

COUNCIL MEETING MINUTES – MARCH 17, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 17, 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
 Mayor Michael Beck

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

Consent Agenda

Councilmember Simonsen questioned a payment on Resolution #2014-88 (Payment of Vouchers) to Wyn's Consulting. Mayor Beck and Manager Voll explained that it was the balance of the contract.

Approval of Minutes March 3, 2014
 Res. #2014-88 Payment of Vouchers \$2,383,945.58
 Res. #2014-89 Authorization for the Payout of Accumulated Compensatory Time (D.Fisher \$3,725.02)
 Res. #2014-90 Contract Award For 3rd Final Year Fertilizer/Slice Seed Township Grounds and Parks (Tru-Green LP \$18,009.)
 Res. #2014-91 A Resolution In Support of a "No Passing Zone" Along the Entire Length of Route NJ 162 (requested by NJDOT - bridge entering south side of canal)
 Res. #2014-92 Bid Acceptance and Contract Amendment for Maintenance of Township Grounds and Parks (Douglass Landscaping \$55,475.)
 Res. #2014-93 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction Website
 Res. #2014-94 Authorizing Payment of 2014 Employer Share Pension (PERS \$566,367.00, PFRS \$807,796.00)

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

Regular Agenda

Res. #2014-95 Resolution Authorizing the Donation of Winter Police Jackets No Longer Needed For Public Use to Lower Cape May Regional High School's School Based Youth Services

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

Res. #2014-96

Appointment of Acting Municipal Engineer for 2014 Without Public Bidding
(Engineering Design Associates, PA Not to exceed \$5,000)

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

Solicitor Gelzunas announced that the motion carries due to a majority of the quorum vote.

Ordinance #2014-01

An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (Annual Ordinance required prior to approval of budget by the Director of Local Government Services) 2nd reading & public hearing

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

Ordinance #2014-03

An Ordinance Amending Chapter Seven Titled "Traffic" of the Code of the Township of Lower (regulating parking on Third Avenue from Rt 109 to Wissahickon Ave) 2nd reading & public hearing

Councilmember Simonsen clarified that the ordinance refers to Wissahickon Avenue on the south side of the canal. Manager Voll informed that the Bureau of Fire Safety has been notified for fire truck clearance.

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

Ordinance #2014-04

An Ordinance of the Township of Lower Amending And Restating Chapter 351- Flood Damage Prevention 2nd reading & public hearing

Councilmember Conrad clarified that this ordinance has no bearing on our objection to the FEMA maps.

	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, Police, Tax, Vital

Council Comments

Councilmember Conrad thanked everyone for their consideration and prayers in the loss of his father-in-law. He expressed his disagreement with the process of the MUA's tax sale. He spoke about the water problem in Fishing Creek and suggested a resolution urging the County to act on the matter. He also wished everyone a safe and enjoyable St. Patrick's Day.

Manager Voll pointed out that many complaints have been received at Township Hall as a result of the MUA billing process and the poor restoration of the roads after water lines were installed.

Councilmember Neville thanked the Public Works Department and the Police Department for their work handling the weather. He spoke of his meeting with the MUA in which they discussed a solution to the road restoration. He also talked about the timeframe for the Clubhouse Road project. He informed of a Resiliency Grant to help with the infrastructure at Cox Hall Creek. He explained his abstention from Resolution #2014-96.

Councilmember Simonsen requested clarification on a payment to Deputy Mayor Clark. Manager Voll explained that Deputy Mayor Clark was reimbursed for the purchase of a Facebook account to benefit the Township. Discussion ensued about the payment process and the fact that the Township does not have a credit card. Councilmember Simonsen expressed his disapproval to the "lack of process". Manager Voll insisted that it was an honest mistake. Mayor Beck suggested that the discussion continue when Deputy Mayor Clark is present to defend himself. Councilmember Conrad described the situation as an ethical pitfall. A lengthy discussion continued between Mayor Beck and Councilmember Simonsen regarding lack of communication and not being prepared. Councilmember Neville made a comment about the sunshine law.

Councilmember Simonsen wished everyone a happy St. Patrick's Day. He announced two upcoming events, one to benefit St. Baldrick's and one to benefit Lower Cape May Little League. He also congratulated Rob Sheehan on his promotion to Chief of Police for the City of Cape May.

Mayor Beck spoke briefly about a decision made in our favor by Robert Bumpus, Interim Executive Regional Superintendent, regarding Cape May City's attempt to withdrawal or dissolve the Lower Cape May Regional School District. He thanked the many people involved in doing legwork for this case.

Call to the Public

Jacqui Henderson of Mickel's Run made a suggestion regarding the reimbursement to Deputy Mayor Clark. She also announced LCMR's upcoming performance of Peter Pan. She suggested a petition to the Assembly or State Senate to change the Governor's state of emergency declaration from statewide to countywide. Discussion ensued from Council and Manager Voll on the subject.

Gordon Mason of Beach Drive addressed Council with concerns about the Beach Drive Improvement Project. He requested to view documents pertaining to the project. Manager Voll offered to accommodate his request.

Jay Young of Cape May Beach addressed Council regarding the paving of Clubhouse Drive, both north and south of the s curve. Councilmember Neville updated him on the progress and timeline of both and informed that the MUA is accepting responsibility for the poor condition of the roads.

Closed Session

Res. #2014-97

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.

Cape May School Funding Issue - Pending Litigation and Matters falling within Attorney/Client privilege with respect to this subject

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

Council adjourned to executive session at 6:54pm.

Council returned to open session at 7:37pm.

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Neville. Motion to adjourn unanimous. Meeting adjourned at 7:37pm.



Mayor



Township Clerk

Approved: