

COUNCIL MEETING MINUTES – August 20, 2018

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 20, 2018 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 Roland Roy, Jr.
Deputy Mayor Frank Sippel
Mayor Erik Simonsen

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Work Session

Schellenger's Landing Presentation – Project Engineer Joe Maffei, EDA

Joe Maffei, EDA, presented Council with a conceptual plan of the Schellenger's Landing area to include a five foot sidewalk, bump outs, paver crosswalks, midblock crosswalks and an overhead identification sign on the Wilson Avenue Bridge. He recommended the speed limit be reduced to 25 mph and said the preliminary cost for the plan is approximately \$350,000.

Bill Galestok informed that the area for the proposed sign is County property.

Mayor Simonsen explained how the idea was generated and pointed out that the Township is pursuing a Department of Transportation (DOT) grant to fund the project.

Consent Agenda

Approval of NJ State Fireman's Assoc Membership Application J.Sweeten – Erma Volunteer Fire Department

Approval of Minutes – August 6, 2018

Res. #2018-258 Payment of Vouchers \$ 187,241.75

Res. #2018-259 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (DEDR \$31,409)

Res. #2018-260 Appointing Municipal Humane Law Enforcement Officers (B.McEwing & K.Black)

Res. #2018-261 A Resolution Approving Salary Increases Per Article XI Section H of the Lower Township Supervisors Union Contract

Res. #2018-262 A Resolution Approving A Salary Increase for A Non Union Employee

Res. #2018-263 A Resolution Authorizing a Shared Service Agreement Between the Township of Lower and the Lower Township Municipal Utilities Authority

Res. #2018-264 A Resolution Authorizing a Shared Service Agreement Between the Township of Lower and the Lower Township Elementary Schools

Res. #2018-265 A Resolution Requesting Release of a Demolition Bond for Block 334.13, Lot 13; 36 Texas Avenue, Villas, NJ 08251 (\$1,000)

Res. #2018-266 A Resolution Supporting An Open Space/Historic Preservation Grant Application for the Naval Air Station Wildwood Aviation Museum

Res. #2018-267 Approving a Professional Service Contract With Mott MacDonald for the Preparation and Submission of an Application to the NJDOT Under the Municipal Aid Program for FY2019 (\$2,600)

Res. #2018-268 Approval to Submit A Grant Application and Execute A Grant Agreement With the New Jersey Department of Transportation for the Roseann Avenue Roadway and Utility Improvements Phase 3 Project

Res. #2018-269 A Resolution Approving A Salary Increase Per Article XIII, Section D of the Lower Township Office Workers Association – AFSCME Union Contract

Res. #2018-270 Amending Resolution #2018-235; Correcting Appropriation Line to be Charged for Services (Blauer Assoc)

Res. #2018-271 Approving a Professional Service Contract with Mott MacDonald for the Preparation of Small Cities CDBG 2019 Grant Application; ADA Improvements at Clem Mulligan Sports Complex (\$3,800)

Res. #2018-272 A Resolution Requesting Release of Performance Guarantee For FCF Realty (Cape Liquors); Block 776, Lots 10-20 & 34-38, Escrow #P17-08-07

Res. #2018-273 Authorization for the Payout of Accumulated Compensatory Time (M.Nuscis \$1,972.27)

- Res. #2018-274 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction Website
- Res. #2018-275 A Resolution Appointing Bruce A MacLeod, CTC, As Acting/Interim Tax Collector for the Township of Lower to Maintain Continuity During the Temporary Absence of the Township's Tax Collector
- Res. #2018-276 Bid Acceptance and Contract Award for Reconstruction of Georgia Avenue, Alabama Avenue & Main Street (South State Inc \$428,817.18)
- Res. #2018-277 Authorizing Competitive Contracting for Banking Services for the Township of Lower
- Res. #2018-278 Bid Acceptance and Contract Award of Grinding, Processing and Removal of Brush, Stumps, Large Wood and Chips (Britton Industries \$144,950)
- Res #2018-279 A Resolution Requesting Release of Performance Guarantee for DeGross Major Subdivision; Block 792, Lots 6.01, 6.02, 7,9,22-25; Escrow #P 17-01-04
- Res. #2018-280 Capital Budget Amendment

Ordinance # 2018-18 – Bond Ordinance Providing for Phase 3 of Drainage and Stormwater Management Improvements and Associated Roadwork to Roseann Avenue and Bayshore Estates, By and in the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"); Appropriating \$3,900,000 therefor and Authorizing the Issuance of \$3,900,000 Bonds or Notes to Finance the Cost Thereof - This is the first reading of this Ordinance. The Second reading and Public hearing for this Ordinance has been scheduled for WEDNESDAY, Sept. 5.

Tom Poussart, Shawmount Ave., inquired about the Bond Ordinance for Roseann Avenue. Manager Ridgway explained the different phases of the Roseann Avenue project and the need for the bond to extend the project to Bayshore Road.

Councilmember Perry clarified about minerals being filtered prior to water drainage into Cox Hall Creek.

Mayor Simonsen explained the reason for extending the project to Bayshore Road.

Mark Sray, Mott MacDonald, confirmed the reason for the bond to provide for Phase 3 of the project extending approximately 1,000 feet to Bayshore Road.

On the Consent Agenda:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY	X		X			
ROY			X			
SIPPEL			X			
SIMONSEN			X			

Regular Agenda

Ordinance #2018-13 An Ordinance Amending Chapter 475, Parks and Recreation, of the Code of the Township of Lower, Adding Section 16 to Article IV, Fees and Reimbursements, In Order To Establish A Memorial Bench Dedication Program. This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY			X			
ROY		X	X			
SIPPEL	X		X			
SIMONSEN			X			

Ordinance #2018-14 Amending Chapter 617 – Trailers, Article II – Trailer Regulations, Section 15 of the Code of the Township of Lower to Add a New Section, 617-15(G)(2), To Regulate the Use and Occupancy of Shipping Containers in Residential Dwellings . This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY	X		X			
ROY		X	X			
SIPPEL			X			
SIMONSEN			X			

Ordinance #2018-15 An Ordinance of the Township of Lower Releasing, Extinguishing and Vacating the Public Rights of a Portion of Lucille Avenue. This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY			X			
ROY	X		X			
SIPPEL		X	X			
SIMONSEN			X			

Ordinance #2018-16 An Ordinance Authorizing the Township of Lower to Convey a Deed of Easement to the Property Owners of Block 369.01, Lot 1 In Order to Provide Said Owners Access to the Village Road Right-of-Way in Order to Allow for the Repair, Reconstruction and Maintenance of the Bulkhead Located within the Village Road Right-of-Way. This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY			X			
ROY			X			
SIPPEL			X			
SIMONSEN	X		X			

Ordinance #2018-17 An Ordinance Authorizing the Township of Lower to Accept a Deed of Easement From the Property Owners of Block 369.01, Lot 1 in Order to Permit the Township of Lower to Maintain, Construct and Repair the Dune and Beach Waterward to the Existing Bulkhead Through a Portion of Block 369.01, Lot 1 . This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
PERRY			X			
ROY		X	X			
SIPPEL			X			
SIMONSEN			X			

Manager's Report

Manager Ridgway updated Council on several issues including a meeting with the new DEP Commissioner regarding the aquaculture tour, discussions about the promotional aspect of the Opportunity Zone at the Cape May County Airport and Tech Village. He also pointed out the resolution awarding a contract to remove debris from the Public Works yard, and anticipates updated security measures coming to municipal hall.

Engineer's Report – Mark Sray, Mott MacDonald

Mark Sray updated Council on the current engineering projects throughout the Township including the Roseann Avenue Roadway and Utility Improvements Project, the Roseann Avenue Phase 3 Project, the Beach Access Improvements, and the Recreation Center Restrooms Upgrades.

Councilmember Perry inquired about the deadline for the easements on the Beach Access Improvements. Manager Ridgway provided the information.

Administrative Reports

Personnel Action Report

Monthly Reports – Clerk, Construction, Dog, Fire, Tax, Vital Statistics

Certificate of Determination and Award of July 18, 2018 Bond Sale

Council Comments

Councilmember Conrad made favorable comments about the Summer Concert Series and Recreation Programs.

Councilmember Perry echoed comments about the Summer Concert Series and voiced favor with the Beach Drive Pedestrian Safety Improvements Project.

Councilmember Roy – no comments

Deputy Mayor Sippel reminded about the last Summer Concert to benefit the children's youth programs.

Mayor Simonsen announced a new program for preschool age children coming soon to the Recreation Department. He talked about the Lenni Lenape Treaty Signing Festival and reminded of the upcoming meeting for the Ocean Drive Bridge Commission.

Call to the Public

Brianna Turner, 915 Main Street, addressed Council with concern about illegal drug activity in her neighborhood. Manager Ridgway assured that the problem will be addressed.

Nancy Flynn, 936 Myrna, provided additional information about the above matter. Manager Ridgway agreed to meet at the location to evaluate the situation. Mayor Simonsen informed that portions of that area are State property and the Police Chief is working on a resolution.

Mike Maahs, 218 Spruce Ave, addressed Council with concern about stormwater flooding his property. Gary Douglass, Public Works Superintendent, explained that the problem is being investigated and assured that he will communicate any findings.

Bill Greenfield, Villas, addressed Council regarding the Schellenger's Landing Project and suggested waiting for the State to fix the traffic problem. Manager Ridgway clarified the project. Mayor Simonsen reminded that the Schellenger's Landing Project is based on a DOT grant that has a deadline.

Emmit Vandergrift, Dennis Twp., addressed Council to ascertain if they had made a decision about a medical marijuana dispensary in Lower Township. Mayor Simonsen informed that his request is being taken under advisement and awaiting the advice of the solicitor. Solicitor Stefankiewicz clarified Mr. Vandergrift's pursuit.

Closed Session

Res. #2018-281 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. Attorney/Client Privileged / Possible Litigation

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY			X			
ROY			X			
SIPPEL	X		X			
SIMONSEN			X			

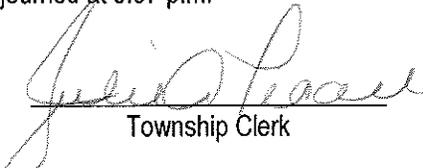
Council adjourned to closed session at 7:58 p.m.
Council returned to open session at 8:36 p.m.

Adjournment

There being no further business to address, motion to adjourn moved by Deputy Mayor Sippel, seconded by Councilmember Roy. Motion to adjourn was unanimous. Meeting adjourned at 8:37 p.m.



Mayor



Township Clerk

Approved: 