

## Regular & Work Session Meeting Minutes - May 2, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 2, 2011 at 7:00 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 Erik Simonsen  
Councilmember Glenn Douglass  
Deputy Mayor Kevin Lare  
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Horwath

### Certificate of Recognition - Office Jennifer Anzelone

Mayor Beck presented Officer Anzelone a Certificate of Recognition and was recognized for the most DWI cases.

### Work Session

#### Matt Ecker, MUA Presentation on Solar Energy

Mayor Beck said they had began a quest to have the MUA work with the Township towards solar energy. He said Matt Ecker from the MUA would give a short overview.

Mr. Ecker gave Council a handout to show the area in question and said originally they had planned to put solar on the roof but many of them were in bad shape. He said they would have only been two kilowatts. He said now they had a proposal for a solar fields that could now cover the Township buildings, School and the County buildings the savings could be up to \$100,000 per year. He said more data needed to be gathered to see if they used enough to cover the field proposed. He said the field would be close to the property.

Deputy Mayor Lare asked if the proposed field was MUA property.

Mr. Ecker said yes it was.

Deputy Mayor Lare asked if the MUA was offering the land to the Township for the solar project.

Mr. Ecker said it would have to be approved by the board. He said it was a remote parcel of land that was close to the Township.

Deputy Mayor Lare asked if it would require DEP or CAFRA permits.

Mr. Ecker said no, it may need a transitional area waiver.

Deputy Mayor Lare said it was a potential win for all agencies involved.

Mayor Beck thanked Matt Ecker for his help and said it saved the Township a lot of money by the MUA doing the design and bid specs. He asked how the MUA project was going.

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Mr. Ecker said they just started construction and it was a 7.5 acre field and it would provide 85% of the electric.

Manager Voll said he reached out to the Library, Senior Center and the School.

### James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex

Manager Voll said the solar proposed by the MUA was an excellent concept. He said Jim Rutala had done a lot of work in the County and was currently working with the school system .

Jim Rutala , Rutala Associates presented Council with a handout to review at their leisure. He said he currently was retained by Lower Cape May Regional High School to do a 2 kilowatt project and also were working with Atlantic City on a 600 kilowatt project. He said what they were discussing was very exciting and cutting edge. He said there were very few governments working together on solar. He said there were some areas doing County wide projects. He said the process was highly regulated by the State Comptroller, Local Finance Board and the DCA.

Mr. Rutala said an RFP just couldn t be put together, there were a number of steps involved and timing was critical. He said solar was now at its peak and the state was providing significant incentives and the Federal Government had considerable incentives as well. He said one incentive was 30% to the developer at the start of the project and the other was the project could be depreciated in a year. He stated the program ended this year so timing was very critical.

Councilmember Conrad asked if his firm would write the RFP s and work with the MUA?

Mr. Rutala said they would need the Solicitor and Engineer involved and everyone to work together.

Deputy Mayor Lare asked Mr. Rutala to elaborate on the high school project.

Mr. Rutala said a developer wanted to do a project on a piece of property adjacent to the school. He said it did go out to bid and that project was moving forward.

Deputy Mayor Lare said he had some reservations about a project of that size. He said everyone was now selling solar and how did you select the one to stand behind the project.

Mr. Rutala said not often did a town enter into a 15 year agreement which was a guideline of the power purchasing agreement. He said to make sure the firm they were doing business with met all the requirements during the life of the agreement. He said performance standards were placed in the RFP, they would have to provide five references and make sure they had done major projects in New Jersey, also review their financial documents. He said there were many requirements to ensure long term success. He said there were many firms throughout the country that met the requirements.

Deputy Mayor Lare asked if his firm was hired to manage the project would they provide the vendor.

Mr. Rutala said he would interview and the State did have a list of solar providers. He said once the proposals were submitted and evaluated, references were interviewed and that was prior to negotiating an agreement. He said it was a team approach.

Deputy Mayor Lare asked how the firm would be paid.

Mr. Rutala said a contract was entered into with the governing body. He said once the proposals were accepted and the RFP was written they usually includes a cost for the soft costs of the project. He said once the agreement was signed that cost was paid by the vendor.

Mayor Beck asked Mr. Rutala if he knew Mr. Ecker.

Mr. Rutala said no .

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Mayor Beck said Matt Ecker was the point person and they would need to have a meeting with him. He said he would like to set up a meeting with Mr. Ecker, Mr. Rutala, Councilmember Conrad and himself to discuss the concept. He felt the consensus of Council was to move forward.

Mr. Rutala said it was the right thing to do and they would find significant benefits.

Deputy Mayor Lare asked if the Public Safety Building and the County Buildings could be addressed as part of the project?

Mr. Rutala said more than one building could be done.

Discussion on Rescue Squad Lease Renewal

Mayor Beck said the discussion had been postponed.

Review of Consent & Regular Agenda Items

Deputy Mayor Lare said he would like to move the April 18<sup>th</sup> minutes moved off the consent agenda.

Councilmember Conrad said he would like to have Debbie Johns move to a regular member of the Recreation Advisory Board and hold off on the Alternate appointment.

Public Comment on the Consent Agenda

Joe Winters of Florida Avenue asked if Resolution #124 was a limited agreement on the fencing.

Solicitor Donohue said what it did was put it on paper what had existed for a long time and they had a fence encroaching into the right of way. He said it indemnified the Township which they didn't have for years.

Consent Agenda

Approval of Minutes	April 4
Applications	NJ State Firemen s Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120,	Payment of Vouchers, \$4,821,091.11
Res. #2011-121,	Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51(Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122,	Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3 <sup>rd</sup> Saturday in May to October
Res. #2011-123,	Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124,	A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125,	Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126,	Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)

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- Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011(correcting salary amount to \$20,500 from \$18,500)
- Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1<sup>st</sup> rdg. (2<sup>nd</sup> rdg. May 16)

Councilmember Douglass motioned to adopt the consent agenda, seconded by Councilmember Conrad. The consent agenda was adopted by the following roll call vote: Councilmember Conrad, yes , Councilmember Simonsen, yes , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck, yes .

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**Regular Agenda**

Public Hearing Budget Amendment (hearing on amendment items only)  
Mayor Beck opened the meeting for public comment on the budget amendment.  
There were no comments from the public.

Res. #2011-128, Adoption of Budget as Amended

Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Conrad. The resolution was adopted by the following roll call vote: Councilmember Conrad, yes , Councilmember Simonsen, yes , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck, yes .

Approval of Minutes April 18<sup>th</sup>  
Councilmember Conrad motioned to adopt the minutes, seconded by Councilmember Douglass. The minutes was approved by the following roll call vote: Councilmember Conrad, yes , Councilmember Simonsen, yes , Councilmember Douglass, yes , Deputy Mayor Lare, abstain , Mayor Beck, yes .

**Administrative Reports**

Personnel Action Report

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**Council Comments**

Ponder Lodge

Councilmember Simonsen asked Manager Voll if the Township would be putting up signs at Ponder Lodge for littering?

Manager Voll said there was a meeting planned on May 11<sup>th</sup> with Lee Widjeskog from Fish and Wildlife to discuss trash and the fence issue along Bayshore Road and he wanted to know what their plans were.

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### Make a Wish Foundation Fundraiser

Councilmember Simonsen said Thursday at Menz Restaurant there would be a fundraiser for the Make a Wish Foundation and it was a good cause.

Councilmember Douglass said the Make a Wish Fundraiser was a great event and people should try to attend.

### Ponder Lodge

He said regarding Ponder Lodge he said he received favorable feedback from the residents and they were happy with the changes made. He did get complaints regarding Cresse Avenue about trash being thrown there. He wanted the Manager to also discuss that with Fish and Wildlife.

### Citizen Advisory Board

Deputy Mayor Lare said he would like to have the first Citizen Advisory Board meeting on May 25<sup>th</sup> at 7:00 p.m.

Mayor Beck said May 21<sup>st</sup> was Community Day and Shredding Day.

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### Call to the Public

### Closed Session Meeting

Joe Winters asked if the closed session meeting would result in a vote.

Mayor Beck said no action would be taken.

### Rescue Squad

Maureen Serrato of 2 Cardinal Avenue said she had written a letter to the Mayor with concerns about the Rescue Squad Building on Georgia Avenue. She commended Manager Voll for responding to her letter and addressing one of her concerns which was the lot across from the Rescue Squad. She was told they were not going to build on the property. She was told by Councilmember Conrad it may be paved for parking.

Councilmember Conrad said part of the lot had already been used for parking so they may put down some gravel or recycled concrete.

Mrs. Serrato asked where it was stated that the lot could be a parking lot.

Solicitor Donohue said it raised the question to use and when it was grandfathered in. He said they would look into the matter.

Mrs. Serrato said Chapter 185 stated in ten days after notification the debris had to be removed from the lot. She asked if the ten days started when she notified the Township Officials of the problem.

Mayor Beck said the information was given to the Manager since Council didn't have the power of enforcement. He had been over to the property and it was time to get code enforcement involved.

Mrs. Serrato said she read the code and it did say the Township could clean it up and place a lien on the property.

Manager Voll asked Mrs. Serrato to stop by his office and he would have a plan to get the property cleaned up.

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Councilmember Douglass said he also went by the property and some of the mater could be recycled for mulch.

Mrs. Serrato said she wasn t a fulltime resident and she was disappointed to find out the rescue squad discussion was postponed.

Bill Ludlam of Francis Avenue said the Rescue Squad was discussed at the last meeting and they needed to put a keep out sign on the lot to keep the kids out. He said they really needed to put some trees back.

### South Jersey Gas Company

Mr. Ludlam mentioned South Jersey Gas had put lines in and now a lot of yards were ruined form the work and some spots in the road were sinking. He said they needed to come back and fix the roads.

### Redwood Avenue Beach Access

Mary Packer of 15 Redwood Avenue said at the last meeting they discussed the problem of access to the beach. She said the surrounding residents had received a letter showing the step would be there so no one complained about it. She said it was past thirty days and it was to late to complain. She felt it was an underhanded way to do it.

Solicitor Donohue said it wasn t too late to complain. He said they had been talking about how to get compliance with the steps. He said the permit issued was based on the plan submitted . He mentioned another thing that would be done was to mark out the right of way to make sure things weren t put there that were not supposed to be. He said they would also contact DEP.

Deputy Mayor Lare asked if the homeowner was willing to put in the steps?

Solicitor Donohue said he didn t know.

Councilmember Douglass said he looked at the area after the last council meeting. He said the Manager and Solicitor would continue working on it. He said they had to keep in mind the endangered species and when the building of the steps could take place.

Mayor Beck suggested contacting the owners.

Bill Greenfield of Villas, asked if Council had passed some type of ordinance mandating beach access.

Mayor Beck said it had to do with the area under construction for the outfall pipes.

Mr. Greenfield said New Jersey and New York Avenues both had large drop-offs and asked if those streets could be incorporated with the Redwood issue.

Joe Winters asked if the Township did the solar project did they own the ground the solar was going on.

Mayor Beck said it was actually MUA ground.

### Rescue Squad Property

Bob Weber of Cardinal Avenue said since they complained about the property on Georgia Avenue one vehicle had been removed and the potholes had been filled. He said the building was still looking bad and there were two mattresses and furniture dumped there. He said the employees were washing and working on their personal vehicles at the building and he didn t think it was an appropriate use of funds. He said he would speak to code enforcement about the vacant lot across the street from the building.

Councilmember Conrad said there were no plans to put a building on the lot.

Councilmember Douglass said if the Rescue Squad were to build it would have to go through the Planning

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Office and the neighbors would be notified.

Deputy Mayor Lare asked if all interested parties could be at one meeting to work on the issue.

### MUA

Ed Butler of Villas said it was nice to see the MUA working on a solar project and moving forward with some changes. He said it would help the MUA rates and maybe the taxpayers.

### Redwood Avenue

Kathleen Gula of Redwood Avenue said some of the neighbors were present for the meeting.

### Arbor Day Ceremony

Robert Rizzo said he attended the Arbor Day ceremony and it was nice.

Deputy Mayor Lare said he also attended the ceremony.

### Ponder Lodge

Wayne Weissman thanked the Mayor for working to remove the fence at Ponder Lodge along Bayshore Road.

### Beach Access

Mr. Weissman said he agreed with Mrs. Packer about the beach access and said they had to walk a couple blocks to get down to the bay.

Bill Ludlam said he noticed some street ends had signs posted no beach access.

### Solar Energy

John Skrowski asked if the Township was looking to own the solar exclusively.

Mayor Beck said it was a power purchase agreement. He said the company installed the solar and the Township received lower rates.

### Redwood Avenue

Mary Packer asked if the people at the end of Redwood Avenue could put in a solid fence then what stopped everyone from doing it.

Mayor Beck said they would look into it.

### **Closed Session**

Res. #2011-129,

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.  
(Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Simonsen. The resolution was adopted by the following roll call vote: Councilmember Conrad, yes, Councilmember Simonsen, yes, Councilmember Douglass, yes, Deputy Mayor Lare, yes, Mayor Beck, yes.

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Councilmember Douglass motioned to adjourn the closed session seconded by Councilmember Conrad the meeting was adjourned by verbal ayes .

Councilmember Conrad motioned to authorize the Solicitor and Labor Counsel to proceed as discussed in closed session seconded by Councilmember Douglass. The motion was carried by verbal ayes .

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal ayes at 8: 9:56 p.m.

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Mayor

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Township Clerk

Approved: May 16, 2011