

Regular & Work Session Meeting Minutes – October 3, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 3, 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 Recording Clerk Julie Picard.

WORK SESSION

Proclamation - Put the Brakes on Fatalities Day - October 10, 2011

Work Session

Review of Consent & Regular Agenda Items

Council Comments on Consent Agenda

Resolution 2011-271 - Appointment to the Planning Board; Councilmember Conrad nominated John McNulty to the Planning Board

Public Comments on Consent Agenda

Joe Winters, Florida Ave addressed Council regarding Resolution 2011-266 and questioned if all easements were obtained and if there was any possible litigation. Solicitor Donohue replied everything was in place and he did not foresee any litigation.

Consent Agenda

Approval of Minutes	September 19, 2011
Res. #2011-217	Resolution Authorizing the Township to Auction Equipment or Supplies No Longer Needed for the Bureau of Fire Safety (Resolution would permit Twp. to auction through Gov Deals on behalf of the Fire Bureau items no longer needed with proceeds going to Fire Bureau Misc. line item - tabled Aug. 1)
Res. #2011-262	Approval of Change Order No. 3 for Station Road Improvements, Contract M-6 (Reducing contract by \$13,900.80 - leaving final adjustment including all 3 change orders at overall increase of \$8,091 - tabled Sept 19)

Regular & Work Session Meeting Minutes – October 3, 2011

- Res. #2011-263 Payment of Vouchers, \$1,529,561.60
- Res. #2011-264 Approving Seashore Church of Nazarene's Application to Conduct a Flea Market (October 8)
- Res. #2011-265 A Resolution Requesting Release of Performance Guarantee for Sea Bay Estates; Block 753.04, Lot 10, Escrow #P04-04-13 (improvements installed - maintenance guarantee being held)
- Res. #2011-266 Resolution Approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower for the Engineering Services Related to Additional Work for 2011 Delaware Bayshore Outfall Extensions (Additional work required for easements & permits for Tweed property not originally included)
- Res. #2011-267 Authorization for Refund of Taxes (1 property granted disabled veteran's status)
- Res. #2011-268 Resolution Issuing License to Anthony Natale t/a We Buy Gold, LLC (New license, fee & bond posted)
- Res. #2011-269 Resolution Supporting Lower Township Independence Day Festival and Fireworks for 2012 & Authorizing Donations Be Put Into a Reserve Account for the Event (Event date July 3, 2012)
- Res. #2011-270 Resolution Approving Purchase of One 2001 Freightliner Tractor From the Cape May County MUA (Purchase tractor deemed surplus by CMC MUA for Public Works Dept. for \$9,500)
- Res. #2011-271 Appointment to Planning Board (Appt. of Class IV member - term exp June 2015 - formerly held by R. Imler)

Motion to adopt the consent agenda moved by Councilmember Douglass, seconded by Councilmember Lare. 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. #2011-17 An Ordinance Amending Chapter 230 of the Revised General Ordinances of the Township of Lower 2004 (Amending Article II, Chap. 230, Disorderly Conduct by expanding the prohibition of offensive products of combustion or fumes and allowing for enforcement by Township officials) was presented for second reading and final adoption. 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. No Comments.

Motion to adopt Ordinance 2011-17 moved by Councilmember Conrad, seconded by Councilmember Douglass. The ordinance 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 & Work Session Meeting Minutes – October 3, 2011

Administrative Reports

Mayor's Appointment to Environmental Commission - Robert Rizzo - 3 yr. term

Council Comments

Councilmember Conrad thanked everyone who came out to the "Run for the Fallen" and stated it was a wonderful event.

Councilmember Simonsen thanked Eileen Kreis for all her work on the "Run" and also thanked all who attended.

Councilmember Douglass also thanked all involved with the event and stated how emotional the event was.

Councilmember Lare reiterated Council's sentiments regarding the "Run".

Councilmember Lare spoke of the need for Council to have committees of 2 to act as liaisons and work closely with the departments. Councilman Lare requested Council allow him along with Councilman Douglass to meet with the manager to establish a path to proceed. Mayor Beck requested a report from the Solicitor outlining which municipalities under the Faulkner Act currently had the process and how the process worked. Council could then discuss and act upon the recommendations. Councilmember Lare stated the concept was not for executive powers, it was more of a liaison between Council and the departments.

Mayor Beck also thanked everyone involved with the "Run for the Fallen" and stated what a great job Townbank Fire Company did with the dinner.

Public Comments

Council Committees

Colleen Hughes, Villas, questioned the solicitor regarding the names of municipalities that would be researched. Solicitor Donohue replied there was a website that provides the information.

Joe Winters, Florida Ave, stated he believed the manager handled the day-to-day operations of the Township under the supervision of Council and questioned what was trying to be accomplished.

Councilmember Douglass replied it was more of a communication issue, nothing could be done without Council's approval.

Louis Grimes, Francis Ave, addressed Council and stated "too many cooks spoil the broth".

Regular & Work Session Meeting Minutes – October 3, 2011

Contract Negotiations

Tom Frisoli, Villas, addressed Council and questioned if anyone read the article from the publisher in The Herald last week and questioned where the writer got the incorrect information.

Outside Wood Burners

Dianne Martin, Andrielle, thanked Council for amending Chapter 230 and questioned if the information had gone to Planning. Manager Voll replied it was on the Planning Board agenda and would be discussed in detail. The board had been made aware of the neighbors' concerns.

Res. #2011- 272 A 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 (Labor Relations; Discussion on Possible Litigation re: Recreation Roof Contractor)

Motion to approve Resolution 2011-272 moved by Council member Conrad, 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".

Council returned to open session and there being no further comment, Councilmember Conrad motioned to adjourn the meeting, seconded by Councilmember Douglass. The meeting unanimously adjourned by verbal ayes at 8:53 p.m.


Mayor


Township Clerk

Approved: October 17, 2011