

COUNCIL MEETING MINUTES – SEPTEMBER 3, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on September 3, 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 Gelzun, Township Solicitor and Karen Fournier, Clerk's Office

Work Session - Kevin Maloney – Update on Life Saving Station Reconstruction Project

Kevin Maloney, president of the Cape May Maritime Museum organization, thanked Mayor, Council and Manager Voll for their support with his endeavor to reconstruct a historically accurate replica of the former 1876 Life Saving Station on the site of the old Magnesite factory here in Lower Township. He acknowledged the many people involved in the project, including Bob Stuarck for his donation and creation of the 1/2" scale model of the Life Saving Station, which he had on display. He talked about his vision for the Life Saving Station as a community gathering place to celebrate our history and tradition. He is seeking private funding and corporate sponsors to help complete the project. A Crabapalooza fund raiser will be held on October 4 at the C-View Inn.

Consent Agenda

Ed Butler, Villas, inquired about Resolution #2014-243 and Resolution #2014-244. Mayor Beck informed that the resolutions are for ADA accessibility at the Recreation Center. Manager Voll confirmed.

Approval of NJ State Fireman's Membership Application – Raymond C. Letts, Villas Fire Company

Approval of Minutes	August 18, 2014
Res. #2014-239	Payment of Vouchers \$ 371,769.81
Res. #2014-240	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Bulletproof Vests \$8,558.65)
Res. #2014-241	Authorization for Refund of Taxes (4 properties \$2,849.95 dup. pymt)
Res. #2014-242	Identifying Small Cities Fair Housing Officer (C.Crippen)
Res. #2014-243	Adoption of State Model Citizen Participation Plan for DCA Small Cities Program (requirement of State to receive Small Cities funds – Lower Twp. applied for approx. \$274,000)
Res. #2014-244	Approval of Public Facilities Grant Management Plan Removal of Architectural Barriers (required by the state to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Twp Rec complex)
Res. #2014-245	Approval of a Precious Metals License (North End Thrift, LLC P.Wilson)
Res. #2014-246	Authorizing AARTS Transportation Services Corp to Transfer Two (2) Taxi Vehicle Licenses (transfer of license from 2 vehicles that are broken down to 2 replacement vehicles)
Res. #2014-247	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Body Armor \$3,725.00)
Res. #2014-248	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Alcohol Education Rehabilitation \$1,063.44)
Res. #2014-249	Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on Govdeals Online Auction Website (Public Works equip - box insert for pickup/recycling body30 yrd packer/F250 pickup)
Res. #2014-250	Authorizing Payout of Terminal Leave (E.Umscheid \$2,310.85)

Resolution Authorizing the Issuance by the Township of Lower, in the County of Cape May, New Jersey, of a Replacement Bond (requested by bond counsel for a bond lost during super storm Sandy at the New York Office of the Depository Trust Company)

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

Regular Agenda

Ordinance #2014-10

Bond Ordinance Providing for Various Capital Improvements in and by the Township of Lower in the County of Cape May, New Jersey, Appropriating \$1,312,000 Therefor and Authorizing the Issuance of \$1,235,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof - This is the 2nd reading and Public Hearing on this Ordinance. This Ordinance has been published, posted on the Township bulletin board and made available to the Public.

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

Mayor Beck requested that the solicitor give an update on the school funding issue. Solicitor Gelzunas informed that the LCMR School Board passed a resolution approving the ballot question pertaining to changing the funding formula. The referendum question will be on the November 4th, 2014 General Election ballot. The vote to pass will require a majority from each municipality. Additionally, the NJDEA has set the date for the Special Election for December 9, 2014, which will include the question regarding the City of Cape May's dissolution or withdrawal from the Lower Cape May Regional School District. The solicitor clearly expressed that the Township can spend money to present the facts, but cannot spend money advocating one side or the other. Councilmember Simonsen inquired about funds being used to purchase signs in the past. Discussion ensued. It was established that any previously purchased signs would not be used. Mayor Beck discussed various ways to inform the public without expenditure of funds or violating ethics laws, including a resolution from Council encouraging a "NO" vote from residents. He strongly encouraged residents to educate themselves on this issue.

Solicitor Gelzunas gave a general overview of the LTMUA dissolution process. He reviewed the three ordinances required to accomplish the dissolution. Upon their passing, he and Special Counsel, along with several Township officials and members of the governing body, appeared before the state's Local Finance Board on July 16, 2014 to present their case for approval of the dissolution. He discussed details from the hearing and informed that the minutes have been released and are available on the Local Finance Board's website. At the following meeting on August 13th, The Local Finance Board unanimously approved the dissolution. They determined that the Township had met all the statutory requirements, specifically the assumption of debt and assumption of services. The Local Finance Board added a condition that the LTMUA surplus will remain in a dedicated fund to be used solely for water and sewer services. Solicitor Gelzunas offered his assistance with any legal questions that remain unanswered. Mayor Beck reinforced the solicitor's summation and encouraged residents to read the minutes from the Local Finance Board meeting.

Deputy Mayor Clark expressed his disapproval with the LTMUA spending ratepayer's money to fight the dissolution process. He questioned their final statement to the Local Finance Board and their willingness to give the Township part of the LTMUA surplus. He reinforced Mayor Beck's intention to protect the surplus for rate stabilization. Mayor Beck protected his position on the surplus and reminded that three years ago Councilmember Conrad and Councilmember Simonsen were willing to take a portion of that surplus. Conversation ensued with Councilmember Conrad about circulating misinformation and half-truths. Mayor Beck reminded that the next meeting will include a

public hearing on the LTMUA dissolution and cautioned all members of Council to get the facts and ask their questions now.

Council Comments

Councilmember Conrad expressed his discontent with the actions of a few who are badmouthing the Villas, giving the township a bad name. He announced that his position on the public safety building has not changed; his final decision will come in October, based on the information from the architect.

Councilmember Neville announced that the Clubhouse Road project started yesterday. He gave a project update and informed that the completion date is set for November 3, 2014. He also spoke briefly about another restoration project on a 1952 Rollover boat. He brought attention to the Recreation Advisory Board's five year Master Plan, specifically the Beach Drive Access Plan, and asked Councilmember Conrad and Councilmember Simonsen what their positions are. Councilmember Conrad replied in favor of the residents wishes. Councilmember Simonsen replied in favor of safety. He pointed out potential problems with the plan and expressed his desire to see it removed.

Councilmember Simonsen gave an update on the Commissioners meeting at the Erma Fire Department concerning fire safety and emergency services in the Diamond Beach area. He informed about a new mentor program at the LMCR school district called "changing a life over lunch", and reminded that school is back in session; please follow the rules of the road.

Deputy Mayor Clark commented on Kevin Maloney's restoration project, reflecting on our ancient landmarks. He gave an update on the restorations at the Fishing Creek School, talked about its past and expressed excitement for potential programs in the future. He announced the grand opening for Sunday, October 12, 2014. He acknowledged Mayor Beck for turning a dream into reality. Mayor Beck gave credit to Council for supporting it.

Mayor Beck announced the following: September 11th ceremony at Sunset Beach and Brews by the Bay on September 6th.

Call to Public

Janet Pitts, Villas, inquired about the legality of the MUA using public funds to hire a Public Relations firm. Solicitor Gelzunas legitimized her concern, making reference to the NJ Supreme Court law that declares it unlawful to use public funds to advocate one side only.

Janet Pitts also inquired about the verbiage of the ballot question on the November Election. Mayor Beck explained that the question pertains to changing the funding formula, switching from property value to cost per pupil. It has not been determined who is paying for the Special Election in December.

Peter Wilson, resident and business owner, expressed his appreciation for this great Township and thanked Mayor Beck and Council and Manager Voll for their service. He also inquired about reporting merchandise under the new second hand merchant policy. He hopes to get together with Township officials to ascertain the details. Mayor Beck advised Mr. Wilson to contact the manager.

Jack Sparks, North Cape May, newest board member of the LTMUA, expressed his concern about the LTMUA being in violation of the law. Mayor Beck suggested Mr. Sparks contact the DCA or the County Prosecutor. Manager Voll pointed out that the LTMUA has an attorney that advises the commissioners on what is legal or not.

Glenn Douglass, North Cape May, also observed a violation at the LTMUA meeting. He addressed Councilmember Simonsen and Councilmember Conrad to ascertain if they have additional questions about dissolving the LTMUA, since the Local Finance Board unanimously approved it. Councilmember Conrad stated that he has issues that he will address with Manager Voll. Mr. Douglass reiterated the advantages to dissolution and urged Council to move forward with it. He also thanked Kevin Maloney and his group for their progress.

Ed Butler, Villas, addressed Council regarding current violations with the LTMUA board members. He advised Council to consider removing them from the board.

Fred Long, Cold Spring, addressed Council to inquire about Program 1033, in which municipalities can receive surplus army materials. Manager Voll informed that the County Office of Emergency Management has received army

surplus vehicles that are stored at the Township Public Works Yard, but assured that the Township does not advocate a military type police force.

Closed Session

Res. #2014-252

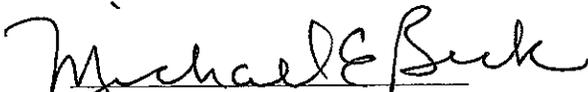
Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A 10:4-12. Litigation – Cape May School Litigation Update and Stango v. Township

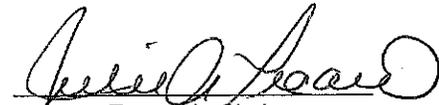
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
NEVILLE	X		X			
SIMONSEN			X			
CLARK			X			
BECK			X			

Council adjourned to Closed Session at 7:22 p.m.

Council returned to Open Session at 7:41 p.m.

There being no further business to address, motion to adjourn moved by Councilmember Simonsen, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:41 p.m.


Mayor


Township Clerk

Approved: *Sept. 15, 2014*