

COUNCIL MEETING MINUTES – SEPTEMBER 4, 2013

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on September 4, 2013 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
Deputy Mayor Clark
Mayor Michael Beck

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

Work Session

Francis Campbell, Esquire - School Funding Issue

Solicitor Sandman was asked by Mayor and Council to locate a professional to help with our fight against Cape May's attempt to alter the funding formula of the regional school district. Francis Campbell came highly recommended and has a long history working in this form of law. He represented Berkely Township in their fight against Seaside Park's attempt to withdrawal from their regional school district, a case almost identical to ours. Sandman happily announced that Seaside Park was soundly defeated on all accounts in that case. He invited Mr. Campbell here to present the facts as objectively as possible, and to send the message to Cape May that although relief has been sought, it has never been granted and the battle could be long and costly.

Mr. Campbell informed of his position as former general counsel of the New Jersey School Boards Association and stated that his current firm has been representing school boards for some time. He spoke at length about the funding formula and equalized property value. He affirmed that there is nothing unfair about this system and that Cape May is wrong to say that the cost is per pupil when the truth is it's a per pupil tax levy. The Lower Cape May Regional School Board requested to put two questions on the ballot in the November's general election for Cape May, West Cape May and Lower Township. Mr. Campbell strongly urged Council to inform our voters to vote "no" on the referendums. He emphasized the serious repercussions to our taxpayers as well as the regional school and its students in the unlikely event that Cape May succeeds in their endeavor. Mr. Campbell fielded questions from Solicitor Sandman, Councilmembers and residents. Mayor Beck stated that Council intends to have an aggressive campaign to inform voters so they understand how to vote.

Terrance Crowley - School Funding Issue

Solicitor Sandman introduced Mr. Crowley, former County Superintendent of Schools, employed by Lower Township to respond to Cape May's feasibility study. Mr. Crowley explained his role in preparing the technical information of the feasibility study, a multi-step process that includes three aspects: racial balance, educational program, and financial implications. His feeling is that the impact would be great to both Lower Township and West Cape May. He stated that he is prepared to meet the County Superintendent's report study deadline on December 16 and from there to Trenton.

Mayor Beck expressed his approval and gratitude toward the team assembled to fight this battle with us.

Deputy Mayor Clark questioned Mr. Campbell on the process involved for Cape May should they decide to cease their pursuit. Mr. Campbell said they can fire their lawyer or withdrawal at any time.

Councilmember Conrad thanked Mr. Campbell and Mr. Crowley. He especially thanked the Lower Cape May Regional School Board for approving the referendum. He urged voters to get out and vote "no", or this could mean a potential 14.75 cent tax increase for the taxpayers of Lower Township.

Solicitor Sandman pointed out that Cape May might change their minds if they factor in the costs of litigation and the likelihood of their success.

Mayor Beck admitted that he is hoping Cape May City Council will come to their senses and back out of this fight.

Councilmember Conrad stated that Cape May, according to their study, loves our regional school.

Councilmember Neville urged us to remind our Cape May friends to also vote "no" and "no".

Sandman also reminded Cape May that our regional school educates the majority of their work force and police department.

Consent Agenda

John Sworonski addressed Council to inquire about Resolution #2013-237. Municipal Clerk Picard explained that the resolution allows for the expansion of the licensed premises to sell alcohol throughout the store, already approved by the State's Alcoholic Beverage Control. Mr. Sworonski stated that the checkers will have to check identification for proper age.

Approval of Minutes	August 19, 2013
Res. #2013-236	Payment of Vouchers \$319,010.39
Res. #2013-237	Approval of Place to Place Transfer - Expansion of Licensed Premises, Liquor License #0505-44-028-003, T/A Acme Markets, Inc (allowing liquor to be sold throughout the store)
Res. #2013-238	Approval of Precious Metal License (J & J Pawn Shop 1425 Bayshore Rd)
Res. #2013-239	A Resolution Requesting Release of a Demolition Bond for Block 174, Lot 11 - 2 Mowery Avenue (\$500.)
Res. #2013-240	Tax Refunds (3 properties \$ 2,290.46)
Res. #2013-241	Authorizing Payout of Terminal Leave (D. DeNote \$46,797.24)
Res. #2013-242	Resolution Supporting Participation in the Sustainable Jersey Municipal Certification Program (Lower has been a part of Sustainable Jersey - this is renewing our commitment)
Res. #2013-243	Re-Appointment to the Green Team (part of Sustainable Jersey - same employees)
Res. #2013-244	Approval of Change Order #1 Fire Suppression System - Millman Community Center (change from wet system to antifreeze system required by fire inspector \$17,500.91)
Res. #2013-245	Authorization for Waiver of Fees for Fire District #3 (planning board application and escrow fees for solar energy system)
Res. #2013-246	Award of Contract to Horizon Entertainment for a Teen Truth Seminar (seminar on Oct 4 at LCMR media center on drug and alcohol abuse) *added to agenda at meeting and read into the record

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

Regular Agenda

Administrative Reports

Council Comments

Councilmember Conrad reiterated the importance of defeating the referendums in order to protect our residents and our school. He reminded that the consequence could be a potential 14.75 cent tax increase.

Councilmember Neville urged voters to vote “no” and “no” on the referendums.

Deputy Mayor Clark informed that discussion about Economic Development will be continued at the next council meeting. One of the things discussed at the Economic Advisory Committee meeting was the possibility of pursuing agriculture. He also announced that Council will be discussing ways to stimulate business at the Cape May County Airport.

Mayor Beck informed that Glenn Douglass has resigned from Council for reasons having to do with his pension. He commended him on his service and wished him well on his retirement.

Mayor Beck made the following announcements: September 9, 6:00 p.m., meeting at Townhall with DEP to discuss the hazard mitigation grant program for elevation assistance, September 11, 6:00 p.m., flag ceremony at Sunset Beach, September 23, drug symposium at Townhall, and Lower Township is on Facebook.

Call to Public

Ed Butler of Villas addressed Council to speak out about 2 important issues: voting “no” on the referendum, and the flood plain maps.

Helen Thompson of Villas addressed Council with questions regarding chain of command and local ordinance enforcement. Manager Voll responded to Ms. Thompson’s questions. Solicitor Sandman intervened to inform that what she is referring to is selective enforcement and her next step would be to go to the courts.

Councilmember Conrad warned about switching energy companies and informed of the many scams out there.

Jeff Lindsay of Village Road addressed Council on behalf of the Republican Committee regarding the vacancy in Ward 3 and requested that Council select one of their 3 choices for a candidate. In addition, he informed that the committee voted to endorse Eric Simonson as the Ward 3 Republican candidate for the November election and would like Council to move forward tonight in selecting Mr. Simonson. Solicitor Sandman referenced Mr. Lindsay’s notice highlighting statute 40A: 16-11 and informed that the applicable statute to this situation is 40A: 16-5. After a short debate between Lindsay and Sandman, Council was advised by Sandman not to fill the vacancy tonight. Mayor Beck agreed. Mr. Lindsay pointed out the intent behind his eagerness.

Janet Reeves, president of the Civic Club and member of the Villas Golden Agers, addressed Council with concerns about the Millman Center for seniors and referred to an endowment by Mr. Millman. She also inquired about compartments and use of facilities. Manager Voll explained the Township's role, including renovations and insight for the future of the Millman Center. He assured Ms. Reeves that he will address the storage issue. He hopes to celebrate a grand opening in November.

Glenn Douglass, former Councilmember, addressed the public to explain why he reluctantly vacated his seat on Council. Upon his retirement from the Department of Corrections, he was advised to resign his seat on Council to enable him to collect his pension. He announced that he is eligible to run for public office in the upcoming general election and intends to do just that to regain his seat on Council.

John O'Rourke of Villas addressed Council to request a change in the noise ordinance for loading and unloading of commercial vehicles from 7:00 a.m. to 8:00 a.m. seven days a week. Mayor Beck agreed that we are moving forward with it.

Peggy McIrvin, president of the Villas Golden Agers, addressed Council regarding the Millman Center and voiced her concerns about the insurance requirements. Manager Voll replied to her concerns and invited Municipal Clerk Picard to explain the insurance requirements set forth by the Municipal Joint Insurance Fund. Municipal Clerk Picard informed that JIF requires us to provide proof of insurance from any organization requesting to use any Township facility.

Ed Butler asked if there will be an open house when the Millman Center is complete. Manager Voll responded yes.

Helen Thompson readdressed Council regarding the authorization of the police to write citations on local ordinances. Manager Voll explained that it is at the discretion of the police officer whether or not to issue a citation.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Deputy Mayor Clark. Motion to adjourn unanimous. Meeting adjourned at 8:07 p.m.



Mayor



Township Clerk

Approved: *Sept. 16, 2013*