

COUNCIL MEETING MINUTES – June 3, 2019

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 3, 2019 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 Roland Roy, Jr.
- Deputy Mayor Frank Sippel
- Mayor Erik Simonsen

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

Work Session

Consent Agenda

Approval of Minutes May 20, 2019

- Res. #2019-192 Payment of Vouchers \$ 1,903,477.42
- Res. #2019-193 Issuance of Ice Cream Peddling and Ice Cream Salesman License for the Year 2019 (Kona Ice)
- Res. #2019-194 Authorization for Refund of Taxes (2 properties \$868.98)
- Res. #2019-195 Approval of Change Order #1 for an Additional Show for the 3rd of July Celebration to Frank Kielb Entertainment Inc. (\$800.00)
- Res. #2019-196 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Emergency Management Performance Grant (\$10,000)
- Res. #2019-197 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Alcohol Education and Rehabilitation \$1,848.62)
- Res. #2019-198 Authorization to Cancel General Ledger Balances
- Res. #2019-199 Bid Acceptance and Award of Three (3) 2019 F-350 Super Duty Crew Cab Single Rear Wheel 4X4 Pickup Trucks with 6.75 Bed with a Western Plow (Kindle Ford Lincoln Inc \$124,867.05)
- Res. #2019-200 Approval of Change Order #1, To Install New Safety Strips on Steps of Pool During Plastering and Repair of Community Swimming Pool (All State Technology Inc \$1,000)
- Res. #2019-201 Re-Appointment to the Planning Board (R.Crompton)
- Res. #2019-202 Approval of Change Order #2 to Agate Construction Company for the Roseann Avenue Roadway and Utility Improvements Project; Authorizing Additional Work and Extension of an Additional Ten (10) Calendar Days (\$80,353.52; Completion Date June 21, 2019)
- Res. #2019-203 Award National Cooperative Purchasing Agreement with Sourcewell, Formerly National Joint Powers Alliance (NJPA) to Jesco Inc. for One (1) 2019 Backhoe Loader 310SL John Deere (\$106,188.92)
- Res. #2019-204 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Clean Communities \$82,353.43)
- Res. #2019-205 Approval of Change Order #2 for the Construction Phase of the Roseann Avenue Roadway and Utility Improvements Project Phase III to Mott MacDonald (Construction Admin & Inspection \$279,500)
- Res. #2019-206 Approving A Professional Service Contract with DeBlasio & Associates to Prepare and Submit an Application for the FY2020 NJDOT State Aid Program (\$2,000)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY	X		X			
ROY			X			
SIPPEL			X			
SIMONSEN			X			

Regular Agenda

Ordinance #2019-10 – An Ordinance Establishing Chapter 387 Entitled “Hawkers and Peddlers” In Order To Regulate the Vending, Sale and Distribution of Goods Within the Township of Lower - this is the second reading and Public hearing for this Ordinance. This Ordinance has been published, posted and made available to the public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY			X			
ROY			X			
SIPPEL		X	X			
SIMONSEN	X		X			

Res. #2019-207 Annual Renewal of Liquor Licenses for the year 2019-2020

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
PERRY			X			
ROY		X	X			
SIPPEL			X			
SIMONSEN			X			

Res. #2019-208 Authorization for 2019 Incentive Award for Insurance Waiver (23 employees \$57,500)

Unknown asked for an explanation of the Insurance Waiver. Clerk Picard explained the contractual reimbursement for employees who opt out of the Township’s insurance.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY					X	
ROY		X	X			
SIPPEL	X		X			
SIMONSEN			X			

Manager’s Report

Manager Ridgway gave an update on the Opportunity Zone at the Cape May County Airport and communicated changes in Court personnel.

Mayor Simonsen gave an update on the possibility of NJTransit providing transportation to the Airport.

Council Comments

Councilmember Conrad reminded residents to be caution of school children at play during summer.

Councilmember Perry voiced disappointment with the flooding issues related to the Roseann Avenue project and offered the engineer available to field questions. He hopes to have the project completed within the next few weeks and gave an update on Phase III. He also informed about the Beach Access Permit from DEP.

Councilmember Roy advised residents about temporary detours due to paving on Woolson Road and Idell Street.

Deputy Mayor Sippel gave an update on the Youth Camp and reminded about the Children’s Assistance Fund.

Mayor Simonsen congratulated Joanne Reagan on her 50 years of teaching dance. He reminded about the 5:00 meeting times for July and August and announced the Special Council Meeting and the Summer Concert Series and asked to keep the McDaniel’s Family in prayer.

Call to the Public

Paul Ragan, 14 Clear Water Drive, addressed Council regarding the flooding issues on Clear Water and Roseann. Mayor Simonsen clarified the reason for the project. Mr. Ragan inquired about paving.

Manager Ridgway explained the origin of the project.

Stephen Foster, 6 Clear Water, voiced concern about aesthetics and noise abatement from the generator.

Peggy Cunningham, 8 Clear Water, voiced disgust with Agate and the Township for the way the problem was handled, and the mess it created.

Paul Ragan, asked to see a depiction of the finished project and made suggestions for noise reduction. Councilmember Perry assured that the finished project will be aesthetically pleasing.

Dianne Wunder, 20 Clear Water, voiced concern about the mess and when it will be cleaned up.

Mark Sray, Mott MacDonald, assured that the mess will be cleaned up and gave a time-line for the roadway reconstruction and the pump station site. He also explained the mechanical failure of the largest pump.

Stephen Foster disagreed with the information Agate provided to Mr. Sray.

Peggy Cunningham communicated the timeframe and the water level during the power failure.

Paul Ragan described the damages to his property and suggested retribution to Agate.

Councilmember Conrad asked Mr. Sray to explain the gravitational pipes.
Mr. Sray explained the sound levels and the enclosures to be installed around the generator.

Mary Foster, 6 Clear Water, voiced concern about the efficiency and aesthetics of the proposed enclosure.
Mr. Sray gave a detailed description of the plan for trees and fencing around the generator.
Ms. Foster expressed concern about the safety aspect.

Dianne Wunder voiced concern about the drainage path and monitoring of the water level.
Councilmember Conrad apologized for the drainage issues and communicated the Township's attempt to mitigate the problems.
Councilmember Perry requested the manager meet with Agate and demand they clean up the mess.

Stephen Foster made a suggestion for a locked gate around the generator for safety reasons.

Paul Ragan suggested a cyclone fence as a deterrent for trespassers.
Councilmember Perry agreed to explore aesthetic options upon the completion of the project.
Mayor Simonsen apologized to the residents and reiterated Council's commitment to rectifying the problem.

Closed Session

Res. #2019-209 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. **Attorney/Client Privilege**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY			X			
ROY			X			
SIPPEL		X	X			
SIMONSEN	X		X			

Council adjourned to closed session at approximately 7:54 p.m.
Council returned to open session at approximately 8:34 p.m.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Roy, seconded by Mayor Simonsen. Motion to adjourn was unanimous. Meeting adjourned at 8:35 p.m.

Mayor

Township Clerk

Approved: 6/17/2019