

COUNCIL MEETING MINUTES – October 21, 2013

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 21, 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
- Councilmember Jacqueline Henderson
- Deputy Mayor Clark
- Mayor Michael Beck

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

**Consent Agenda**

- Approval of Minutes
- Res. #2013-275
- Res. #2013-276

- October 7, 2013
- Payment of Vouchers \$ 5,573,206.39
- Authorization for waiver of Fees for Town Bank Volunteer Fire Company (Octoberfest)

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

**Regular Agenda**

- Res. #2013-277

Payment of Vouchers \$15,200 (Rescue / J. Henderson)

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

- Ordinance #2013-21

An Ordinance Amending Chapter 475 of the Parks and Recreation Areas Ordinance of the Township of Lower (setting forth rules and regulations and rental fees for the Lower Township Millman Community Center) 2<sup>nd</sup> reading and public hearing

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

Ordinance #2013-22 An Ordinance Revising and Restating Chapter 600 of the Revised General Ordinances of the Township of Lower (setting forth rules and regulations of the Township Rotary Towing and Storage) 2<sup>nd</sup> reading and public hearing

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE			X			
HENDERSON		X	X			
CLARK			X			
BECK			X			

Ordinance #2013-23 An Ordinance Amending Chapter 400 of the Land Development Ordinance of the Township of Lower (to adopt NJ State Public Law to allow certain structures to be raised as high as the highest applicable flood elevation standard) 2<sup>nd</sup> reading & public hearing

Councilmember Conrad pointed out that this ordinance does not mean that Council agrees with the flood maps. It simply allows for elevation if necessary.

Ed Butler of Villas addressed Council to clarify Ordinance #2013-23.

Mayor Beck took the opportunity to announce the FEMA meeting, November 1 at 6:00 p.m. in Township Hall.

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
HENDERSON			X			
CLARK			X			
BECK			X			

### **Administrative Reports**

Monthly Reports: Animal Control, Construction, Dog, Fire, Municipal Clerk, Police, Treasurer, Tax Collector, Vital Statistics

### **Council Comments**

Councilmember Conrad commented on the success of the Oktoberfest and mentioned the upcoming leaf pickup schedule.

Councilmember Neville stated that he would like to see 3 days of sunshine for future Oktoberfests. He also reminded everyone to vote "no" on the regional school board question.

Councilmember Henderson attended the LCMR Talent Show and commended the students on their measure of talent. She also reminded residents about the upcoming Haunted High School.

Deputy Mayor Clark spoke briefly about the international education program, TedX.

Councilmember Conrad thanked Historic Cold Spring Village for hosting the Pumpkin Festival.

Mayor Beck informed about the FEMA meeting, Friday, November 1<sup>st</sup> at Township Hall. He also announced the following: Haunted Trails at the Cape May County Airport, October 26<sup>th</sup>, Basketball Registration at the Recreation Center, October 19<sup>th</sup> through November 3<sup>rd</sup>, and Wrestling Registration has been extended, call for details.

### **Call to Public**

Tom Frisoli of Villas addressed Council to express his appreciation for Animal Control. He also commented on not being able to speak freely during Council meetings.

William Dunn of Lower Township addressed Council to ask if they are aware of what is going on at the MUA. Solicitor Sandman assured Mr. Dunn that Council is aware and that the prosecutor is conducting investigations, but until investigations are complete, Council is not free to discuss the matter. Mr. Dunn informed of Mr. Ecker's actions and the MUA Board's decision as a result of his actions.

Jaina Bailey of Villas, MUA employee currently out of work on a paid leave of absence for charges she believes cannot be proven, addressed Council regarding the MUA hiring a new secretary despite its prior outsourcing. Solicitor Sandman stated that every action is being looked into.

Adam Witkowsky, 40 E. Greenwood Ave., addressed Council to inform that Mr. Ecker came to his home and created a scene in the presence of his wife who has a medical condition. Solicitor Sandman advised Mr. Witkowsky to inform the proper authorities of these actions.

Don Embs, MUA employee, addressed Council to point out that the longer this investigation goes on, the more it is costing the ratepayers.

Jesse Matsinger, 104 Old Mill Drive, addressed Council, urging their support in addressing the problems with the MUA, for the sake of the community. Solicitor Sandman reminded that action will be considered at the appropriate time and justice will be had.

William Dunn requested that Council intercede to prevent unfair justice by the MUA board. Solicitor Sandman stated that three independent firms have been hired; therefore he believes that their analysis will be objective.

Jack Porter, former employee of the MUA, addressed Council with a question about Remington Vernick. He also informed of Mr. Ecker's conduct and what he is capable of.

Joe Garvin of North Cape May approached Council to ask if this issue will be addressed before or after election day. Solicitor Sandman responded that Council cannot act before investigations are complete.

Sue Bailey of Erma, former Chairperson of the MUA board, addressed Council to express her opinion on the situation.

Eric Simonson of Lower Township addressed Council to ask why citizens were forbidden to speak at the last public meeting. Sandman took the blame stating that the situation had just come to light.

Mary Reader of Villas addressed Council to ascertain Council's authority over the MUA board. Solicitor Sandman stated that the board is handling the matter and an investigation is taking place.

Ken Mann of Lower Township, former MUA board member, addressed Mayor Beck with a question about Mr. Johnson working on his campaign. He warned about the expense of potential lawsuits against the MUA.

Tom Quinn of Villas addressed Council to express his concern for Mr. Dunn's loss of income.

Jesse Matsinger addressed Council again to urge that order is needed at the MUA.

Janet Pitts of Villas addressed Council to voice her opinion about the political contention that has arisen from this situation. She suggested that we allow the prosecutor to do his job.

William Dunn of Villas refuted Ms. Pitts' comments on account of safety reasons.

George Doherty of Lower Township addressed Council to inquire if anyone has asked Mr. Ecker to resign, and to establish a timeframe for the investigation. He also tried to ascertain who appointed Mr. Ecker. Manager Voll stated that he was appointed by the MUA commissioners, a separate authority from this Council.

Nancy Embs of 104 Bayridge Road, wife of Don Embs, addressed Council to point out that this situation has become a family problem. She also alluded to the fact that her family has not been contacted by any attorney, including Mr. Barnes.

Ed Butler of Villas agreed with Janet Pitts, stating that the MUA Board is responsible to handle this situation, not this Council. He encouraged everyone to be patient while it goes through the legal process.

Joe Burn of North Cape May addressed Council to ask if this can be expedited in any way. Solicitor Sandman said it is in everyone's best interest to expedite this, but the allegations have to be proven before action can be taken. Mr. Burn questioned the fairness of Mr. Ecker's paid suspension.

John Hable of North Cape May addressed Council to express his opinion on how this Township is treating workplace violence.

Tom Frisoli, MUA Board member, informed that he was unaware of many of the situations that were stated tonight. He also referred to Mr. Ecker's threat to have Jaina Bailey fired if she didn't agree to resign.

Jesse Matsinger, son of Jesse Matsinger, addressed Council to ask why Mr. Ecker's bullying is deserving of a paid suspension. Solicitor Sandman stated that the investigations will determine just punishment.

Pete Bitting of Villas, MUA Board member, stated that Mr. Ecker violated his own rules and should be terminated immediately.

Stephanie Lomanna of Lower Township addressed Council to ascertain why Mr. Ecker is privy to an investigation before punishment, but other employees were punished without investigation.

Rick Ryan of Villas presented a hypothetical question to Solicitor Sandman about hitting Mayor Beck. Solicitor Sandman made light of the question with his response, and quickly apologized. Mr. Ryan asked why Mr. Ecker was suspended with pay and not Mr. Dunn. Solicitor Sandman suggested letting the investigation determine the outcome.

Ken Mann addressed Council to ascertain how much notice is needed to call a public meeting. Manager Voll replied that 72 hours is needed to notify the press. Mr. Mann asked about removing and/or replacing

Mr. Ecker. Solicitor Sandman suggested that if Mr. Ecker is in violation of his conditions, it should be brought to the attention of the MUA board for them to handle. Mr. Mann urged Council to take action.

William Dunn addressed Council to inform them that procedures are not being followed by the MUA. He urged Council to step in and take over.

Karen Matsinger, 104 Old Mill Drive, addressed Solicitor Sandman to clarify his previous response to Mr. Ryan's question. Mr. Sandman apologized for his poor choice of words.

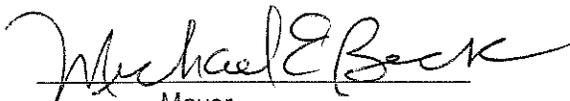
Marilyn Meikle, 224 Mindy Avenue, addressed Council to reprimand them for not making eye contact with the speakers.

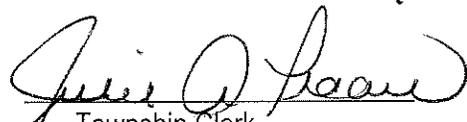
Manager Voll informed that he has been in contact with the County Prosecutor's office to request the investigation be expedited. He assured the protesters that Council cares about the people of this community and many of the statements that were made tonight were heard for the first time.

Councilmember Conrad stated that Council will act if it is appropriate to act.

### Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:13 pm.

  
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Mayor

  
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Township Clerk

Approved: 11/4/13