

Regular & Work Session Meeting Minutes - June 20, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 20, 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 Erik Simonsen
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Horwath
Absent: Councilmember Thomas Conrad

WORK SESSION

Presentations - Dottie Crawford & Chief Edward Donohue

Mayor Beck said Dottie Crawford was retiring from the Township and presented her with a certificate of recognition. Chief Donohue said a few words about her career with the Township and how she helped collect and distribute toys and food for the kids Christmas in the Township.

Mayor Beck also presented Chief Donohue a plaque for his 27 years of service with the Township and said he would also be retiring.

Chief Donohue thanked his family, Officers, Councilmembers and the Township Manager. He spoke briefly about his career.

Closed Session

Res. #2011-182, 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.
(Matters related to Collective Bargaining, Acquisition of Real Property & Attorney Client Privilege)

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

Return to Open Councilmember Douglass motioned to adjourn the closed session, seconded by Councilmember Simonsen. The closed session was adjourned by verbal ayes at 7:58 p.m.

Regular & Work Session Meeting Minutes - June 20, 2011

Review of Consent & Regular Agenda Items

Mayor Beck said there were some changes to the consent agenda. He said they were removing Res. #2011-179 Ratification of Contract with PBA Local 59 For The Years 2012 through 2014 and asked for a motion. Councilmember Simonsen motioned to remove Resolution #2011-179, seconded by Councilmember Douglass. The resolution was removed by verbal ayes .

Mayor Beck asked for a motion to remove #2011-180 Resolution Ratifying the Agreement Between the Township of Lower and Brian Marker, the Chief of Police .

Councilmember Douglass motioned to remove Resolution #2011-180, seconded by Councilmember Simonsen. The resolution was removed by verbal ayes .

Solicitor Donohue said Resolution #2011-178 would be amended to read Brian Marker be promoted to Acting Chief July 1, 2011.

Mayor Beck asked for names for the Zoning Board appointments. Councilmember Douglass offered regular member - Dave Brand, regular member - Bruce Waterman and alternates - Diane Kelly and Steve Komar.

Mayor Beck asked for names for the Planning Board members. Councilmember Douglass said Charles Hewitt for regular member and Frank Zeigler for alternate member.

Deputy Mayor Lare had a recommendation for the Recreation Advisory Board and it was Jay Eppenbach.

Redwood Avenue

Joe Winters questioned if the Redwood Avenue agreement was agreed to.

Solicitor Donohue said the stair would be build and the Township would take possession and maintain them. He said they hoped to start the project but were waiting on some interpretation from DEP and hoped to start soon.

Mr. Winters asked if the people signed off on the document.

Solicitor Donohue and the Clerk said they did.

Mr. Winters asked why was the Township refunding their permit fee?

Solicitor Donohue said it was negotiated and it was in the proposal.

Mr. Winters asked if anyone knew what the permit fee was?

Deputy Mayor Lare said he felt it wasn't unreasonable and the street end had a new bulkhead that was paid for by private funds. He said the people were charged permits fees when the bulkhead was constructed.

Mr. Winters said he understood they put the bulkhead in to protect their home and they were required to put the steps in and felt the Township shouldn't have to return fees to them.

Mayor Beck said it wasn't excessive and in the end what they had was a resolution to a problem that had bother the neighbors.

Manager Voll said the permit was about \$25.00.

Carmelita Finsel asked how she could get a copy of the agreement that Mr. Winters had?

Mayor Beck said he could have gotten it off line, she could get a copy after the meeting.

Ms. Finsel asked about the State requiring trash cans and port-a-potties along the bay front.

Mayor Beck said he didn't recall seeing anything about that.

Councilmember Douglass asked if she was referring to the one at the end of Ferry Road and he told her that was part of the park.

Ms. Finsel said there was an article in the Post about it.

Regular & Work Session Meeting Minutes - June 20, 2011

Mayor Beck said the article may be referring to beach access and it shouldn't impact the Township as it would place further North.

Solicitor Donohue said DEP was redrafting the rules and it would not require toilets or what was first drafted.

Tax Map Update

Ed Butler of Villas asked for an explanation of Resolution #2011-169.

Manager Voll said it was an annual update of the Tax Maps for the Township.

Fireworks

Ed Butler asked about Resolution #2011-166, and said last year donations were made for the fireworks. He asked if the Township was paying for it this year?

Deputy Mayor Lare said they had been successful in raising \$26,000.00 from local businesses this year. Mayor Beck closed the public portion.

Consent Agenda

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| Approval of Minutes | June 6, 2011 |
| Approval | NJ State Fireman's Association - Donald P. Wilson, Townbank Fire Company |
| Res. #2011-93, | A Resolution Approving a Management Agreement by and Between the Township of Lower and Friends of Fishing Creek School, Inc. (Tabled May 16) |
| Res. #2011-164, | Payment of Vouchers, \$2,228,225.52 |
| Res. #2011-165, | Approval for Fireworks by Grucci, Inc. to Load A Fireworks Barge in Lower Township |
| Res. #2011-166, | Approval for Pyrotecnico Fireworks to Load and Unload a Fireworks Barge in Lower Township |
| Res. #2011-167, | Issuance Ice Cream Peddling and Ice Cream Salesman's Licenses for the year 2011 to Fudgy Wudgy Ice Cream (2 vehicles and 2 salesmen) |
| Res. #2011-168, | Authorization for Shore Limousine LLC to Transfer Limousine License from 1998 Lincoln Town Car to a 2010 Cadillac DLS (Transfer of vehicle) |
| Res. #2011-169, | Resolution Approving Project Proposal between Hatch Mott MacDonald and the Township of Lower for Engineering and Surveying Services Related to Tax Map Revisions and Updates(\$2,800.00) |
| Res. #2011-170, | Resolution Increasing the Bid Threshold Pursuant to NJSA 40A:11-3a (Bid threshold \$36,000 - Quote threshold \$4,300.00) |
| Res. #2011-171, | Authorization for Refund of Taxes (1property - overpayment) |
| Res. #2011-172, | Insertion of Special Item of Revenue Pursuant to N.J.S.A., Chapter 159 (Cops in Shops, \$1200) |
| Res. #2011-173, | Resolution Amending Resolution #2011-139 Entitled Award of Telecommunication Service to Verizon New Jersey (Correcting rate plan to reflect additional savings) |
| Res. #2011-174, | Resolution Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services (Renewal of Shared Service Agreement with County for 7 years) |
| Res. #2011-175, | Annual Renewal of Liquor Licenses (yearly renewal) |
| Res. #2011-176, | Appointment of Zoning Board Members (2 regular members & 2 alternates) |
| Res. #2011-177, | Appointment of Planning Board Members (1 regular member & 1 alternate) |
| Res. #2011-178, | Resolution Appointing Brian Marker as Chief of Police (Effective July 1, 2011) |

Regular & Work Session Meeting Minutes - June 20, 2011

- Res. #2011-181, Appointment to the Recreation Advisory Board (Filling unexp term of Alt. Member)
Res. #2011-182, Resolution Approving Agreement for Redwood Avenue Beach Stairs (if all required documents have been finalized)

The Clerk mentioned that there was one liquor license that wasn't renewed due to a tax clearance issue and they would be applying for an ad term permit. A letter was received regarding noise issues at Pier 6600 and the Police did go out and speak to them.

Manager Voll said spoke to the management of Pier 6600 and they were working things out with the neighbors.

Councilmember Douglass motioned to adopt the consent agenda, seconded by Councilmember Simonsen. The consent agenda was adopted by the following roll call vote: 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 Lower Township Rescue Squad in Connection with Providing Emergency First Aid Services to the Township of Lower, 2nd rdg. (Renewal of 10 year lease for Rescue Squad office at Public Safety Complex) **(Tabled June 6)**

The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Solicitor Donohue said the Township corrected the lease to read 501C-4 and added a provision allowing the Township to terminate the lease with 18 months notice also striking out the portion referring to the maintenance of vehicles. He said there would be a second reading and it would be republished and come before Council again July 6th.

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

- Ord. #2011-12, An Ordinance Amending Ordinance #2011-01, Entitled Salary and Benefit Ordinance for the Township of Lower, 2nd rdg. (Adding new titles & ranges that may be needed)

The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Ed Butler said he felt the salary ordinance fees were excessive.

Mayor Beck said they were ranges and it depended on their experience.

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

Administrative Reports

- Personnel Action Report
Department Reports Animal Control, Clerk, Construction Official (WCM & Lower), Dog License,

Regular & Work Session Meeting Minutes - June 20, 2011

Engineer, Municipal Court, Tax Collector, Public Works, Vital Statistics

Council Comment

Seashore Road - No Passing

Councilmember Simonsen asked about the status of the no passing on Seashore Road from the Canal Bridge to the Masonic Lodge he said there were concerns with that due to the bike path.

Manager Voll said he did go out and look at it and he spoke to Lt. Mastriani about it. He felt the request should be approved. He said they would need verification from the Police Department and then Council would have to do a resolution requesting the County to make that a no passing zone.

Deputy Mayor Lare asked if in the same request they could include the area on Route 9 from Sally Marshall Crossing to the new crossing that would replace Bennetts Crossing.

The Clerk said a resolution was passed for no passing near Cape Island Campground down to the jug handle.

Beach Clean Up

Councilmember Simonsen wished everyone a safe and healthy 4th of July. He thanked everyone who participated in the beach clean up.

Councilmember Douglass said the beach clean up went well and the groups started at various sections along the bay. He thanked everyone for their help in doing something good for the community.

July 3rd Event Along the Bayfront

Councilmember Douglass invited everyone to attend the July 3rd event and it was going to be a great event again this year.

Code Enforcement

Councilmember Douglass said Code Enforcement was doing a great job getting the Township cleaned up. He said there was a lot more to be done and the thanked them.

Diamond Beach

Councilmember Douglass said he had gone over to Diamond Beach regarding a complaint about a fight in the street. He said they needed to stay on top of the area and keep an eye on things.

Steven Cluff

Deputy Mayor Lare offered condolences to the Cluff family on the sudden passing of Steven Cluff. He said he was a long time volunteer to the youth of the community and he would be missed.

July 3rd Event Along the Bay Front

Deputy Mayor Lare thanked many business in the area who donated toward the July 3rd event. He read the list of those who donated and said the total was \$26,000 so far and there were still donations coming in. He said there would be rides at \$1.00 each and string bands.

Farmers Market

Mayor Beck said the Farmers Market would begin every Friday from July 8th through September 2nd from 3:00 p.m. to 7:30 p.m.

Manager Voll said Councilmember Conrad was at Boy Scout Camp in Maryland so he couldn't be at the meeting.

Public Comment

Regular & Work Session Meeting Minutes - June 20, 2011

Complaint filed re: OPMA

Joe Winters of Florida Avenue said he filed a complaint with the Prosecutors Office on December 28th regarding a violation of the OPMA. He said Council received a reply from the Prosecutors Office on June 9th and wanted to know what was going to be done. He didn't want the use of electronic devices allowed at Township meetings. He wanted Council to apologize to the taxpayers for the violation.

Mayor Beck said it was a litigation matter and he wasn't going to comment on it.

Solicitor Donohue said he assumed it was in some part directed at him. He said he had his agenda emailed and reviewed it on an electronic device during the meetings. He wasn't sending emails. He said many Municipalities were moving toward the use of laptops so they didn't have the expense of printing agendas.

Mayor Beck said the question was when they used the devices to communicate among themselves.

Councilmember Douglass said Mr. Winters' point was using a laptop during council meetings and no one had one. Councilmember Simonsen said he didn't respond to the email nor was he a member of Council at the time so he didn't feel he had to apologize.

Mr. Winters asked when he could expect a response.

Solicitor Donohue said they would be responding to the Prosecutor as requested.

Rescue Squad

Bob Weber of Cardinal Avenue said Trans-Care had reached an agreement with Atlantic Care, they were the largest private ambulance service on the east coast. He said they were a for-profit business and he arranged for John Christie the General Manager to speak to the Citizens Advisory Board about providing 911 service for the Township. He said their transport fee was \$170.00 for non-emergency and that was with paramedics and nurses.

Deputy Mayor Lare said he was all for it if someone had a better way.

Tony Kapurelos said it was alright to look at other avenues and if something sounded too good to be true it probably was. He said New Jersey didn't allow paramedics to ride in ambulances it was a separate system. He said to keep in mind that a for-profit service didn't always provide the same level of service. He thanked the Manager and Council for the information put out about the food bank they had received a lot of food donations.

Mayor Beck closed the public portion.

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Simonsen the meeting unanimously adjourned by verbal ayes at 8:35 p.m.

Mayor

Township Clerk

Approved: