

## COUNCIL MEETING MINUTES – AUGUST 3, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 3, 2015 at 7:00 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 David Perry  
Councilmember Erik Simonsen  
Deputy Mayor Clark  
Mayor Michael Beck

Also present: James Ridgway, Township Manager, Rob Balasco, Township Solicitor and Karen Fournier, Deputy Township Clerk

### Proclamation - Captain Thomas Beeby Retirement

Mayor Beck opened with words of appreciation for Captain Beeby and presented him with a proclamation on behalf of Council congratulating him on his retirement.

Chief William Mastriana thanked Captain Beeby for his friendship as well as their twenty-three years of service together with the Lower Township Police Department.

### Swearing in of Police Captain Martin Biersbach

Mayor Beck swore into office Captain Martin Biersbach of the Lower Township Police Department. Capt. Biersbach was accompanied by his wife Jaime, who pinned his badge, daughter Ella, who held the Bible, daughter Avalise, step-son Rome Difelice and parents Martin Biersbach and Linda Peschi.

### Swearing in of Police Lieutenant William Priole

Mayor Beck swore into office Lieutenant William Priole of the Lower Township Police Department. Lt. Priole was accompanied by his mother, Linda Priole who held the Bible, and his girlfriend, Virginia Nichols who pinned his badge.

Mayor Beck introduced David Pacevich, teacher at LCMR. Mr. Pacevich spoke about Playful City, USA and recognized Peter Ford, intern of the Student Learning Experiences Program at LCMR who assisted in the Township's designation as one of 241 Playful Cities in the USA. Mr. Pacevich pointed out the highway signs provided to the Township and explained Kaboom, a non-profit organization that helps communities build playgrounds for children. Mr. Pacevich recognized and thanked the many organizations whom he targeted during the application process. Mayor Beck presented a proclamation to Peter Ford for his contributions toward the Township's designation as a Playful City, USA.

### Consent Agenda

Approval of Minutes	July 20, 2015
Res. #2015-232	Payment of Vouchers \$805,947.02
Res. #2015-233	Authorizing Payment of 2015 County Taxes (Third and Fourth Quarter \$4,786,563.30)
Res. #2015-234	Requesting Change in Title, Text or Amount of Appropriation N.J.S.A.40A:4-85 Chapter 159, P.L. 1948 (\$10,600)
Res. #2015-235	Under 3% Emergency Resolution N.J.S.A. 40A:4-48 (\$10,000)
Res. #2015-236	Authorization for Tax Refunds (2 properties \$1,867.71)
Res. #2015-237	Authorizing Pay Out of Terminal Leave (A.McGraw Jr. \$2,713.78)
Res. #2015-238	A Resolution Amending Resolution #2015-109; Appointment of Public Information Officer without Public Bidding (L.Suit \$5,000)
Res. #2015-239	Resolution Approving a Separation Agreement Between the Township of Lower and Thomas Beeby, Captain of the Police Department of the Township of Lower

Res. #2015-240 Authorizing the Sale of Township of Lower Surplus No Longer Needed For Public Use on GOVDEALS Online Auction Website (5 vehicles)

Res. #2015-241 Support for S2775 and A4215 Calling for an Increase in Shore Protection Funding from \$25 Million to \$50 Million From the Collection of Realty Transfer Fees

Motion to table Resolution #2015-239 moved by Councilmember Conrad, seconded by Mayor Beck

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

On the Consent Agenda:

John Skowronski, 607 Arctic Avenue, inquired about Resolutions #2015-234 and #2015-235. Clerk Picard explained. Ed Butler, Villas, asked about Resolutions #2015-241 and #2015-239. Councilman Conrad replied.

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

**Regular Agenda**

Res. #2015-242 Appointment to the Recreation Advisory Board (M. Bispels resigned)  
Councilman Conrad moved to nominate Eileen Kreis. Councilman Simonsen seconded the motion.  
Upon inquiry, Mayor Beck shared Ms. Kreis's credentials.

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

Res. #2015-243 Appointment to the Recreation Advisory Board (B. Fournier resigned)  
Councilman Perry moved to nominate Robert Osborn. Councilman Conrad seconded the motion.  
Mayor Beck read Mr. Osborn's application into the record.

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

Ordinance #2015-07 Ordinance Revising and Restating Chapter 178, Beaches, of the Code of the Township of Lower - This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

Councilman Perry stated his intention behind the ordinance, based upon the desires of his constituents.

Anna Mae Coombs, NCM, voiced full agreement with the ordinance.

Tony Lisowski, 718 Pacific Avenue, agrees that the ordinance is a fair compromise.

Richard Anderson, Arbor Road, read a letter to Council from Mickey Kane addressing her discontent with the Councilmembers who voted in favor of the ordinance.

Maureen Enderle, Pennsylvania Avenue, voiced approval with the ordinance but took offense to Council's disregard for the voices of the people.

Helen Thompson, Villas, inquired about the number of dog bites reported. Manager Ridgway provided the information. Ms. Thompson disagreed. Arguments ensued about the prior ordinance and misinformation.

Patience Carroll, Villas, addressed Manager Ridgway about information he was asked to provide. Manager Ridgway offered the information from animal control as well as the police activity spreadsheet regarding dogs. Ms. Carroll also voiced disapproval with the Township's procedure fulfilling work orders. She urged Council to work impartially for all the people of the Township and quoted Mayor Beck's comment about enforcement of ordinances.

Bill Greenfield, Villas, asked about the validity of the old beach ordinance with the inception of the leash law. He inquired about reports from animal control and the police department. He implied that most dog incidences occur in North Cape May, therefore suggesting that the ordinance be restricted to those beaches only.

John Skowronski, 607 Arctic Avenue, commented in favor of the ordinance.

Mary Reader, 23 W. Drummed, spoke in favor of the ordinance.

Denise Jones, Bates & Columbia Avenues, suggested that Villas beaches are not a problem.

Leon Miedowicz, 717 Indian Avenue, suggested that dogs are not the issue, but encouraged enforcement of the current laws. He inquired about the omission of watercraft from the previous ordinance and informed of an incident that involved a truck on the beach at Lincoln Boulevard.

Toni Lisowski, 718 Pacific Avenue, voiced frustration with dog owners abusing the law.

Unknown resident voiced favor with enforcement of the ordinance already in effect.

Helen Thompson, Villas, reminded Council that dogs are one of the reasons people are drawn to Lower Township.

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

Ordinance #2015-08

Ordinance Amending Chapter 1 (One) of the Revised General Ordinances of the Township of Lower - This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

Mayor Beck made a comment about updating ordinances. Solicitor Belasco clarified that this ordinance was amended to correlate with the amendments to the beach ordinance, Chapter 178.

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

### **Administrative Reports**

#### Personnel Action Report

### **Council Comments**

Councilman Conrad reminded about the last concert and reflected on a great summer. He voiced his expectations for good news regarding Roseann Avenue. He encouraged everyone to enjoy the natural beauty that exists in Lower Township.

Councilman Perry thanked supporters from the Township regarding the beach ordinance. He also looks forward to a resolution to the flooding problems on Roseann Avenue. He encouraged everyone to enjoy the Bayfront while summer is still upon us.

Councilman Simonsen thanked supporters of Tracy Coombs and encouraged support for Sally Laffey, both of whom are battling cancer. He gave an update on the Exit 0 interchange and asked the Solicitor to draw up a resolution requesting another public meeting to voice concerns before the project moves forward. Upon request, Manager Ridgway informed of his discussion with Senator VanDrew regarding the project. Councilman Simonsen also commented on the puppy pageant at Historic Cold Spring Village.

Deputy Mayor Clark addressed the importance of open communication when making decisions about public places. He applauded Manager Ridgway, Eileen Kreis and Lauren Suit for the gallery of photographs representing public places in Lower Township. He thanked everyone for paying their taxes and encouraged them to enjoy the photographs on display at Township Hall.

Mayor Beck announced the following: benefit for the Laffey Family, the last of the summer concert series, and National Night Out.

Councilman Conrad made a suggestion to bring in new bands for next year's concerts.

### **Call to Public**

Bob Hartman, Cold Spring, advised Council to pester the county about road improvements. He also voiced frustration with people feeding seagulls and turkey buzzards and recommended an ordinance ruling against it.

Jennifer Forte, resident and member of the Board of Directors at the Grand at Diamond Beach, spoke on behalf of the homeowners at the Grand to request consideration regarding noise from Icona.

Helene Kirlin, the Grand, complained about the noise from Icona.

John McClaren, President of the President Condominium Association, voiced frustration with the noise from Icona affecting neighboring businesses.

Anne Kane, Villas, addressed Council with concern about property code violations within the township.

Sheri Tandler, the Grand, addressed Council about the noise from Icona impacting the beach as well as surrounding buildings.

Rich Nardi, the Grand, voiced frustration with Icona for aesthetics and noise.

Anne Marie Lehmann, the Grand, expressed concern about special events at Icona causing traffic and safety issues.

Nick Vero, resident at President Condos, voiced disapproval with the usage of the beach at Icona.

Robert Rizzo, Mickel's Run, offered to join forces with Manager Ridgway to meet with Dale Foster about fixing county roads. He also suggested that the manager make announcements about township news.

Joan Demartino-Nardi, the Grand, voiced frustration with the goings on at Icona.

Betty Somers, Villas, addressed Council about overgrown lots within the Township. She also suggested that Mr. Perry talk to the owner of Icona to rectify the problems there.

Ted Iacona, resident at President Condos, complained about the noise from Icona.

Tom Frisoli, Villas, voiced frustration with the conduct of Council at the last meeting. He also expressed concern for the treatment of Veterans.

John McClaren urged Council to send the police to Icona.

Helen Thompson, Villas, inquired about signage for the beach ordinance and asked for consideration to the homeowners when making the signs.

**Closed Session**  
Res. #2015-244

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. - **CONTRACT NEGOTIATIONS/PERSONNEL**

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

Council adjourned to executive session at 9:20 p.m.

Council returned to open session at 10:02 p.m.

**Adjournment**

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Perry. Motion to adjourn unanimous. Meeting adjourned at 10:02 p.m.

  
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Mayor

  
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Township Clerk

Approved: August 17, 2015