

Regular & Work Session Meeting Minutes - May 16, 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 16, 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 - Joan Koeck, Girl Scouts

Mayor Beck presented Joan Koeck a certificate for her 60 years of dedication to the Girl Scout Organization.

Presentation - Zachary Zelwak, Recreation Director

Mayor Beck presented Zack Zelwak a plaque for his 25 years of service to the Township as the Recreation Director.

WORK SESSION

Review of Consent & Regular Agenda Items

No Council comments on the consent agenda.

Mayor Beck opened the meeting for public comment on the consent agenda.

Joe Winters of Florida Avenue asked the Manager what the outstanding principal was on Resolution #2011-141.

Manager Voll said to stop by his office tomorrow and he would let him know.

Mayor Beck said it was a refinance in the amount two million plus dollars and would save over the next three years about \$130,000.00.

Mr. Winters asked how much the Township was bonded for.

Mayor Beck said he would have to look into it, he wasn't sure.

Mayor Beck closed the public portion.

CONSENT AGENDA

- Approval of Minutes May 2, 2011
- Res. #2011-130, Payment of Vouchers, \$255,876.51
- Res. #2011-131, Authorizing an Agreement Between the County of Cape May and the Township of Lower

Regular & Work Session Meeting Minutes - May 16, 2011

- for the Purchase of Gasoline and Diesel Fuel Through the Commodity Resale System
(Renewal agreement 5 years)
- Res. #2011-132, Resolution of the Township of Lower Authorizing the State of New Jersey to
Enforce the Elevator Subcode
- Res. #2011-133, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159
(Green Communities \$3,000)
- Res. #2011-134, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:8-87, Chapter 159
(Clean Communities \$59,941.40)
- Res. #2011-135, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159
(Small Cities \$700,000)
- Res. #2011-136, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159
(Click it or Ticket \$4,000)
- Res. #2011-137, Authorization for Refund of Taxes (2 properties - 1 paid twice - 1 recd. disabled
Vet status)
- Res. #2011-138, Acceptance of Bid & Award of Contract for Roof Replacement & Related Work at
the Recreation Center, Contract M-5 (Gen II Contracting Co., Inc. \$426,620.00)
- Res. #2011-139, Award of Contract for Telecommunication Service to Verizon New Jersey
(\$39,800)
- Res. #2011-140 Award of Contract to Center for Community Arts (Summer Art Camp -
\$13,000)
- Res. #2011-141, Resolution Determining the Form and Other Details of Not to Exceed \$3,000,000
of General Improvement Refunding Bonds of the Township of Lower, in the
County of Cape May, New Jersey or Such Other Amount as Determined by the
Chief Financial Officer to Accomplish the Refunding on the Terms Approved by
the Local Finance Board Consistent with the Refunding Provisions of the Internal
Revenue Code and Providing for the Sale and the Delivery of Such Bonds to
Janney Montgomery Scott
- Res. #2011-142, Authorization for Off Shore Taxi to Transfer Taxi License from 1996 Chevy
Caprice to a 1997 Chrysler Town 7 Country (change in vehicle)
- Res. #2011-143, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159
(Homeland Security Emergency Management Performance Grant, \$5,000)
- Res. #2011-144, Acceptance of Bid Award for 24 Month HVAC Service Agreement for Lower
Township Various Locations (Polar Bear Mechanical Services - \$7,000 per year)

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 .

REGULAR AGENDA

Ord. #2011-11, An Ordinance Authorizing Execution of a Lease of Certain Property for Use by the

Regular & Work Session Meeting Minutes - May 16, 2011

Lower Township Rescue Squad in Connection with Providing Emergency First Aid Services to the Township of Lower, 1st rdg. (Renewal of 10 year lease for Rescue Squad office at Public Safety Complex) 2nd rdg. June 6, 2011

Mayor Beck said he would like to see the lease in the packet before the second vote.

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

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, 2nd rdg. June 6, 2011

Councilmember Simonsen 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 .

Administrative Reports

Personnel Action Report

April Report CFO

May Reports Animal Control, Construction (Lower & WCM), Dog Licensing, Engineer, Municipal Clerk, Municipal Court, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad wished everyone a safe Memorial Day.

Deputy Mayor Lare sent his condolences to the Dr. Carr s family. He said he had known him and he was the physician for the school for years.

Community Day/Shredding Day

Mayor Beck said on Saturday, May 21st would be Community Day and also shredding day at Township Hall.

Manager Voll said they had a bike rodeo and people could bid on bikes and it gave kids a chance who couldn t afford a new bike to get one. He said there would be representatives from the Police Dept. and Fire Dept. with information, also free hot dog and different social organizations would be there. He said there would be entertainment for the children.

Call to the Public

Rescue Squad Agreement

Joe Winters of Florida Avenue said he had a copy of the expired lease for the Rescue Squad and asked if the Township repaired their vehicles?

Mayor Beck said he didn t think so.

Regular & Work Session Meeting Minutes - May 16, 2011

Gary Douglass, DPW Superintendent said they hadn't done that in four or five years. He said in emergency situations the Rescue Squad would buy the parts and DPW would install them.

Mr. Winters asked if the Township supplied the fuel for the Rescue Squad's vehicles?

Manager Voll said the Rescue Squad purchased their own fuel.

Mayor Beck said the Township gave the Rescue Squad \$70,000 as the original agreement stated and then another \$35,000 in which they had to provide gas receipts.

Solicitor Donohue said they had used the lease from last year, but if things had changed in terms of repairs then it should come out.

Mayor Beck said the lease needed to be cleaned up.

Mr. Winters asked if the Rescue Squad provided written notice for renewal of the lease.

Solicitor Donohue said he knew there was a file with correspondence between the prior Solicitor and the Rescue Squad Solicitor.

Mr. Winters asked if he could have a copy of the new lease.

Mayor Beck said it should be online with the next agenda packet or he could pick it up at Township Hall.

Redwood Avenue - Steps

Mary Packer thanked Council for the help they had given the residents of Redwood Avenue. She provided Council copies of the certified letter that had been sent to the residents. She called DEP in Trenton and talked Kara Turner and she was the one who issued the permit. She stated the steps were on the permit and if they weren't installed by August to call her again.

Rescue Squad Building - Georgia Avenue

Bob Weber, Cardinal Avenue, said he had no problem with the Rescue Squad it was the maintenance facility. He said the Manager had stepped in and some things had been cleaned up. He said they were still working on the vacant lot and some of the material had been recycled and it wasn't costing either the Township or the Rescue Squad any money. He said Middle Township had 13 employees 10 of which were EMTs and charge \$700.00 for transport. Upper Township had 66 members in their Rescue Squad 60 of those were EMTs and charged \$600.00 for transport, Ocean City charged \$500.00 and Wildwood charged \$400.00. He said Lower Township had 50 members. He said Tony Kapurelos, president of the non-profit organization said at a prior meeting said they charged an average of \$850.00 a ride. He said in 2010 they did 3,653 transports.

Mr. Weber said of the 50 employees not including the officers only 19 of them were certified EMTs which was 38%. He said according to what Mr. Kapurelos had said they had spent 2.2 million running the rescue Squad and only took in 2.1 million so they were running in the red. He said maybe if they had fewer employees who were not performing the function of the squad maybe it would help. He said he had some interesting information in 2006 the total expenditures were \$981,000.00 and in 2009 they were \$2,246,000.00 it was mind boggling to him. The salaries of the management and officers in 2006 were \$160,800.00 and in 2009 the salaries were \$420,000.00 that was 261% in three years. The salaries of the general employees in 2006 was \$601,527.00 in 2009 they were in excess of one million dollars. He said there was an increase of expenditures of \$750,000.00 in employees alone which most of them couldn't perform the functions of the Rescue Squad.

Mayor Beck asked where he got his information from?

Mr. Weber said they were a not for profit organization so the information was available on the internet

Regular & Work Session Meeting Minutes - May 16, 2011

and it was public record. He said it had been run into the red for what seemed to be huge salary increases. He said in 2008 Kevin Hart made \$70,000.00 and in 2009 \$111,000.00 that was a 57% pay increase. He asked who authorized the increase. He said the Lower Township Rescue Squad charged far more than anyone around here. He said all but two of the nineteen EMT s were Class B which meant they could provide CPR and First Aid, so what you were getting was an \$850.00 cab ride to the hospital and a band-aid.

Mr. Weber gave Council a copy of a deed he found in the County Clerk s Office which was recorded in 1961 where the VFW sold the property on Georgia Avenue to the rescue squad for \$1,000.00. He read a portion of the deed which stated that the Rescue Squad was to provide ambulance service to its beneficiaries at no charge but on a voluntary basis except to those outside of Lower Township if they discontinue that practice they would have to forfeit the property to the Township. A copy of the deed is attached and made part of the minutes

Solicitor Donohue said it would have to take a look at it.

Mayor Beck said he would have to rely on the Solicitor.

Mr. Weber also found in the County Clerk s Office the Rescue Squad s certificate of incorporation dated March 3, 1959. Mr. Weber said Mr. Rosenberg who worked in the records room said when certificates were changed a notation was made at the top of the document. He contacted Trenton and they couldn t find any documents that superceded the current document since 1959. He read some excerpts from the document which is attached and made part of the minutes. He said they should not renew the lease with an organization that wasn t operating legally.

Mayor Beck said they weren t a Township organization and had no control over their activities. He said they had control over the stipend they gave the Rescue Squad every year. He said they signed the agreement a couple meetings ago which gave them their stipend. He stated the Township hadn t finished the lease agreement for the Public Safety Building. He said Council had a responsibility to the taxpayers and if their financial situation was questionable he felt it should be looked at. He wanted to take a look at things and see if what the Township was giving was needed.

Mr. Weber said what bothered him was the Rescue Squad had the nerve to ask the Township for \$105,000.00, free rent and to pay their electric bill at the airport facility. He questioned whether it was just mismanagement on their end.

Tony Kapurelos said he felt compelled to clarify some issues. He said he wasn t the president of the RS and he made less than \$10,000.00. He said as far as the Class B EMT s, the State of New Jersey only allowed local departments to be Class B EMT s which was an EMT basic which what everyone throughout the State was. He wasn t sure what the fight was all about. He gave some background about the property and how the two pieces wound up separated. He said went over some of the services they provided to the residents which were not just the emergency service.

He said if they received a call about helping a person who may have fallen they would help where a lot of other towns wouldn t.

Mayor Beck said the residents that lived near the rescue squad building weren t here six weeks ago, so what happened? He said no offense but if he lived across the street from that it would bother him.

Mr. Kapurelos said they were trying to clear the lot and make it presentable.

Mayor Beck said maybe they should have been good neighbors and let them know what was going on. He

Regular & Work Session Meeting Minutes - May 16, 2011

said he would like to see the W-2's before he renewed the lease, when the Township received the Rescue Squad Audit they didn't get individual W-2's. He added he wasn't aware of what the president of the Rescue Squad made.

Mayor Beck said at one point there had been a mound of trees on the lot that were 15' high by 30' long and code enforcement should have been sent over the next day.

Manager Voll said five violations that Code Enforcement found the Rescue Squad had corrected.

Mr. Kapurelos said they provided a volunteer service out of the building. He said the parking lot had been there for fifteen years and they had no plans to put a building there. He read from prepared notes which are attached and made part of the minutes addressing the lot clearing and dates involved.

Tom Frisoli of Villas said in 1996 there were concerns with what was being spent to run the rescue squad and it amounted to about \$528,000.00. He said his son-in-law had an incident in Middle Township where it took the rescue squad one hour and forty-five minutes to show up. He reviewed some other situations in various municipalities where it took emergency services long to respond. He said he was fortunate to live in Lower Township.

Mayor Beck said it wasn't a personal attack against the Rescue Squad but he felt he had a responsibility to find out the story.

Frank Serraco of Villas asked Mr. Kapurelos about the wheel chair assistance and said Fare Free could provide that service.

Bill Ludlam of Francis Avenue said he saw a lot of the Rescue Squad from his home. He understood the resident's concerns and he also didn't want to see a building put there either. He agreed the building needed to be cleaned up. He felt the issue should be taken to Chief Hart first and then if there was no satisfaction take it to Council.

Redwood Avenue Beach Access

Gerri Sturges of 7 Redwood Avenue asked how the decision was made to not put the access steps in.

Mayor Beck said as they understood it the steps were to be put in.

Solicitor Donohue said it was a private project and not the Township's so no decisions were made by Council about the steps. He said the steps were required to be put in and when it came to the attention of the Township, the Manager contacted the homeowner and they were in the process of getting compliance. He said he didn't know how quick it would be due to some environmental issues. He said it wasn't a Township project so there was never a public meeting regarding it.

A brief discussion back and forth as to why the steps were not put in.

Donna Robinson Antonini of 12 Redwood Avenue asked if Council contacted Trenton to get things going?

Manager Voll said the construction office had been in touch with DEP and the private engineer Vince Orlando who filed the permit with Trenton.

Mrs. Antonini asked what the time frame would be to complete the project.

Mayor Beck said it shouldn't take that long.

Solicitor Donohue said they would have an agreement for the homeowner to fulfill the permit requirement to construct the steps as soon as possible.

Mrs. Antonini said after the wall was in she asked about the steps and was told by one of the families they were finished it was up to the Township to install the steps.

Mayor Beck said they were doing everything they could to get the steps in.

Regular & Work Session Meeting Minutes - May 16, 2011

Robert Rizzo said a note needed to be sent to the County that they were doing a good job on the Breakwater & Seashore Road project. He said the Manager had given a report in the past on things going on in the Township and he would like for that to be done again. He said he noticed real estate signs and maybe some of the new Realtors didn't know about the sign ordinance.

Rescue Squad

Betty Somers of Atlantic Avenue said she wasn't sure they were addressing the right thing. A friend of her spouse had a heart attack; he called the rescue squad when they arrived they couldn't help they had to wait for the medic truck to get there. The end result was the person passed away. If they were making the money that was claimed there needed to be a person on the ambulance who could perform in an emergency situation. She said just being able to take a person to the hospital wasn't good enough.

Closed Session

Res. #2011-145 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 - Martinelli Suit)

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.

Closed Session Separate

Councilmember Conrad motioned to adjourn the closed session, seconded by Councilmember Douglass. The closed session was adjourned by verbal ayes at 8:55.

Councilmember Conrad motioned for the Manager, Solicitor and Clerk to proceed as discussed in closed session, seconded by Councilmember Douglass the motion carried by verbal ayes.

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Simonsen the meeting unanimously adjourned by verbal ayes at 8:57 p.m.

Mayor

Township Clerk

Approved: June 6, 2011