

COUNCIL MEETING MINUTES – October 20, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 20, 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
Deputy Mayor Clark
Mayor Michael Beck

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

Mayor Beck invited Billy Howard of VFW Post 5343 to make a presentation. Mr. Howard thanked Mayor and Council and all in attendance as he presented a \$600 check to Dave Perry for the Lower Township Bureau of Fire Safety for Fire Prevention Week.

At the request of Lower Cape May Regional School District's Superintendent Christopher Kobik, Clerk Picard read a letter addressed to Deputy Mayor Norris Clark from Mr. Kobik thanking him for his positive influence in the school and the community. Please see letter attached.

Presentation - David Pacevich - Playful Cities Designation

David Pacevich, member of the Recreation Advisory Board, addressed Council to request permission to pursue the Playful Cities Designation which gives the Township an opportunity to receive grant funding to build more playgrounds. He explained the application process and introduced LCMR student intern Peter Ford. Mr. Ford described his role in the project- to provide information proving the Township worthy of designation as a playful city. Mr. Pacevich informed of a website that allows the community to participate, www.mapofplay.com. Mayor Beck thanked them for their good citizenship. Mr. Pacevich requested a letter by December affirming Council's support. Manager Voll suggested that the Haunted Trail event will provide an opportunity for good pictures.

Consent Agenda

Councilmember Simonsen inquired about a payment on the bill list. Manager Voll replied that the payment was for Engineering Design Associates for work they did with Gary Douglass. He offered to provide a detailed printout.

Councilmember Neville referred to Resolution #2014-280 informing that the Township is close to getting the Coastal Resiliency Grant for beach engineering and storm water prevention for Cox Hall Creek and Fishing Creek area. He gave an explanation of Resolution #2014-283 regarding the reconstruction at the south end of Clubhouse Drive. Lastly, he commented on Resolution #2014-279, crediting A.J. Stelacio for volunteering his services.

Approval of Minutes	October 6, 2014
Res. #2014-277	Payment of Vouchers \$ 261,525.05
Res. #2014-278	Authorizing Terminal Leave (A.Wilusz \$517.63)

- Res. #2014-279 Authorizing the Adoption of a Portion of Beach Drive, Townbank Road to Lincoln Blvd Under the Adopt-A-Road Program (Burke Motor Group)
- Res. #2014-280 Grant Agreement Between the Township of Lower and the State of New Jersey By and For The Department of Environmental Protection (2013 Hurricane Sandy Coastal Relief Resiliency Competitive Grants)
- Res. #2014-281 Authorization for the Payout of Accumulated Compensatory Time (E.Edwards \$2,422.68)
- Res. #2014-282 A Resolution Authorizing A Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for Main Street (Villas) (resurface and reconstruct Main St from Georgia Ave to Webber Ave)
- Res. #2014-283 A Resolution Authorizing A Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for South Clubhouse Drive (reconstruct and resurface Clubhouse South from Emerson Ave to Town Bank Rd)

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

Regular Agenda

- Res. #2014-284 Certification of Best Practices Inventory (required yearly)

Mayor Beck spoke briefly about the Best Practices Inventory. He informed that the Township conservatively scored 88%. Part of the criteria was to evaluate the MUA. He read the resolution from the Local Finance Board and explained the impact of the MUA debt on the Township. Councilmember Simonsen questioned who is responsible for paying the MUA debt. Mayor Beck replied that it is the responsibility of the ratepayers. Councilmember Conrad reminded of the Township's obligation to the MUA. Mayor Beck clarified the difference between debt obligation as a parent authority and taking on debt with dissolution. A brief disagreement ensued.

Kathleen Dynan, 421 Portsmouth Road, commented on the impact of the MUA debt on the taxpayers. Mayor Beck assured that there would be no MUA debt incurred to the taxpayer with dissolution. Manager Voll added the fact that there would be two separate accounts.

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

- Res. #2014-285 Amending Resolution #2014-62; Award of Contract to Wyns Consulting, LLC (additional \$600. School Issue)

Mayor Beck justified the expense of Wyns Consulting, LLC and reminded that one thing Council unanimously agrees upon is encouraging voters to "just vote no" on the school issue.

Councilmember Conrad urged residents to vote in the December Special Election.

Patty Sparks, North Cape May, inquired who is responsible for the cost of the Special Election. Mayor Beck responded that the Lower Cape May Regional School District is bearing the cost for something that Cape May City has initiated. Solicitor Gelzunas informed that to his knowledge the school district has not yet appealed. Councilmember Conrad added that the City of Cape May has an upcoming election that may change things to our benefit.

Janet Pitts confirmed that the \$40,000 is for the Special Election. She stated that Cape May's goal is to take the issue to the appellate court. She added that this is a legislative issue and that there are no cases through the appellate division whereby the funding formula has been changed, other than for segregation. Mayor Beck gave thanks and recognition to the Lower Township Taxpayer's Association, namely Janet Pitts and Ed Butler for taking a lead to fight this issue. Councilmember Simonsen asked Ms. Pitts to explain the impact of these issues on the Lower Township taxpayers. Ms. Pitts first covered the question on the November ballot about the funding formula. The impact could cost the median household in Lower Township an estimated \$427 per year and reduce Cape May taxes by \$1200 per year. The ballot question on the December Special Election pertains to Cape May City withdrawing from the Regional School District. In either case, the impact would be catastrophic, costing millions of dollars to Lower Township taxpayers and significantly effecting our economy. Ms. Pitts encouraged everyone to vote "no" on both ballot questions.

Kathleen Dynan, 421 Portsmouth Road, addressed a question to Ms. Pitts about Cape May's pursuit with the funding issue. Ms. Pitts explained the process.

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

Res. #2014-286 Payment of Vouchers \$35,000 Rescue Squad Contribution Payment

Councilmember Conrad recused himself.

Ed Butler of Villas asked if the Rescue Squad met their audit requirements before the Township releases contribution funds. Manager Voll reassured that their audit must be in order before the Township releases the funds.

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

Ordinance #2014-11 Salary and Benefit Ordinance for the Township of Lower (required ordinance) – 2nd reading and public hearing. This Ordinance has been published, posted and made available to the public.

John Skowronski, 607 Arctic Avenue, inquired about the last salary increase. Manager Voll informed that

this ordinance is not for salary increases. It is required each year to set the salary range from entry level to maximum.

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

Ordinance #2014-12 Amending Ordinance #2013-21; An Ordinance Amending Chapter 475 of the Parks and Recreation Areas Ordinance of the Township of Lower (amending Millman Rental Fees) – 2nd reading and public hearing. This Ordinance has been published, posted and made available to the public.

Ed Butler, Villas, addressed his concern about civic groups using the Millman Center during the week at no charge. Manager Voll confirmed that civic groups will still be able to use the facility during the week. The Township intends to rent the facility on weekends to offset the cost to the taxpayer. Clerk Picard informed that this ordinance only addresses the changes. Mr. Butler stated that the numbers might increase due to the County using the senior center for infectious disease clinics. Mayor Beck informed that the County has put the clinic on hold for now.

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

Administrative Reports

Personnel Action Report

Monthly Reports - Clerks, Construction, Dog, Police, Treasurer, Tax, Vital Statistics

Council Comments

Councilmember Conrad stressed the importance of voting "NO" on the school referendum questions on the November 4th and December 9th ballots.

Councilmember Neville made favorable comments about the Octoberfest. He also gave an update on Clubhouse Road drainage and paving work to start the week of October 27th.

Councilmember Simonsen commented on the following events: the Lower Township Children's Christmas Fund benefit at the Villas Fire Hall, the grand re-opening of the Fishing Creek School, the Haunted Highschool at LCMR, the Halloween Parade and Pumpkin Festival at Historic Cold Spring Village and the Townbank Fire Department's Octoberfest. He announced Community Night every Wednesday at LCMR from 6:30-8:30 p.m., and the LCMR homecoming game to be held October 25 at 1:00 p.m.

Deputy Mayor Clark requested permission to make a presentation. The presentation outlined serious issues involving the LTMUA including: the misappropriation of funds to campaign against the proposed dissolution; the absence of a long term plan to solve infrastructure problems; wasting \$36,000 to dig up streets without permits; the Vice-Chairman of the Board violating the Open Public Meetings Act; their refusal to provide a copy of the LTMUA budget to the Township; and the misuse of authority to smear the

reputation of a sitting Council member. The presentation included a timeline of activities during the period between October 1st and October 20th, 2014 involving the LTMUA and the Lower Township Republican organization. Presentation is attached. Deputy Mayor Clark stated that the situation was serious enough to call for an investigation of the LTMUA by the County Prosecutor, the Local Finance Board and the state Attorney General. He also called for the resignation of Chairman Brian O'Connor and Vice-Chairman Tom Frisoli of the LTMUA Board. He concluded with a statement that the LTMUA is broken and urged residents not to fall prey to the political tricks of the republican campaign. He also said Councilmember Neville was owed an apology.

Councilmember Conrad referred to a statement from Mr. Doherty at a previous meeting to stop the politics at the Council meeting.

Mayor Beck stated that the moral sin of government is the use of money and power to steer an election. He described the Republican administration, organization and leadership as the shadow government within the LTMUA- another shadow government. Councilmember Simonsen insisted that this has nothing to do with the council meeting. Mayor Beck pointed out that the LTMUA belongs to the ratepayers, not a political party. He discussed the ethical issue with the republican candidates calling Councilmember Neville a thief, as Councilmember Conrad's Facebook page clearly pointed out.

Councilmember Conrad argued that Councilmember Neville took something that did not belong to him. He commented on the continual bashing of political parties. Deputy Mayor Clark proclaimed not to be bashing a political party. He believes the principals of the Republican Party are being disgraced by the actions of Councilmembers Conrad and Simonsen. Councilmember Conrad referred to the political games that have been taking place and thanked Deputy Mayor Clark for high jacking the Council meeting. Deputy Mayor Clark reminded him of the accusations from Councilmember Simonsen of doing something illegal and also accusing the Mayor and the Manager of wrong-doings. Councilmember Simonsen argued his position about the credit card incident. He also referred to the diagram that was taken by Councilmember Neville and reiterated his point that you don't take things that don't belong to you. Argument ensued.

Manager Voll clarified that the Township paid for the poster of Roseann Avenue that has been the topic of controversy. Discussion continued.

Mayor Beck motioned to authorize Solicitor Gelzunas to collect all data. As a point of interest, he informed that surveillance tapes are exempt from OPRA requests for security reasons but the LTMUA voluntarily satisfied the request. He asked Council to approve sending all data, including the tape, the emails, the presentation, and the arrest report to the County Prosecutor, the state Attorney General's Office and the Local Finance Board to investigate these issues. Deputy Mayor Clark shared a relevant law that authorizes the Township to pursue an investigation on the basis of mismanagement and misappropriations. Councilmember Conrad asked for clarification about the investigation. Mayor Beck motioned to send all the information to the Prosecutor's office. Councilmember Simonsen suggested he put it in writing and allow Council to vote on it at the next meeting. Mayor Beck insisted it be done immediately and referred to the solicitor for instruction. Solicitor Gelzunas advised sending the information presented by Deputy Mayor Clark in addition to any other information obtained. The resolution would authorize the solicitor on behalf of the Township to collect information and refer to all appropriate, relevant authorities. He informed of the Local Authorities Fiscal Control Law that Deputy Mayor Clark had referenced. He continued to discuss the legalities of the process with Mayor Beck. Councilmember Simonsen questioned the legality of making the motion on the floor. Councilmember Conrad clarified that the information being given to the prosecutor includes the timeframe of the LTMUA meeting to the present. Mayor Beck affirmed that to be true but said that the criteria of the Local Finance Board may be different. Deputy Mayor Clark revealed the indifference by the LTMUA to their wrong-doing. Councilmember Conrad encouraged moving on to the vote. Solicitor Gelzunas instructed Council to make a motion to refer this incident that was depicted in the presentation to

all appropriate, relevant authorities which would include the Local Finance Board, the state Attorney General's Office and the Cape May County Prosecutor's Office.

Res. #2014-287

Resolution Authorizing the Solicitor to Collect Information and Evidence and Present It To All Appropriate Relevant Enforcement Authorities Regarding Mismanagement and/or Official Misconduct of Board Members at the Lower Township Municipal Utilities Authority.

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

Mayor Beck announced the following upcoming events: Haunted Trails, Trick-or-Treat, and the Public Tag Sale at the Manzoni property.

Call to Public

Pete Bitting of Villas, MUA Board Member, addressed Council to inform that he has been a board member for thirteen years and has done nothing wrong. He respectfully requested that Council not bring his name into this. He also voiced his favor with sending it to the prosecutor's office for investigation. Mayor Beck agreed that Mr. Bitting did nothing wrong and believes his outrage should be with the people at the MUA who took action without his knowledge.

Patty Sparks of North Cape May expressed appreciation to Mayor Beck and Council and affirmed her belief that they are all good men. She commented on the political games and the misconduct of the people. She graciously suggested that anyone connected to this election be courteous and respectful, as they are each a reflection upon this wonderful Township.

Mary Reader of Villas reminded that the last chairperson from the LTMUA that removed himself is still being investigated. She also commented on the statement regarding the LTMUA budget and the poster that was the topic of controversy. Deputy Mayor Clark indicated that the law mandates that a governing body provide a copy of their budget to the public. He also stated that the LTMUA was proposing an increase in their budget. Discussion ensued. Deputy Mayor Clark suggested she request the information from the LTMUA accountant.

Glenn Douglass of North Cape May informed that he made an official OPRA request to the LTMUA for a copy of their budget, but was denied. He also requested an ethical investigation of Mr. Frisoli but has not received any information. He referred to Councilmembers Conrad and Simonsen's Facebook page, suggesting that what they posted was unethical and unbecoming of Township Councilmembers. He revealed that the press release from Jeff Lindsay was also posted on their Facebook page. Discussion ensued with Councilmember Simonsen about taking things that don't belong to you. Mr. Douglass expressed concern about misinformation being communicated to the public. He offered to share the information with the Township that he received from his OPRA requests to the LTMUA.

Steve Morey of Erma prepared a letter addressed to Manager Voll in response to Jessica DeVivo's Legal Notice Letter regarding the proposed Delaware Bay Shore Public Access Improvements. Mr. Morey's letter contains technical information and mapping that disputes Ms. DeVivo's claims and the belief that the

project would be a violation of the Township's Floodplain Management Ordinance and FEMA Regulation. He offered for Township officials to contact him if questions remain after reading his letter. He advised that he will pursue this project, as he believes it is a safety issue and could potentially save a life.

Ed Butler of Villas and former LTMUA board member, referred to the history of the LTMUA. He made a claim that the boards have progressively gotten worse over time, politically. He implied that things at the LTMUA are a mess and agreed with Deputy Mayor Clark about them refusing to provide their budget. He recommended that the ratepayers attend the LTMUA meetings to stay well informed of the goings on down there.

John Skowronski, 607 Arctic Avenue, disagreed that Councilmember Neville stole the map. He validated the point that he believes it was borrowed.

Deputy Mayor Clark motioned for a resolution calling for the resignation of LTMUA Board Members Thomas Frisoli and Brian O'Connor for reasons of mismanagement. Discussion ensued about the timing of the motion. Solicitor Gelzunas instructed Mayor Beck to make the call, as he presides over the meeting. Mayor Beck allowed the motion.

Res. # 2014-288 Resolution Calling For The Immediate Resignation of Lower Township Municipal Utility Authority Board Members Thomas Frisoli and Brian O'Connor

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

Betty Somers, 200 West Atlantic Avenue, apologized to Councilmember Neville for the behavior that was displayed at the debate, and agreed with Mrs. Sparks about the conduct of our residents. She criticized Councilmember Conrad for his actions and beliefs.

Kathleen Dynan, 421 Portsmouth Road, voiced her beliefs about Councilmember Neville's actions and referred to the Watergate scandal. She also addressed and disagreed with Mayor Beck's statements about safety and the location of the municipal complex. Mayor Beck reminded Ms. Dynan of the reason for President Nixon's resignation.

Glenn Douglass, North Cape May asked Ms. Dynan for information regarding the location of the police departments she had referred to in her earlier comments. It was ascertained that they were outside of Cape May County.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Simonsen, seconded by Councilmember Neville. Motion to adjourn unanimous. Meeting adjourned at 8:11 p.m.

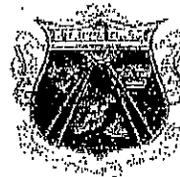

 Michael E. Beck
 Mayor


 Julie A. Pearce
 Township Clerk

Approved: *Nov. 3, 2014*

LOWER CAPE MAY REGIONAL SCHOOL DISTRICT

687 ROUTE 9, CAPE MAY, NJ 08204-4697



CHRISTOPHER H. KOBIK

Superintendent

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October 16, 2014

Mr. Norris Clark
2600 Bayshore Road
Villas, NJ 08251

Norris,

A few things have come up this week here at school that reminded me of how one person can make a positive difference. The Cape May County Chamber recognized Curtis Bashaw of Cape Resorts Group and Lower Cape May Regional's Marketing teacher Mrs. Kathy Parker for their innovative partnership in education. A second event happened innocently in our hallway when I heard a group of students reveling in how one of their peers was speaking at the TEDx event this weekend. Both of these events reflected just two of the positive impacts you have had on the Lower Cape May Regional School District.

As a Superintendent I recognize all of the potential our community has to make education real and meaningful for our students. As a community leader you have gone out of your way to help tap that potential for the good of our students. Your deeds speak volumes and carry their influence far into the future. Thank you for your sincere dedication to our students and community.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher H. Kobik".

Christopher Kobik