

Regular & Work Session Meeting Minutes - November 7, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on November 7, 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 and Recording Secretary Julie Picard

WORK SESSION

Discussion on Commercial Trash - Gary Douglass

Gary Douglass, Superintendent of Public Works, addressed Council and stated the current Ordinance regulating commercial trash pick-up will expire December 31, 2011. After speaking with the most of the business this Ordinance effects, they would like to see the collection continue. With Council's approval, an Ordinance to continue the service will be prepared and the first reading will be at the November 21 meeting, second reading December 5th and the Ordinance will take effect 20 days after adoption.

Discussion on Cox Hall Creek Wildlife Management Area - Mayor Beck

Mayor Beck stated he had received calls regarding hunting at the Wildlife Management Area. The state had begun to post the area so shotguns will not be allowed, but requests Council's support in their efforts. The issue is the deer destroying the habitat. The state is contemplating closing the walking trails for a few days allowing bow and arrow hunting. Councilmember Conrad stated he does not see an issue with bow hunting, but will not agree with hunting with guns. Councilmember Simonsen stated as long as someone monitors the situation, it should be fine. Councilmember Douglas stated bow hunting has been used in other areas, and worked well. Deputy Mayor Lare stated a posted, clearly defined area for bow hunting would be fine. Hunters are basically law abiding sportspersons. If the state allows bow hunting, it is posted adequately and the boundaries are clearly defined, the problem should correct itself.

Thomas Ross, 2 Shawmont Ave addressed Council and stated he has been a resident there for 25 years and has been hearing a lot more shots recently. Also, all the walking trails infringe on the area to be used for hunting.

Jacqueline Dougherty, Shawmount Ave. addressed Council and stated she has lived there for 17 years and had a deer gutted in her yard. People are shooting in the park and believes if there is bow hunting allowed, the area will need to be clearly marked.

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Motion to have a letter sent to the State from the Mayor's office stating "Lower Township would like to see, in the original Ponderlodge footprint, the use of shot guns completely prohibited and whatever use of bow and arrow that would be allowed has to take into consideration the fact that there are a lot of residents, visitors and foot traffic in that area and foot traffic should be restricted as much as necessary". Motion moved by Mayor Beck, seconded by Councilmember Simonsen. Roll Call Vote:

Councilmember Conrad	Yes
Councilmember Simonsen	Yes
Councilmember Douglass	Yes
Deputy Mayor Lare	Yes
Mayor Beck	Yes

Review of Request to Vacate end of Mulberry Street

Councilmember Simonsen stated the MUA, the fire departments and the State have all given permission to vacate that portion of Mulberry Street. Clerk Kammer stated an Ordinance will be prepared for the November 21 meeting.

Review of Consent & Regular Agenda Items

Council comment on Consent Agenda – None

Public Comment on consent agenda:

Green Acres Program

Fred Long, Socks lane, addressed Council and spoke in support of Resolution 291 stating it is an excellent idea and helps leverage the amount of tax money collected for use in open space acquisition and other recreation uses.

Jessica Dare, Conservation Coordinator for the American Literal Society, the Delaware Bayshore program, a Coastal Conversation Program, addressed Council and stated the Commissioner of the DEP formally announced that they will be sending letters to all local governments requesting they submit applications by the end of January. There is a pool of funding that will be available and 19 other counties will be fighting for this funding.

Consent Agenda

Approval of Minutes	October 17, 2011
Res. #2011-287	Payment of Vouchers: \$4,440,192.26
Res. #2011-288	Authorization for Refund of Taxes (1 - granted disabled vet status)
Res. #2011-289	Certification of Lot Clearing Charges to the Tax Collector (1 property)
Res. #2011-290	Award of Bid & Acceptance of Contract to Purchase 2012 One (1) 35 Ton

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- Res. #2011-291 Self-lifting Detachable Lowboy (Joint purchase between Twp & MUA - Total cost \$33,895)
Requesting Cape May County Freeholders Consider Submitting a New Jersey Department of Environmental Protection Green Acres Program Local Government Assistance Application for Land Acquisition and Park Development (Urging the County to apply to the state Green Acres Program to seek funding to match and augment funds currently raised through the County Open Space, Recreation, Farmland and Historic Preservation Trust Fund)
- Res. #2011-292 A Resolution of the Township of Lower Approving a Memorandum of Understanding with New Jersey Natural Lands Trust (Agr. to allow Township to apply for necessary State permits for extension of outfalls pipes at Sandalwood & Springtime Roads located on NJ Natural Lands Trust property)
- Res. #2011-293 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:40-87, Chapter 159 (\$20,000 Energy Efficiency Conservation Block Grant towards energy enhancements for Township Hall, Millman Center, Road Dept, Recreation Center & Annex)
- Res. #2011-294 Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower for Engineering Services Related to Bayshore Estates Stormwater Investigation, Phase 2 (\$26,000 max. diver would video and inspect drainage pipes and note conditions)
- Res. #2011-295 Transfer of 2011 Appropriations (\$64,000 - From PERS, Electric, Phone & Tipping Fees to Finance, Solicitor, Unemp. Police & Rec. OE's)
- Res. #2011-296 Appointment of Hearing Officer for Police Disciplinary Matter (John Callinan -\$125.00 per hr.)
- Ord. #2011-18 An Ordinance Authorizing Certain Traffic Control Signage and Markings on Station Road in the Township of Lower, 1st rdg. (Authorizing 10 mph speed limit and school crossing markings on Station Road)

Motioned to adopt the consent agenda moved by Councilmember Conrad, seconded by Councilmember Douglass. Roll Call Vote:

Councilmember Conrad	Yes
Councilmember Simonsen	Yes
Councilmember Douglass	Yes
Deputy Mayor Lare	Yes
Mayor Beck	Yes

Administrative Reports

Personnel Action Report

Treasurer's Report September YTD

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Council Comments

Councilmember Conrad thanked everyone for all the help at the baseball field and hockey rink and stated it is a sign that people are vested in our community.

Councilmember Simonsen congratulated the recreation, police and fire departments for their efforts at the Haunted Trail. It was a very successful event. There will be a benefit for the Gene Sole Scholarship Fund at the Cape May Winery next week. The event last week at Lucky Bones was very successful, thank everyone who came out. Councilman Simonsen sent condolences to the family of Marcia DeMedio, a LCMR teacher who passed. There is also a scholarship in her name, please call the high school for information. Congratulation to our girls soccer team for their win and getting into the South Jersey championship games!

Councilmember Douglass requested everyone look at the back of the agenda for upcoming events including the Rotary Tree Lighting and the Christmas Parade. The Lower Township Rescue Squad subscription plan is now open, please contact the squad at 886-2552 for additional information.

Deputy Mayor Lare reminded everyone to vote. The Landscaping at the Township building is a continuation of volunteer work being done through donation.

Mayor Beck announced the Tree Lighting is scheduled for Tuesday, November 29th, 7:00 starting at the Recreation Center. Veterans Day Services will be November 11th at 11:00 at the VFW Post 543 on Bayshore Road. Cape May County Animal Welfare Society Open House - November 12th & 13th from 1-3. Cape May County Animal Shelter supports our troops with free adoption for all military personnel members and their dependents from Veterans Day thru January. Applications for Home Energy Assistance are now being accepted for the upcoming heating season which runs from November 1 thru April 30th. Please contact Cape Human Resources 465-4531 for assistance.

Public Comments

Bill Greenfield, Villas, questioned Council on the location of Mulberry Street. Councilmember Conrad replied off Baydrive, it backs up to Ponderlodge.

Rescue Squad

Bob Webber, Cardinal Ave, addressed Council and questioned where the Local Public Contracts Law allows an exception for a no-bid contract to the Rescue Squad. Solicitor Donohue replied he would be happy to provide a listing of the statutes that deal with the rescue squad.

Betty Sommers, Atlantic Ave, addressed Council and stated she was at a meeting where the question was asked if a member of a rescue squad could call a doctor and receive orders and the answer was no. Ms. Sommers called the state to verify the information.

Res. #2011-297,

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 (Potential Litigation)

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Motion to approve moved by Councilmember Simonsen, seconded by Councilmember Conrad. 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 Simonsen motioned to adjourn the meeting, seconded by Councilmember Conrad. The meeting unanimously adjourned by verbal "ayes" at 8:55 p.m.



Mayor



Township Clerk

Approved: 11-21-11