

COUNCIL MEETING MINUTES – January 5, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 5, 2015 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.

Mayor Beck opened the meeting by congratulating newly elected Township Councilmembers and recognizing special guests.

Oath of Office -

Councilman Thomas Conrad, sworn in by Freeholder Director Gerald M. Thornton, invited his wife Stacy to hold the Bible and was joined by members of his family. Freeholder Director Gerald Thornton said a few words about Councilman Conrad as a young boy.

Councilman Erik Simonsen, sworn in by Freeholder Kristine Gabor, invited his wife Anna to hold the Bible and was joined by his daughters and his parents.

Councilman David Perry, sworn in by Assemblyman Samuel L. Flocchi, invited his wife Janet to hold the Bible and was joined by members of his family.

The following members of Council were present for roll call taken by the Clerk:

Councilmember Thomas Conrad
Councilmember David Perry
Councilmember Erik Simonsen
Deputy Mayor Norris Clark
Mayor Michael Beck

Also present: Karen Fournier, Clerk's Office

Res. #2015-01 Appointment of Municipal Solicitor for the year 2015

Councilmember Simonsen made a motion to appoint David Stefankiewicz as Township Solicitor.

Councilmember Conrad seconded the motion.

Mayor Beck delayed the vote to voice his support for Ron Gelzunas. He offered reasons that included what he feels are in the best interest of the township, and cost savings.

Deputy Mayor Clark spoke in accord with Mayor Beck, validating his reasons to support Ron Gelzunas. He questioned a conflict with Stefankiewicz & Barnes on account of their firm representing the LTMUA. In an effort to abide by the laws of the state, he motioned for an amendment to the resolution appointing Stefankiewicz and Barnes to require that all the facts regarding the appointment of Stefankiewicz and Barnes be reviewed by the New Jersey Supreme Court Advisory Council on Ethics and determined not to be an ethical violation. In addition, the compensation for the firm of Stefankiewicz and Barnes not exceed \$85,000 for the year, thereby saving the Lower Township taxpayers \$42,000 a year from their proposed bid.

On the Amendment:

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

Mayor Beck assured Mr. Stefankiewicz that the issue being discussed is not directed against him personally, but his concern about a true conflict.

Janet Pitts, Villas, voiced her concern that the Township is without legal representation on this issue. She suggested the Resolution be tabled until obtaining neutral legal advice.

Mayor Beck questioned Mr. Barnes resignation from representing the LTMUA.

Councilmember Conrad was told he would be resigning, but suggested he ask Mr. Barnes.

Mr. Stefankiewicz informed that Mr. Barnes contract with the LTMUA expires at the end of the month, with two minor contractual obligations that he assures will not conflict with the Township.

Ms. Pitts reiterated her concern of a conflict, due to the investigation by the Attorney General's Office. Mayor Beck agreed that there are many reasons for concern. Ms. Pitts asked if there is a state agency that can be contacted regarding the situation. Deputy Mayor Clark proposed the New Jersey Supreme Court Advisory Council on Ethics.

Dan Anderson, Townbank Road, reminded newly elected officials that they just took an oath to do what is in the best interest of the residents, and stated that now they want to raise taxes. Councilmember Simonsen disagreed.

Kathleen Dynan, Cold Spring, suggested that Council move forward with the vote.

Mary Reader, Villas, voiced her desire for Council to vote.

John Skowronski, 607 Arctic Avenue, inquired about the additional cost to pay the new solicitor. Councilmember Conrad informed that it is not an exact number. Council discussion ensued.

Res. #2015-01 Appointment of Municipal Solicitor for the year 2015

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

Consent Agenda

Approval of Minutes December 15 & 29, 2014

- Res. #2015-02 Annual Appointment of Emergency Management Council (annual)
- Res. #2015-03 Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (annual)
- Res. #2015-04 Approval of Annual Contribution to Volunteers in Medicine (annual \$7,690)
- Res. #2015-05 Appointment of Township Labor Solicitor for the year 2015 (W. Blaney not to exceed \$50,000)
- Res. #2015-06 Appointment of Municipal Public Defender for the year 2015 (annual - V.Roach \$11,200)
- Res. #2014-07 Appointment of Municipal Prosecutor for the year 2015 (annual – P.Tourison \$14,000 -- M. Ragusa resigned)
- Res. #2015-08 Appointment of Municipal Auditor for the Year 2015 Without Public Bidding (Ford Scott not to exceed \$40,000)
- Res. #2015-09 Establishment of Council Meeting Dates and Times for the Year 2015 (annual)
- Res. #2015-10 Authorizing the Cash Management Plan (annual)
- Res. #2015-11 Authorizing Payment for 2015 Regional School Taxes (Jan – May \$6,013,966.50)
- Res. #2015-12 Authorizing Payment to Lower Township Board of Education (Jan - May \$7,903,298. taxes)
- Res. #2015-13 Authorizing Payment of 2015 Debt Service (\$2,563,066.40)
- Res. #2015-14 Adopting 2015 Temporary Current Budget (\$6,154,000.)
- Res. #2015-15 Designation of Official Depositories (annual)
- Res. #2015-16 Annual Approval of Petty Cash Funds (annual – Finance and Police)
- Res. #2015-17 Designation of Public Agency Compliance Officer for Lower Township (annual - PACO – M. Vitelli)
- Res. #2015-18 Authorization for Public Bidding (annual)
- Res. #2015-19 Resolution Authorizing the Clerk to issue Bingo and Raffle Licenses throughout the Year to Qualified Organizations (annual)
- Res. #2015-20 Designation of Official Newspapers for Legal Advertising for the year 2015 (annual Star & Wave and the Cape May Gazette)
- Res. #2015-21 Appointment of JIF Risk Management Consultant (J.Byrne Agency - 3rd year of a 3 year proposal)
- Res. #2015-22 Resolution Authorizing Lower Township's Payment to the County of Cape May for the Spay/Neuter

- Fund as per the Interlocal Agreement (annual \$13,287)
- Res. #2015-23 Setting the Interest Rate for Delinquent Taxes (annual)
- Res. #2015-24 Authorization for Refund of Taxes (3 properties \$8,529.74)
- Res. #2015-25 Authorization for Payout of Accumulated Sick Time (annual \$ 36,454.80)
- Res. #2015-26 Authorization for Clothing Allowance (\$17,425)
- Res. #2015-27 Payment of 2015 Vouchers \$61,185.58
- Res. #2015-28 Transfer of 2014 Appropriations
- Res. #2015-29 Payment of 2014 Vouchers \$429,312.09
- Res. #2015-30 Approving 2015 Contract with Cape Assist (annual \$3,213.00)
- Ordinance #2015-01 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-15.14) this is a yearly requirement which MUST be adopted prior to the introduction of the budget. This is the first reading of the Ordinance. The second reading and public hearing will be scheduled for January 21st.

Tom Frisoli, Villas, Vice-Chairman of LTMUA, addressed Council to voice his concern about using the Star and Wave as the Township's official newspaper. He stated, in his opinion, that they have done nothing for the people, except the Mayor and Deputy Mayor.

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

Regular Agenda

- Res. #2015-31 Resolution Designating the Lower Township Rescue Squad, Inc. As The Provider of Emergency Medical Services in Lower Township

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

- Res. #2015-32 Appointment of Municipal Engineer for 2015 Without Public Bidding (Hatch, Mott Macdonald not to exceed \$450,000)

Mayor Beck voiced his discontent with the amount, thus recommending a compromise to amend the "not to exceed" amount of \$450,000 to \$10,000 instead. Councilmember Conrad defended his opposing position and discussion ensued about putting special projects out to bid. Deputy Mayor Clark inquired about how the amount was established. Councilmember Conrad suggested he ask the engineer. Discussion continued about defining special projects. Councilmember Simonsen reminded about the expenses for the proposed police building. Mayor Beck reiterated his concern about the wording of the resolution and vowed to protect the taxpayer.

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

- Res. #2015-33 Appointment of Bond Counsel for the Year 2015 Without Public Bidding (Archer & Greiner)

Mayor Beck questioned the decision to change Bond Counsel and informed of a letter from Lauren Read, Township CFO, urging Council to reconsider. Mayor Beck voiced his opposition to the change.

Deputy Mayor Clark agreed with Mayor Beck and stated his concern for loss of productivity. He suggested a plea to the new Bond Counsel to spare the Township the expense of transferring files. Councilmember Conrad agreed to ask. Discussion ensued about the process to hire Bond Counsel.

Bob Donaghy, Villas, asked about the possibility of duplicating the documents in-house. Deputy Mayor Clark referred to the additional work involved as mentioned in the CFO's letter. Councilmember Conrad stated that there is likely an electronic method to reproduce the documents. Mayor Beck read a portion of Lauren Read's letter to Council.

Mike Rosenberg, Coral Road, asked about the obligation of Bond Counsel to share the information.

Ed Butler, Villas, suggested that Council take the advice of their CFO professional. He also reminded Council that they should be working for the taxpayers.

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

Res. #2015-34 A Resolution of the Township Council of the Township of Lower Removing the Current Township Manager

Mayor Beck argued that there has been no Council discussion regarding this issue. Councilmember Conrad agreed and referred to the removal of a former Township Manager, Joe Jackson. Disagreement and discussion ensued about the process of removing a manager. Mayor Beck defended Manager Voll and his dedication to the Township, suggesting that Council allow him to finish the year. Mayor Beck, at a recent closed session meeting, communicated his request that Council put out an RFP for Township Manager, but was denied. Deputy Mayor Clark supported Mayor Beck's request. Councilmember Conrad agreed that he called Manager Voll the day after the election to inform him that he would be removed. Mayor Beck reminded Councilmembers that they act as a body, not individuals. Councilmember Simonsen indicated that Manager Voll spoke disrespectfully to Councilmember Conrad on several occasions. Councilmember Conrad admitted to having a replacement for Manager Voll. Mayor Beck voiced his opposition due to the process and disregard for the rules of government, as well as the additional cost to the taxpayers. Deputy Mayor Clark agreed that it makes no sense to pay two managers at the same time. Councilmember Simonsen stated that it is time to move in a different direction. Mayor Beck reiterated his disapproval with the process. Discussion ensued about the purpose of the special meeting. Mayor Beck concluded by pointing out Mike Voll's strong points.

Ed Butler, Villas, disputed a comment by Councilmember Simonsen about things being put in his mailbox at the last minute. Councilmember Simonsen disagreed. Mr. Butler reiterated Council's duty to do what is in the best interest of the taxpayers.

Frank Simonsen, Tranquility, referred to Deputy Mayor Clark's football analogy. He spoke highly of Mike Voll, but pointed out that the team has simply decided on a new manager. Mayor Beck stated that he would not have objected if it were handled properly. Manager Voll thanked Mr. Simonsen for his kind words.

Betty Wardstrom, Bayshore West, spoke with high respect for Manager Voll. She questioned why Council is changing managers and believes the Township should get to vote on this issue.

Mayor Beck referred to a newspaper article from November 11, 2014, quoting Councilmembers Conrad and Simonsen about the position of Township Manager.

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

Mayor Beck thanked Mike Voll.

Mike Voll expressed his gratitude to God for the ability to serve. He also thanked each Council member and wished his best to whoever replaces him.

Councilmember Conrad asked for legal advice from the Township Solicitor.

Solicitor Stefankiewicz informed that once the current Township Manager is removed and suspended, the Township Council has an obligation to appoint an Acting Township Manager.

Mayor Beck suggested the Township Clerk act as Township Manager until the Township does an RFP.

Councilmember Simonsen moved to appoint James Ridgway as Acting Township Manager. Councilmember Conrad seconded the motion.

Mayor Beck voiced his objection to the process. He recommended an RFP. A heated discussion ensued. Solicitor Stefankiewicz clarified the motion to appoint James Ridgway as Acting Township Manager, pending the final resolution regarding the former Township Manager.

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

Administrative Reports

Personnel Action Report

Council Comments

Councilmember Conrad thanked his wife and family for their support over the past few months. He also thanked voters in Ward 1 as they communicated their ideas for change. Some changes he hopes to accomplish in the near future include putting more police on the streets, improved code enforcement, flood mitigation and road repairs.

Councilmember Perry expressed humility for the privilege to serve on Council. He thanked many people for their support including his wife and children, the Lower Township Republican Organization, Bob Nolan, Gerald Thornton, Kristine Gabor, Samuel Flocchi and Congressman Lobiondi. He looks forward to serving all the people of the Township and hopes to address their concerns by providing a high level of service while keeping the taxes down. He concluded with a promise to follow the people's lead.

Councilmember Simonsen congratulated Councilmembers Conrad and Perry. He thanked his wife and family for their support, as well as Kristine Gabor, Gerald Thornton, and Sam Flocchi. He talked about addressing concerns in Ward 3, including Parkway reconstruction, infrastructure, and Diamond Beach. He thanked Mike Voll for working with him on the Diamond Beach issues. He concluded with a reminder to support our kid's recreation and education programs and wished everyone a happy New Year.

Deputy Mayor Clark congratulated Councilmembers Conrad, Perry and Simonsen. He talked about his experience serving the people of the Township as an Independent majority, and his intent to continue doing what is in the best interest of the Township. He spoke of his concern at people's reaction to Mr. Frisoli's comment, "to the victor goes the spoils". He also shared his disappointment at Council's decision to hire the same law firm that represents the LTMUA. Councilmember Conrad commented.

Mayor Beck announced an upcoming program for parents on January 15 at LCMR auditorium that deals with drug and heroine abuse. He congratulated his cohorts and wished them well.

Call to Public

Sharon Rementer, 713 Bayshore Road, addressed Council to get help with the problem of people driving through her property. She informed that it has happened five times in the past two years. Mayor Beck advised her to give her name and number to the clerk and she will be contacted. Freeholder Director Gerald Thornton also offered to help.

Kathleen Dynan, Portsmouth Road, voiced her disapproval with the actions of Mayor Beck and Deputy Mayor Clark regarding an LTMUA appointment.

Bob Donaghy, Villas, complimented the Public Works Department on their job removing trash.

Doris Raspa, 608 E St Johns Avenue, voiced her disapproval with the actions of Councilmembers Conrad and Simonsen. She reminded Council that they represent the taxpayers of Lower Township and advised that they leave politics at the door.

John Cantalupo of Archer and Greiner thanked Council for the appointment, and assured them that there will be no added expense for transferring files.

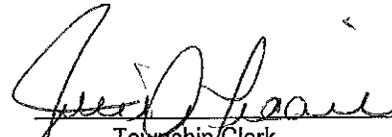
Tom Frisoli, Villas, congratulated Councilmembers Conrad, Perry and Simonsen. He addressed Deputy Mayor Clark about discussing issues with him after the next meeting.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Simonsen. Motion to adjourn unanimous. Meeting adjourned at 7:45 p.m.



Mayor



Township Clerk

Approved: 