

## COUNCIL MEETING MINUTES – JANUARY 22, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 22, 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

Presentation to Ray Brown

Councilmember Neville informed that he recently attended the re-org dinner for the Town Bank Volunteer Fire Company and reminisced about the old Town Bank Fire Hall.

Mayor Beck and Council presented Mr. Brown with a proclamation honoring his fifty years of dedicated service to the Town Bank Volunteer Fire Company.

### **Work Session**

#### **Consent Agenda**

Approval of Minutes	January 6, 2014
Res. #2014-42	Payment of Vouchers \$ 1,871,575.12
Res. #2014-43	Resolution Approving a Professional Service Contract with Hatch Mott Macdonald without Public Bidding (Clubhouse \$47,880.)
Res. #2014-44	Award of Bid and Acceptance of Contract to Purchase one (1) 2013 25 Ton Tag-Along Trailer with Lift Axel (joint purchase with MUA - Mike Zyndorf \$10,000 from Twp.)
Res. #2014-45	Award of Bid and Acceptance of Contract to Purchase one (1) 2013 or newer Unused Compact Track Loader (joint purchase with MUA - Jesco Inc \$25,000 from township)
Res. #2014-46	Approval of Precious Metal Licenses (Valentino's & Lucky 7)
Res. #2014-47	Transfer of 2013 Appropriations (\$9,500)
Res. #2014-48	Resolution Determining the Cape May County Airport Industrial Park, Industrial and Airport Hazard Zoning Districts, to be an Area In Need Of Rehabilitation ( to start the five year tax exemptions/abatement process)
Res. #2014-49	Authorization for the Payout of Accumulated Compensatory Time (M. Perry \$7,163.32)
Res. #2014-50	Authorization for the Payout of Accumulated Sick Time (D. Vanaman, Jr. \$1,835.66)
Res. #2014-51	Amending Resolution #2013-84; the Lindemon Winckelmann Dupree Martin Russell & Associates PC Contract for the ADA Improvements (additional \$4,500 estimated expenses)

- Res. #2014-52 Award of Contract to Lindemon Winckelmann Dupree Martin Russell & Associates PC for Services Related to Hazardous Material Abatement at the Fishing Creek School and Garage without Public Bidding (\$3,300)
- Res. #2014-53 Resolution Approving a Mutual General Release and Waiver of Claims Between the Township of Lower and the Oak Group, Inc. Concerning A Lead Abatement Contract for the Fishing Creek School

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

## **Regular Agenda**

### **Administrative Reports**

#### **Council Comments**

Councilmember Conrad referred to an article written by Mr. Degener concerning the Lower Cape May Regional High School and how it relates to our current issue regarding the regional school district.

Councilmember Neville commented on some untruths in a recent spout-off regarding Clubhouse Drive. He spoke in favor of Chris Kobik, the Superintendent of the Lower Cape May Regional High School. He expressed his opposition to Cape May City Councilman, Jack Wichterman's attempt to dissolve or withdrawal from the regional school district. He also inferred that a change is needed with regard to the Lower Township Municipal Utilities Authority.

Councilmember Simonson made a motion to appoint a new member to the MUA board. Councilmember Conrad seconded the motion. Solicitor Gelzunas spoke up to inform that because this was not on the agenda, any further action taken on this motion would be void, as per the Open Public Meetings Act. Discussion ensued. As a result of the discussion, the Township Clerk was instructed to put this business on the next agenda for the February 3<sup>rd</sup> Council meeting.

Councilmember Simonson announced significant accomplishments by LCMR student athlete's Lauren Holden and Corey Damiana. He informed of the various meetings he attended in the interest of the Township including the Economic Development Committee, Parkway improvements, and the new Field of Dreams Program. He also announced a benefit for the Run for the Fallen.

Deputy Mayor Clark praised Chris Kobik, Superintendent of LCMR Schools for his commitment to the Economic Development Committee. He commended Jack Fichter for his diligent work in the interest of the Township. He also pointed out that the first step has been taken to designate the airport as in need of rehabilitation.

### **Call to Public**

Robert Rizzo of Mickel's Run addressed Council to thank the Public Works Department for managing the snow. He announced that Mr. Raggo celebrated his 106<sup>th</sup> birthday. He also inquired about the energy group that presented last year. Councilmember Neville explained that Atlantic City Electric currently has the lowest rate.

Jay Young of Cape May Beach addressed Council inquiring about Resolution #2014-43. Manager Voll confirmed that it does pertain to Clubhouse Drive and invited Gary Douglass to give an explanation.

Gary Douglass, Public Works Director, explained that the bids were rejected at the last meeting due to flaws in the plans and specifications of the contract. Subsequently, infrastructure and drainage issues too complex for our in-house engineer warrant hiring an outside engineering firm. He hopes to have the project completed by the end of June.

Councilmember Simonsen asked who was responsible for the flaws. Mr. Douglass responded that in his opinion, the flaws in the plans and specs were made by our in-house engineer.

Linda Gentile, representative for Shore Animal Control addressed Council to thank them for the appointment. She also thanked Don Montgomery for his help with the transition and Jack Fichter and the Press for getting the word out. She encouraged pet owners to bring their pets indoors during these harsh temperatures and informed that they offer their services around the clock.

Jesse Matsinger, 104 Old Mill Drive, addressed Council to suggest that the MUA board members be elected by the community instead of Council.

Don Embs, North Cape May, addressed Council regarding applications being sought for a new executive director of the MUA. He suggested that Craig Loper, currently serving as interim director of the MUA, is qualified and able to fulfill the obligations as executive director at no additional expense. He also expressed his desire to see a "new" member appointed to the MUA board.

Councilmember Simonsen interjected to clarify a previous statement about a conflict.

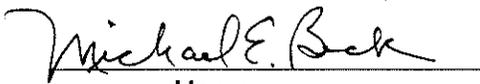
Brian McEwing, 681 Townbank Road, applicant for MUA board appointment, addressed Council to ascertain why no action was taken on the previous motion to appoint a new MUA board member. Solicitor Gelzunas reiterated that any action taken would be void due to it not being on the agenda. Discussion ensued and evolved into discussion about the application process. Mayor Beck stated that it is at the discretion of Council to reach out to the applicants if they wish to do so.

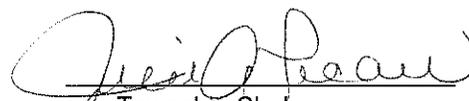
Jack Porter, 19 DeSoto Avenue, referred to Resolutions #2014-44 and #2014-45 and inquired about the process of making a joint purchase with the MUA. Manager Voll explained the purchase process and the intent to save money. Mr. Porter questioned the ethical intent of Council with regard to the MUA board and suggested that geographical location should be taken into account. Discussion ensued. Mr. Porter raised discussion about illegal dumping of construction debris. Mr. Douglass assured Mr. Porter that the dumping situation was handled.

Nancy Embs, 104 Bayridge Road, addressed Council to speak on the above issue regarding the MUA board appointment and referred to the New Jersey code of ethics. She requested that Council not reappoint current MUA board members upon the expiration of their terms, but instead appoint new members that are fair, honest and willing to follow the rules.

### Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Deputy Mayor Clark. Motion to adjourn unanimous. Meeting adjourned at 6:59 p.m.

  
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Mayor

  
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Township Clerk

Approved: Feb. 3, 2014