hallbecker that he has a meeting with Hatch Mott McDonald on Monday August 12, 2013. He said Public Works will remove debris out of the culvert to enable Hatch Mott to finish the survey and get the elevations. He does not believe the mapping is far off from being finish.

Bill Rodgers, also of Roseann Avenue, said his property value has decreased immensely because of the flooding.

David McBride, 314 Roseann Avenue, brought a photo of his block to show Council how serious the flooding is during a storm. He spoke to Gary Douglass a year ago and they discussed the severity of the problem and the complications, but he has not seen any results. He is concerned that in an emergency situation he will not be able to exit the street. He would like the Township to have a deadline on the issue. Mayor Beck understands the problem has existed for years, but nothing was being done about it until a year ago. Councilmember Neville suggested putting cones out to prevent unnecessary traffic during flooding.

Jack Frederick said leaves being raked to curb are a part of the flood problem, and asked Council why the leaves can't be bagged and picked up every two weeks. Gary Douglass agreed that it is a good idea but impossible. We don't have enough manpower or equipment. Manager Voll said a lot of neighborhoods have this issue because residents are putting leaves to the curb when they aren't scheduled to be picked up.

Peter Wilson, owner of North End Thrift 901 Bayshore Road, has received tickets from code enforcement for displaying merchandise outside and for his business signs. Mr. Wilson does not feel his business is being supported by the township. He would like to know why other businesses who display merchandise outside are not ticketed. He also would like to know why he is not allowed to sell precious metals without a license when other businesses are. Manager Voll suggested Mr. Wilson share his concerns of these other businesses selling precious metals without a license to the Clerk's office. We support good business in this Township however we are trying to keep Lower Township Neat and Clean. Mr. Wilson hopes to move forward and come to an agreement within reason to put some merchandise outside.

Closed Session

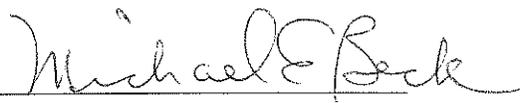
Res. #2013-220

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. - Possible Litigation - Cape May's attempt to withdraw from LCMR School District; Tax Issues - possible creation of an Economic Development Zone; Update on Litigation - Lower Twp Vs. Baldini

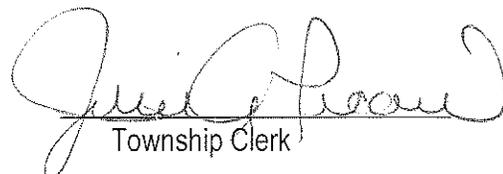
	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
NEVILLE			X			
DOUGLASS	X		X			
CLARK			X			
BECK			X			

Council adjourned to closed session at 7:38 pm.

Council returned to open session at 9:05pm. There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Deputy Mayor Clark. Motion to adjourn unanimous. Meeting adjourned at 9:05 pm.



Mayor



Township Clerk

Approved:  Aug. 19, 2013