

COUNCIL MEETING MINUTES – March 7, 2016

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 7, 2016 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, Robert Belasco, Township Solicitor and Karen Fournier, Deputy Township Clerk

Proclamation honoring John & Kathy Louderback - Councilman Tom Conrad
 Mayor Beck presented John and Kathy Louderback with a proclamation congratulating them on their outstanding achievement. Gaiss' Market entered an international competition in which they won the gold medal for kielbasa and silver medal for hot dogs from judges representing the IFFA in Germany. Councilman Conrad congratulated the Louderbacks on their awards and thanked Chris South for bringing attention to the story in the Gazette.

Work Session

Budget Hearing – Manager Jim Ridgway, CFO Lauren Read, Auditor Leon Costello
 Mayor Beck opened the budget hearing. Auditor Leon Costello presented the same budget that was introduced, with zero tax increase and within the spending and levy caps. Councilman Conrad said thank you. Mayor Beck voiced pleasure with the zero increase but disagrees with using ratepayer's money to pay taxes. Deputy Mayor Clark echoed Mayor Beck's comments. Councilman Simonsen thanked the MUA for the money and spoke about working together with the MUA to benefit both taxpayers and ratepayers.

John Skowronski, 607 Arctic Avenue, voiced opposition to using ratepayer money. He also asked if any major cuts were made in the budget. Mayor Beck identified the change in healthcare as a major savings. CFO Read revealed the savings of approximately \$400,000.

Resolution # 2016-73 – Adoption of 2016 Budget

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

Consent Agenda

Approval of NJ State Firemen's Membership Application - Christopher M Parcell – Villas Volunteer Fire Company; Brian Cassidy, John Matteo, Timothy Mellina, Erik Nelson and Jeremy Patterson – Erma Volunteer Fire Company

Approval of Minutes February 17, 2016

Res. #2016-74 Payment of Vouchers \$ 716,769.08

Res. #2016-75 Authorizing Payment of 2016 Animal Shelter and Spay/Neuter Fees (3/15, 5/15, 8/15 & 11/15 total to County \$116,797)

Res. #2016-77 Authorization for Refund of Taxes (2 properties/duplicate payments \$1,360.77)

Res. #2016-78 Resolution for Self-Examination of Budget (State requirement)

- Res. #2016-79 Supporting the Use of the Atlantic City Rescue Mission for Emergency Housing (supporting the request of the Cape May County League of Municipalities and urging the Department of Human Services to approve a memorandum of understanding between the County and the Mission)
- Res. #2016-80 Resolution Amending Resolution #2015-356; Approving Additional Out-of-Scope Work (Power Point Presentation and Additional Design of Handicapped Accessible Beach on New York Avenue) Requested by Council for the Beach Access Path Upgrades (\$ 3,956.)
- Res. #2016-81 Transfer Of 2015 Appropriations (\$239,000)
- Res. #2016-82 Approval of 2016 Rotary Towing License (Eddie's Auto Body)
- Res. #2016-83 Issuance of Ice Cream Peddling and Ice Cream Salesman Licenses for the year 2016 (Mr. Softee & A & T Ice)
- Res. #2016-84 Resolution Authorizing Indemnification and Defense of Lower Township Employees in Accordance with Chapter 25 of the Code of the Township of Lower (Docherty V Cape May County et al: Chief Mastriana, Detective Boyle and Twp Clerk Picard)
- Res. #2016-85 Award of Extraordinary Unspecified Service Contract without Public Bidding for Stewart Farrell of the Richard Stockton College of New Jersey Coastal Research Center – Appeal Phase (Not to exceed \$15,000)

John Skowronski, 607 Arctic Avenue, inquired about Resolution #2016-80. Councilman Perry explained that the additional costs are for the power point presentation, data and handouts that were requested by Mayor Beck and Deputy Mayor Clark on the beach access path upgrades. Councilman Conrad stated that it also includes the design for handicap parking on New York Avenue.

Robert Rizzo, Mickel's Run, asked about Resolution #2016-75, if the payment is yearly. Councilman Conrad explained, because we do not have our own animal shelter, the Township pays to use the County Shelter. Manager Ridgway informed that the fee went up this year. Clerk Picard stated that the agreement is based on the amount of animals taken to the shelter by our municipality. Mr. Rizzo voiced concern about the cost to the Township.

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

Regular Agenda

Administrative Reports

Treasurer's Report

Council Comments

Councilman Conrad deferred comments to get his notes together.

Councilman Perry voiced discontentment with the comments made by Deputy Mayor Clark at the last Council Meeting regarding awarding contracts. Speaking as a certified public manager and former department head for over twenty seven years, Councilman Perry said he understands the government's process for awarding contracts, bids and purchases. He commended the Treasurer's Office for their hard work and voiced disapproval to them being the subject of ridicule and harassment. Under the direction of Manager Ridgway, all contracts, bids and purchases are properly directed through the Treasurer's Office. He suggested Deputy Mayor Clark and Mayor Beck apologize to the Treasurer's Office and all department heads for their actions and comments.

Mayor Beck stated the reasons for his request to move forward with an independent review of the procedures in Lower Township were to allay the fears of past procedures and to prevent future arguments. He reiterated his request to reach out to an independent person to review the Township's procedure for awarding professional contracts over the past eight years. He stated that he is not criticizing anyone and believes that Council may be responsible for the lack of direction. He believes it is Council's obligation to the taxpayers.

Manger Ridgway reminded that this is the reason for tonight's closed session.

Deputy Mayor Clark agreed with Mayor Beck and reminded that the reason for the request to hire an outsider to review past procedures was to end the fighting, to dispel the accusations of awarding a no-bid contract, and to satisfy a Councilman's request to review the past eight years of professional service contracts. He denied having done anything more than acknowledge Council's differences and read the first page of the Best Practice Guidelines. He suggested that Council continue what was agreed upon and put this to rest.

Councilman Simonsen suggested looking back at past Council meetings to disclose the person creating dissention. He also brought attention to the Best Practice Guidelines that describe the factors involved in awarding professional service contracts, price being just one of them. He thanked the County Prosecutor's Office for giving a presentation about drug abuse and social media to the students at Teitelman School. He communicated his intention to address the erosion problem on both sides of the canal. Lastly, he encouraged support for the upcoming Run for the Fallen Benefit.

Deputy Mayor Clark thanked Councilman Simonsen for echoing his points regarding the Best Practice Guidelines. He also gave an update on the Delaware Bayshore Council's initiative, announced their upcoming meeting in Dennis Township, and invited Manager Ridgway to attend.

Mayor Beck announced the Run for the Fallen Benefit and encouraged support from all.

Councilman Conrad read his prepared response to Deputy Mayor Clark's statements at the last Council meeting. He said that the comments made were the personal opinions of Mayor Beck and Deputy Mayor Clark, not the position of Council. He assured that there was no wrong doing from Township employees regarding bids and professional service contracts and reminded that the contracts are reviewed annually by the auditor. He also reminded that these employees are trained, certified and/or licensed by the state. He voiced disgust at the statements made by Deputy Mayor Clark and at Mayor Beck for asking to hire an outside agency to review past bidding procedures. He agreed that a discussion needs to take place during a work session to decide how Council wishes to proceed with future bidding and professional service contracts. He spoke of moving forward with positive changes and thanked Manager Ridgway for his continued encouragement of Township employees. He also reported optimistic changes at the LTMUA under the direction of Mr. Chapman. He touched on the status of the Coastal Resiliency Maps and thanked everyone involved.

Mayor Beck reserved comment for the media.

Call to Public

John Skowronski, 607 Arctic Avenue, stated his observation that the fault lies with Council, not the employees, regarding no bid contracts. He also inquired about the status of the County taking over the Public Safety Building. Manager Ridgway gave an update including a timeline, construction plans and placement of departments. A meeting with the County is planned for Thursday to discuss a timetable for dispatch. Mr. Skowronski asked who the County contact person is. Manager Ridgway revealed the County's attorney and design person and said the Township is hoping to complete the project sooner rather than later.

Frank Saracco, Lower Township, expressed concern about a drone manufacturing business opening at the Cape May County Airport Complex. Deputy Mayor Clark revealed Freeholder Morey's involvement and his interest in giving Council a report regarding unmanned aircraft.

Gary Douglass, President of Lower Township Supervisor's Union, spoke of the comments made at the last Council meeting and the chain of events leading up to them. He voiced disapproval of the disparaging remarks from Mayor Beck about the bidding process, giving the perception of wrongdoing. He pointed out a violation of the Open Public Meetings Act by publicly evaluating employee's performance without generating a Rice Notice. Mr. Douglass cautioned Council of the employee's right to seek legal advice if necessary.

Solicitor Belasco cautioned Council before commenting due to potential litigation.

Mayor Beck assured that his comments about the bidding process were in the interest of saving the taxpayers money.

Councilman Conrad challenged Mayor Beck's remarks. Disagreements ensued.

Solicitor Belasco advised that Council reserve further comments for closed session.

Mayor Beck announced his availability to the media.

Councilman Simonsen echoed his availability to assure the media gets both sides of the story.

Bill Terrill, husband of Lower Township property owner, voiced approval with the tax rate and commended Council's efforts to restore the beach access paths. He suggested a discussion with the Property Owner's Association to keep things uniform.

George Doherty, Seashore Road, referred to the "dump motels" in Middle Township and questioned if laws are in place to prevent the same in Lower Township. Mayor Beck pointed out the civil liberties involved. Councilman Simonsen referred to Resolution #2016-79 supporting the Atlantic City Rescue Mission for emergency housing. Mayor Beck argued the willingness of the homeless people to go to Atlantic City. Discussion continued about the complexity of the situation. Councilman Simonsen informed about surveillance at a local motel.

Bill Greenfield, Villas, asked what land acquisition will be discussed in closed session. Councilman Conrad responded that information cannot be disclosed because it is being negotiated. Solicitor Belasco confirmed the same.

Ray Flickinger, 1700 Washington Boulevard, voiced his support of the beach access improvements. He inquired about plans to improve the road at Douglass Park and suggested signage to share the road. Councilman Simonsen communicated his understanding of the DRBA's plan to create a walkway there. Manager Ridgway confirmed the same and offered to discuss signage with them.

Closed Session

Res. #2016- 86

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. **Possible litigation / Possible acquisition of land**

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

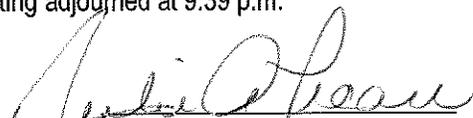
Council adjourned to Executive Session at 8:04 p.m.

Council returned to Open Session at 9:38 p.m.

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 9:39 p.m.


Mayor


Township Clerk

Approved: 3/21/2016

	Total	Jan
BEG. BAL. JAN. 1, 2016	8,187,891.43	8,187,891.43
RECEIPTS:		
Per Revenue Status	3,960,999.37	3,960,999.37
Interest due from Capital	(1,774.05)	(1,774.05)
	3,959,225.32	3,959,225.32
Grants Received:		
RECYCLING TONNAGE \$ 46,517.52	46,517.52	46,517.52
TOTAL RECEIPTS:	4,005,742.84	4,005,742.84
DISBURSEMENTS:		
2015 Reserves	371,359.57	371,359.57
2016 Current	4,225,827.30	4,225,827.30
2016 Capital 4,642,947.90	45,761.03	45,761.03
Appropriation Refunds:	(35,204.27)	(35,204.27)
TOTAL DISBURSEMENTS	4,607,743.63	4,607,743.63
END. BAL. DEC. 31, 2016	7,585,890.64	7,585,890.64
Total Appropriation Refunds	(35,204.27)	(35,204.27)
Bank Balance		
Checking		165,909.98
Online Payment Acct		6,854,679.89
Total Bank Balance		7,020,589.87
ADD: Deposits in Transit		663,087.43
LESS: Outstanding Checks		(97,786.66)
Adjusted Bank Balance		7,585,890.64
		0.00

Monthly Interest Received- Current Fund	4,265.38	4,265.38
Interest Rate	0.45%	

