

COUNCIL MEETING MINUTES – JULY 20, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on July 20, 2015 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 David Perry
Councilmember Erik Simonsen
Deputy Mayor Clark
Mayor Michael Beck

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Swearing in of Officers: Jason Felsing and Eric Danzi

Jason Felsing was sworn into office by Mayor Beck, as Jason's wife, Amanda Felsing held the Bible. He was also accompanied by his daughter Harper, his father Dennis Felsing Jr., and his brother Dennis Felsing III.

Eric Danze was sworn into office by Mayor Beck, as Eric's father Anthony Danze held the Bible. He was also accompanied by his Aunt Suzanne Erhardt.

Work Session

Introduction of Ordinance #2015-07- An Ordinance Revising and Restating Chapter 178, Beaches, of the Code of the Township of Lower – Councilman Perry/Solicitor Stefankiewicz

Councilman Perry asked Solicitor Stefankiewicz to give an update with regard to the Beach Ordinance #2015-04. Solicitor Stefankiewicz communicated that Superior Court Judge Littlefield issued a temporary restraining order on Ordinance #2015-04 until a final hearing which is set for November 12, 2015. He revealed the opportunity for Council to begin the ordinance process anew and agreed with Councilman Perry's financial opinion regarding defending the suit. Mayor Beck inquired about repealing the existing beach ordinance and the judge's concern with the content of the ordinance. Solicitor Stefankiewicz advised. Mayor Beck voiced his desire to postpone the introduction of the ordinance until fall. Deputy Mayor Clark asked about the effective date of the ordinance upon passage. Solicitor Stefankiewicz informed that the ordinance takes effect twenty days after passage.

Consent Agenda

Approval of Minutes	July 6, 2015
Res. #2015-218	Payment of Vouchers \$604,667.94
Res. #2015-219	Resolution Adopting Financial Policies
Res. #2015-220	Annual Renewal of Liquor Licenses (final 4 renewals)
Res. #2015-221	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Small Cities \$50,000)
Res. #2015-222	Body Armor Replacement Program (application for grant)
Res. #2015-223	Authorizing Payout of Terminal Leave (T.Beeby \$114,678.42)
Res. #2015-224	Authorizing Pay Out of Terminal Leave (A.Amonette \$53,167.86)
Res. #2015-225	Contract Award for Re-bid ADA Upgrades & Playground Improvements at the Recreation Center (\$262,300)
Res. #2015-226	Renewal of Commercial Excavating (Gravel Pit) Licenses (Brodesser & Cape Mining)
Res. #2015-227	Authorizing the Transfer of a Limousine Vehicle License (Ford Excursion)
Res. #2015-228	Resolution Confirming the Appointment of Jennifer Dowe as the Lower Township Tax Assessor (\$73,500/yr)
Res. #2015-229	Resolution Awarding a Professional Service Contract to Hatch Mott MacDonald For an Engineer Survey and Simple Sub-Division of Township Property Located Adjacent to the Township of Lower Public Works Yard – Seashore Rd (\$13,700)

Ordinance #2015-08

An Ordinance Amending Chapter 1 of the Revised General Ordinances of the Township of Lower (Solicitor) First Reading of Ordinance. Second reading and public hearing will be scheduled for August 3, 2015.

Mayor Beck inquired about Resolution #2015-225. Clerk Picard informed that additional money was obtained from a Small Cities Grant.

Mitch Plenn, Director of Parks and Recreation, gave an explanation of the expanded projects.

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

Regular Agenda

Res. #2015-230

Appointment of Municipal Prosecutor for the Year 2015

Councilman Simonsen nominated Frank Guaracini.

Mayor Beck voiced discontent over not receiving his resume. Manager Ridgway informed that he offered Mayor Beck the resume. Discussion ensued. Councilman Simonsen assured that Mr. Guaracini comes highly recommended.

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

Res. #2015-231

Lower Township Rescue Voucher \$750.00 First Aid/CPR Class

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

Ordinance #2015-06

Amend Chapter 475, Parks and Recreation Areas, of the Code of the Township of Lower, Add Article IV, Fee Schedule - This is the second reading and public hearing on this Ordinance. This ordinance has been published, posted and made available to the public.

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

Ordinance #2015-07

An Ordinance Revising and Restating Chapter 178, Beaches, of the Code of the Township of Lower -- First reading of Ordinance. Second reading and public hearing will be scheduled for August 3, 2015.

Anna Mae Coombs, Roslyn Avenue, voiced her full support of the ordinance.

Leon Miedowicz, 717 Indian Avenue, voiced his opposition to the ordinance and encouraged the Township to enforce the current ordinance.

Tonia Lisowski, 718 Pacific Avenue, voiced favor with the ordinance.

Richard Anderson, 106 Arbor Road, questioned the amount of dog incidents recorded and how much money has been spent on the ordinance. He also voiced concern for the Township's priorities.

Joanne Keating, 716 Adriatic Avenue, agreed that the ordinance is a perfect compromise.

Robert Lamoreux, 333 Suzanne Avenue, informed that his wife was bitten on the beach by a dog. He fully supports the ordinance and voiced frustration with the opposition.

Colleen Gross, 103 Broadway, voiced opposition to the ordinance but agrees with the leash law.

Janet Pitts, Villas, questioned the timing of the ordinance and how it will be enforced.

Deb Johns, Villas, responded to Ms. Pitts comments. She reiterated the recommendation from the Recreation Advisory Board and urged Council to make a decision.

Betty Somers, W. Atlantic Avenue, voiced disfavor with the Township's priorities.

Mickey Kane, Arbor Road, believes that a question should be put on the ballot to allow the people to decide about the ordinance.

Steve Morey, RAB, cited newspaper articles to validate that a majority of homeowners along the beach support the ordinance.

Helen Thompson, 44 E. Delaware Parkway, voiced opposition to the ordinance and urged Council to table it.

Renee Davis, Bayside Village, agrees with the leash law and voiced favor with putting the ordinance on a ballot.

Bill Greenfield, Villas, voiced concern about future restrictions. He questioned documentation regarding dog incidents and animal control's authority to enforce. He suggested limiting the ordinance to certain sections of the beach. Mr. Greenfield also commented on the AC Press article from last summer regarding Lower Township beaches.

Nichole Gedling, Villas, voiced opposition to the ordinance but agrees with the leash law.

Ed Butler, Villas, voiced his observations about the opinions on the ordinance. He suggested going back to the original ordinance and holding a special meeting to discuss it with the residents.

Pat Tator, Villas, believes the ordinance should be brought to a public vote.

Eileen Kreis, Villas, voiced discontent with many of the comments made in opposition to the ordinance. She requested that Council not limit the ordinance to certain sections of the beach.

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

Administrative Reports

Personnel Action Report

Monthly Reports – Clerk, Construction, Dog, Police, Treasurer, Tax, Vital Statistics

Certification of Mailing of Tax Bills

Council Comments

Councilman Conrad commented about the concerts and urged everyone to check on elderly neighbors due to extreme heat.

Councilman Perry echoed the suggestion to check on elderly neighbors.

Councilman Simonsen agreed.

Deputy Mayor Clark acknowledged the blessing of our great beaches and reminded of the Delaware Bayshore Council and its purpose to protect and replenish our beaches. He also informed Mr. Miller about the flag.

Call to Public

Robert Rizzo, Mickel's Run, commented on code enforcement and voiced concern over the appearance of the Township. He also expressed discontent with the condition of the county roads in Lower Township and urged Council to demand results.

Walter Miller, 1518 Main Street, urged Council to help with the issues at Wawa. He also asked about the wording on the oaths of office.

Steve Morey, referred to the NJ Shore Protection Program and asked Council if they plan to support the Assembly Bills.

Helen Thompson, Villas, informed that a sign remains at the park limiting dogs. She requested that documentation of violations from animal control be available at the public hearing on the beach ordinance. She also commented on an article about a dog beach in Fort Desoto, Florida. She also voiced her opinion about the prosecutor.

Bill Greenfield, Villas, asked when the public hearing will be held for the beach ordinance.

Tom Frisoli, Villas, congratulated Councilman Perry for listening to his constituents. He also commended Manager Ridgway for putting up with abuse from Council.

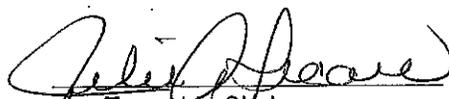
Betty Somers, W. Atlantic Avenue, pleaded with Council to work together for the good of the Township.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Simonsen, seconded by Councilmember Perry. Motion to adjourn unanimous. Meeting adjourned at 8:57p.m.



Mayor



Township Clerk

Approved: August 3, 2013