

COUNCIL MEETING MINUTES – FEBRUARY 19, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 19, 2014 at 6:00 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 James Neville
Councilmember Erik Simonsen
Deputy Mayor Clark
Mayor Michael Beck

Also present: Michael Voll, Township Manager, Ron Gelzunas, Township Solicitor and Karen Fournier, Clerk's Office

Work Session

Karen Wadding & Lower Cape May Regional Students Presentation: NHTSA (National Highway Traffic Safety Association) "You Got Brains" Contest 2014

Karen Wadding, Health and Physical Education Teacher at LCMR, introduced students Nicole Hornbeck, Morgan Hart and Emily Levin to talk about the "You Got Brains" contest and ask for support from the community on their campaign to promote safe teen driving. Nicole Hornbeck, one of the students involved in the LCMR Teen Driving Campaign, talked briefly about the Share the Keys program and the "You Got Brains" Contest sponsored by the New Jersey Brain Injury Alliance. She thanked the Lower Township Police Department for allowing them to utilize the electronic sign to help promote seatbelt safety month. She also solicited support from the community and shared their slogan: "LCMR wants you alive. Follow the law. Be smart when you drive".

At the request of Councilmember Neville, Manager Voll introduced Mark Shray of Hatch-Mott McDonald Engineering Firm to give an update on the Clubhouse Road Project. Mark Shray informed that the field survey is complete and the base maps are being prepared. Due to the timing of the project and necessary detours interfering with Independence Day weekend, he recommended we wait until the day after Labor Day to begin construction. He fielded questions from Council which included an approximate time frame for completion of the project.

Manager Voll introduced Leon Costello, Municipal Auditor, and Lauren Read, Township CFO, to introduce the 2014 budget. Mr. Costello discussed the details of the budget that resulted in a zero tax increase. He stated that he does not anticipate any changes in state aid and informed that we are well within the state cap. Upon Council's approval to move forward, the public hearing is scheduled for April 21st.

At the request of Mayor Beck, Mr. Costello gave an explanation of Ordinance #2014-01.

Consent Agenda

John Sworonski, 607 Arctic Avenue, addressed Council for clarification regarding Ordinance #2014-01. Mayor Beck explained the Cap Bank.

- Approval of NJ State Fireman's Membership Application - David D Lewis - Villas Volunteer Fire Company
Ordinance #2014-01 An Ordinance to Exceed the Municipal Budget Appropriations Limits and Establish a Cap Bank (annual ordinance required prior to approval of budget by the Director of Local Government Services) 1st reading of Ordinance - 2nd reading and public hearing March 17th
- Ordinance #2014-02 An Ordinance Establishing Five Year Tax Exemption for Improvements To And Construction Of Commercial and Industrial Structures in the Cape May County Airport Industrial Park 1st reading - 2nd reading and public hearing April 7th
February 3, 2014
- Approval of Minutes
Res. # 2014-64 Payment of Vouchers \$ 1,994,866.43
Res. # 2014-65 Resolution Requesting Release of Performance Guarantee for Windmill Marina Assoc., LP; Block 763, Lots 9&10 and Block 764, Lots 11&12, Escrow #Z06-12-02 (\$1,469.08)
- Res. # 2014-66 Resolution Requesting Release of Maintenance Guarantee for S.W.Bajus, Ltd, Block 690, Lot 1.01 Escrow P08-04-05 (\$15,004.20)
- Res. # 2014-67 Resolution to Affirm the Township of Lower's Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public that Come into Contact With Municipal Employees, Officials and Volunteers (JIF requirement)
- Res. # 2014-68 Authorization for Refund of Taxes (one property \$640.04 paid twice)
Res. # 2014-69 Resolution Supporting the Annual Greater Cape May Elks/Tom Beheler Youth Basketball Tournament (annual resolution providing for donations to ALS Hope of Cape May and Lower Twp traveling basketball team)
- Res. #2014-70 Transfer of 2013 Appropriations (\$17,000)
Res. #2014-71 Introduction of Budget
Res. #2014-72 Application for 2014 Drug Enforcement And Demand Reductions (DEDR) Grant Funds (annual)
- Res. #2014-73 Bid Acceptance and Award for One (1) New 2014 Ford F-550 4X4 Chassis with Dump Body, Plow and Spreader or Equal (Kindle Ford \$75,768.15)
Res, #2014-74 Bid Acceptance and Award for One (1) New 2014 Ford F-350 4X4 Crew Pickup with Snow Plow or Equal (Hertrich Fleet Services \$34,482.)
- Res. #2014-75 Approval of Change Order #1 and Contract Amendment to ADA Upgrades Paul R Will Recreation Complex (net increase of \$9,205. Concrete needed to be ADA compliant)
- Res. #2014-76 Authorization for the Payout of Accumulated Compensatory Time (T Whittington \$9,910.96)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
NEVILLE		X	X			
SIMONSEN			X			
CLARK	X		X			
BECK			X			

Regular Agenda

- Res. #2014-77 Amend Resolution #2013-231; Appointment of Special Counsel for the Purpose of Opposing the City of Cape May's Attempt to Withdraw From the Lower Cape May Regional School District (making the total of the contract \$25,000)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
SIMONSEN					X	
CLARK			X			
BECK			X			

Administrative Reports

Monthly Reports: Construction, Dog, Municipal Clerk, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad commented on an article in the Press of Atlantic City regarding LCMR's borrowing abilities being disputed by Cape May City's council member. He added that the dispute is based on opinion, rather than facts and figures. He spoke about the ripple effect this issue is having on the community. He thanked the manager, department heads and employees for the decisions made with regard to the budget and talked about where this will lead us in the future.

Councilmember Neville agreed with Councilmember Conrad on the school issue.

Councilmember Simonsen announced the accomplishments of seven RMT students making the all-honors South Jersey Band and informed of it being held at LCMR auditorium on March 7th. He congratulated Eileen Kreis for a successful fund raiser to benefit the NJ Run for the Fallen. He thanked everyone involved in working on the budget and voiced his desire to see more police officers on the streets.

Deputy Mayor Clark made a plea to Cape May City's council members and voters on the school funding issue. He suggested a panel discussion in which both councils, their lawyers and community members talk about the timeframe and expenses of a lawsuit. In addition, he suggested that they tour the school to see firsthand all that their tax dollars are paying for and then let the taxpayers decide whether or not to proceed with its attempt to withdrawal from the regional school.

Mayor Beck agreed with Deputy Mayor Clark's appeal. He commented on the school issue and voiced his opposition to the leadership in Cape May. He announced the public hearing on the Diamond Beach Dunes Project to be held on February 21 at North Wildwood City Hall.

Call to Public

Janet Pitts addressed Council regarding the Diamond Beach Dune issue. She and Mayor Beck had a discussion about where the sand is being taken from to build the dune.

John Sworonski, 607 Arctic Avenue, commented in favor of Deputy Mayor Clark's appeal. He spoke of his experience attending school board meetings, getting to know Mr. Kobik and touring the regional school after reviewing his own tax bill. He encouraged the people of Cape May to do the same.

Frank Soracco of Villas addressed Council to get clarification on Ordinance #2014-02. He voiced his concern with the condition of the buildings for any prospective business owner. Deputy Mayor Clark told of a success story in Linwood in which the same law was applied. Mayor Beck assured that this only applies to improvements and will not impact the current taxes being paid. Discussion ensued. Solicitor Gelzun explained the difference between a tax abatement and a tax exemption. He also discussed the intent of this law and its advantages. Manager Voll pointed out several reasons why the exemption is a good idea.

Mr. Soracco also addressed his concern with rising water at Fishing Creek and passed out copies of an article and a petition from 2009. Councilmember Conrad agreed that the problem is getting worse, effecting

sections of Lower and Middle Township. Mayor Beck informed of a pending application that, if granted, would enable us to do a comprehensive study. Discussion ensued. Mr. Soracco brought up a concern about potential mold problems. Mayor Beck and Manager Voll agreed to reach out to the County regarding the situation.

Jack Frederick, 315 Roseann Avenue, addressed Council for an update on Roseann Avenue. Manager Voll informed that there have been noticeable improvements since the work of the Mosquito Commission and the work at Cox Hall Creek has been done. He does foresee pipes needing to be replaced in the future, but at present, the situation is being closely monitored. Upon inquiry, Councilmember Conrad assured Mr. Frederick that this problem is unrelated to Fishing Creek.

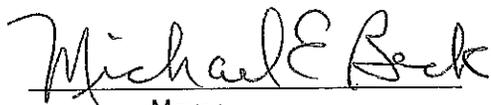
Ed Butler of Villas addressed Council regarding the FEMA flood plain maps. Mayor Beck informed him that Mr. Farrell has been working on surveying the area and is a couple months from completion. Manager Voll said Mr. Farrell believes he has a good argument to defend the people in the V zones and other zones based on the intelligence he has at this point.

Mr. Butler commented in favor of Deputy Mayor Clark's appeal.

Fred Long of Cold Spring thanked Deputy Mayor Clark for speaking up on the school issue. He stated that negotiations are better than war.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:04 p.m.



Mayor



Township Clerk

Approved: 3-03-14