

## COUNCIL MEETING MINUTES – October 7, 2013

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 7, 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

Proclamation- Mayor Beck opened the meeting with a proclamation from Lower Township proclaiming October 10, 2013 as "Put the Brakes on Fatalities Day".

### **Work Session**

Discussion -Tax Abatements - Deputy Mayor Norris Clark

Deputy Mayor Clark discussed the idea from the Economic Development Advisory Committee of tax abatements at the Cape May County Airport as an opportunity for economic development. On behalf of Council, he stated that they would like to carefully explore all of the appropriate departments to insure proper proceedings. Mayor Beck plans to discuss this at a future work session.

### **Consent Agenda**

Janet Pitts of Villas addressed Council to inquire about Resolution #2013-271. Solicitor Sandman explained. Mayor Beck reminded about the four year sunset clause.

Ed Butler of Villas addressed Council to clarify that the County and the DRBA are in accord with the above referenced resolution.

Glenn Douglass of North Cape May addressed Council regarding Resolution #2013-272 to inform of the need and advantages to installing an elevated water tank in Diamond Beach. Mayor Beck agreed that this will improve fire protection and safety for the residents.

Approval of Minutes	September 16, 2013
Res. #2013-261	Payment of Vouchers \$532,933.15
Res. #2013-262	Certification of Lot Clearing Charges to the Tax Collector (13 properties \$10,625.00 liens to be placed against property)
Res. #2013-263	Authorization for the Payout of Accumulated Compensatory Time (R. Fessler \$7,414.79)
Res. #2013-264	A Resolution Authorizing a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for the Beach Drive Project (Beach Drive Pedestrian Access Improvements from Lincoln Blvd to Pinewood Ave \$996,216.)
Res. #2013-265	Approval of Greater Cape May Elks Lodge #2839 Application to Conduct a Flea Market (10/26 at 917 Bayshore Road)

- Res. #2013-266 Approval of Wizards Festival of Fun Event - Brain Buster Game Show - For New Year's Eve Celebration December 31, 2013 (\$1,500.00)
- Res. #2013-267 Authorization: Determination of Municipal Service Fees for 2014 (\$120.00 per manufactured home)
- Res. #2013-268 Resolution Awarding Contract to Hatch Mott Macdonald for Additional Work on the Beach Drive Pedestrian Access Improvement Project (\$5,750. additional field surveys)
- Res. #2013-269 Rejection of bids for Lead Abatement Contractor - Fishing Creek School (over budget)
- Res. #2013-270 A Resolution Requesting Release of Maintenance Guarantee for CVS Pharmacy - Feinberg & McBurney Realty Block 216/Lots32-34; Escrow #P08-08-02 (\$66,926.52)
- Res. #2013-271 Memorandum of Agreement between the County of Cape May, the Delaware River and Bay Authority and the Township fo Lower (all property occupied by tenants shall pay taxes to Lower Twp.)
- Res. #2013-272 Fire Protection - Water System Improvements - Diamond Beach (supporting Wildwood's Water Utility's efforts to install an elevated water tank)
- Ord. #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) 1<sup>st</sup> reading – 2<sup>nd</sup> reading and public hearing Oct. 21<sup>st</sup>
- Ord. #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) 1<sup>st</sup> reading – 2<sup>nd</sup> reading and public hearing October 21<sup>st</sup>
- Ord. #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) 1<sup>st</sup> reading - 2<sup>nd</sup> reading & public hearing October 21<sup>st</sup>

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

### Regular Agenda

Mayor Beck commended Township CFO, Lauren Read for her diligence with the Best Practices Inventory. He explained the point system and informed that the Township scored 46/50 points. He also informed that elected officials are required to take an instructional course. Councilmember Neville said he looks forward to the classes.

- Res. #2013-273 Certification of Best Practices Inventory (required yearly by state to receive state aid)

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

Ordinance # 2013-19 An Ordinance Amending Chapter 441 Entitled "Noise" of the Revised General Ordinances of the Township of Lower (prohibiting loading and unloading between the hours of 10:00 pm and 8:00 am seven days a week) 2<sup>nd</sup> reading & public hearing  
 Councilmember Conrad informed of Wawa's attempt at being a good neighbor and thanked Mayor Beck and Manager Voll for working this out.

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

Ordinance #2013-20 An Ordinance Amending Ordinance #2012-1; An Ordinance Amending Chapter 3, Administration of Government, of the Code of the Township of Lower (requiring elected officials to attend one instructional course per year) 2<sup>nd</sup> reading and public hearing  
 Councilmember Conrad informed that this requirement not only serves as continuing education, but also cuts down on the cost of insurance premiums.

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

### Administrative Reports

### Council Comments

Councilmember Henderson thanked Council for her appointment and reminded about the Special Election for the U.S. Senate on Wednesday, October 16. She also reminded that the last day to register to vote in the General Election is October 15, and urged voters to vote "NO" on the regional school board question.

Mayor Beck commented on the substance abuse symposium. He commended Mitch Plenn and Jim Ridgway of the Recreation Department on raising money for the guest speaker at LCMR. He announced the upcoming "Putting a Face on Addiction" meeting on October 10 at the County Administration Building hosted by Freeholder Kristine Gabor. He informed about the outcome of the FEMA meeting and indicated that the V zone needs to be adjusted.

Councilmember Conrad stated that FEMA is willing to listen. He informed that this could affect all flood insurance costs throughout the Township, not exclusively the V zones.

Mayor Beck announced the following: FEMA meeting, October 18 at 4:00 p.m., Pumpkin Festival, October 19 at Historic Cold Spring Village, parade starts at 11:00 a.m., Haunted Trails on October 26 at the Cape May County Airport from 7:00-9:00 p.m., and Wrestling and Basketball registrations at the Recreation Department. Also, Lower Township is on Facebook.

Councilmember Conrad thanked Eileen Kreis for her participation in the Run for the Fallen. Mayor Beck added that she is the South Jersey Coordinator for the event and does a wonderful job.

### Call to Public

Tom Frisoli , MUA Board Member, addressed Council to thank Mayor Beck, Manager Voll and Solicitor Sandman, making reference to the problems with the MUA. Solicitor Sandman interceded to advise Council not to discuss the matter at this time, as it is under investigation. Mr. Frisoli stated that the MUA is a separate entity from Council and therefore believes that they should resolve the issues themselves. Mayor Beck agreed to follow the advice of the solicitor and not discuss it tonight.

Bill Greenfield of Villas addressed Council regarding the flood zones. Mayor Beck assured Mr. Greenfield that all of the flood zones were discussed with FEMA, not just the V zones.

Peg Lipsett, President of the North Cape May Seniors addressed Council to inquire about the status of the Millman Center. Manager Voll gave an update and tentative opening date of mid November. He assured Ms. Lipsett that the storage issues will be addressed.

Michelle Douglass, Esquire, representative of five MUA employees, addressed Council requesting that her client's voices be publically heard. Solicitor Sandman intervened to inform that Council is not well advised of the issues; therefore they cannot be discussed tonight. Ms. Douglass insisted that her clients are only requesting that Council listen, not necessarily comment. Mayor Beck and Solicitor Sandman agreed that both sides are not represented; therefore it will not be discussed. After brief argument, an attempt was made to proceed with closed session; however no motion was made to move forward. Mayor Beck instructed the Solicitor to handle the situation. Solicitor Sandman agreed to allow a representative to speak on their behalf, but reminded them that both sides are not represented therefore no discussion will follow. Michelle Douglass spoke on behalf of the five MUA employees. She informed that the MUA was notified that they would be attending tonight's meeting. She requested that Council examine the activities going on at the MUA and determine if Matt Ecker should continue as executive director of the MUA. She reminded Council of their authority over the MUA, and warned them to take action before the matter ends in civil litigation.

### Closed Session

Res. #2013- 274                      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. Police Litigation Stango v Lower/ Personnel Issue / School Litigation

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

Council returned to open session at 7:15 pm

Motion moved by Councilmember Conrad, seconded by Councilmember Neville for Attorney Blaney to proceed as discussed in closed session.

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

Motion moved by Mayor Beck, seconded by Deputy Mayor Clark for the Manager to move forward with the RFP as discussed in closed session.

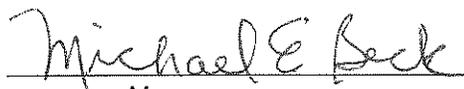
	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD					X	
NEVILLE			X			
HENDERSON			X			
CLARK		X	X			
BECK	X		X			

Motion moved by Councilmember Conrad, seconded by Deputy Mayor Clark to allow the purchase of "vote no" signs not to exceed \$1,000

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

### Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Deputy Mayor Clark. Motion to adjourn unanimous. Meeting adjourned at 7:20 p.m.

  
 Mayor

  
 Township Clerk

Approved: *Oct 21, 2013*