

COUNCIL MEETING MINUTES – March 2, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 2, 2015 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 David Perry
- Councilmember Erik Simonsen
- Deputy Mayor Clark
- Mayor Michael Beck

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Clerk's Office

**Consent Agenda**

- Approval of Minutes February 18, 2015
- Res. #2015-77 Payment of Vouchers \$1,517,288.25
- Res. #2015-78 Authorizing Pay Out of Terminal Leave (A. McCloskey \$46,671.02)
- Res. #2015-79 Authorization for South Jersey Power Cooperative Electric Bid (County as lead agency)
- Res. #2015-80 Bid Acceptance and Contract Award for Landscaping Services for Various Locations in Lower Township (Douglass Landscaping Services, LLC \$45,800)
- Res. #2015-81 Bid Acceptance and Contract Award for Fertilizer/Slice Seed Applications for Various Locations in Lower Township (TruGreen \$14,096.)
- Res. #2015-82 Authorization for Refund of Taxes (4 properties \$5,315.02)
- Res. #2015-83 Amending Resolution #2015-20; Designation of Official Newspapers for Legal Advertising for the Year 2015 (changing from the Gazette to The Herald)
- Res. #2015-84 Approval of 2015 Rotary Towing License (Cape Harbor Auto Repair)
- Res. #2015-85 A Resolution Agreeing to Accept a Donation of Land to be used as Township Recreational Fields ( a portion of 793 Tabernacle Rd)
- Res. #2015-86 Resolution Opposing New Jersey Senate Bill S2076/ Assembly Bill A3358 Regarding Class I Renewable Energy Certificate Multiplier Program for Unprofitable Landfill Gas to Electricity Facilities (at the request of Cape May County Freeholders – passage of these bill will likely result in higher electric bills for South Jersey in order to fund private sector bailouts)
- Res. #2015-87 Resolution Authorizing Indemnification and Defense of a Lower Township Employee in Accordance with Chapter 25 of the Code of the Township of Lower (G.Playford)
- Res. #2015-88 Resolution Authorizing the Transfer of a Back Hoe No Longer Needed for Public Use to the Borough of West Cape May

Deputy Mayor Clark requested Resolution #2015-87 be moved to Regular Agenda.

Motion to table Resolution #2015-83 moved by Councilmember Conrad, seconded by Councilmember Perry.

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

On the Consent Agenda:

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

Mayor Beck asked for an explanation of Resolution #2015-85; accepting a donation of land. Clerk Picard explained the intent of the resolution. Manager Ridgway informed of his contact with the Tabernacle Church regarding an easement. Mayor Beck expressed concern about the ability to use the land and whether or not the resolution is binding. Clerk Picard stated that a land donation must be accepted by ordinance. Discussion ensued. Solicitor Stefankiewicz communicated concern about spending money to insure the property's usability. Manager Ridgway communicated his assurance with the matter. Mayor Beck requested to be kept informed of any progress.

Ed Butler, Villas, asked for clarification. Mayor Beck explained the non-binding resolution

**Regular Agenda**

Res. #2015-87

Resolution Authorizing Indemnification and Defense of a Lower Township Employee in Accordance with Chapter 25 of the Code of the Township of Lower (G.Playford)

Deputy Mayor Clark explained why he requested the resolution be moved to the regular agenda. He requested a closed session meeting due to it being a personnel matter. He also expressed concern about a possible conflict of interest with a member of Council.

Mayor Beck agreed with the concern for a possible conflict. Solicitor Stefankiewicz advised that substantive conversation be reserved for a closed session. Mayor Beck reserved his comments; contingent upon more information. He communicated the desire for a closed session at the next meeting.

Councilmember Conrad inquired about the time frame, which led to conversation about postponement of the hearing.

Mayor Beck motioned to table Resolution #2015-87, seconded by Deputy Mayor Clark.

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

Res. # 2015-89

A Resolution Amending Resolution #2015-09; Establishment of Council Meeting Dates and Times for the Year 2015

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

Ordinance #2015-02

Ordinance Amending Chapter 166 - Animals, Of The Code of the Township of Lower - 1<sup>st</sup> reading; 2<sup>nd</sup> reading and public hearing scheduled for March 16, 2015.

Councilmember Conrad voiced concern about paragraph E, referring to tethering dogs before sunrise or after sunset. He recommended adding a statement limiting tethering to no more than 30 minutes. He also voiced reservations about the temperature clause. Mayor Beck agreed with Councilmember Conrad's concern for being too specific. Councilmember Simonsen commented about using common sense. Manager Ridgway assured that section G2 would take care of it. Discussion ensued. Councilmember Perry voiced his concern about Section 2F, dealing with temperature controlled basements and garages. He expressed interest in an ordinance that is enforceable. Deputy Mayor Clark asked if Dr. Holland had been informed of the changes. Manager Ridgway assured that Dr. Holland is in agreement. Solicitor Stefankiewicz recommended a clause be added to include the garage and basement as indoor space as long as they fall within the temperature requirements. Solicitor Stefankiewicz suggested the ordinance be tabled and the language revised to be consistent with the comments, then put on for a first reading again at the next meeting.

Motion to Table Ordinance #2015-02 moved by Councilmember Perry, seconded by Councilmember Conrad.

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

### **Administrative Reports**

Personnel Action Report

### **Council Comments**

Councilmember Conrad thanked supporters of the many functions throughout the Township and commented on the weather.

Councilmember Perry addressed the concern from residents about the Waste Management flyers they received. He also informed that he has been working on ways to bring the budget figures down, including possible shared-services.

Councilmember Simonsen offered condolences to the Thomas family and wished Chris South a speedy recovery. He congratulated Eileen Kreis on a successful fund raiser for the Run for the Fallen. He gave an update on school news including accomplishments by Eric Prusinski and Maddie Gibson, the LCMR girls' basketball team and the All South Jersey Middle School Band. He congratulated the LTMUA after reading their annual report and thanked Craig Loper for a job well done. He looks forward to shared-services with them in the future and getting our tax dollars down.

Deputy Mayor Clark spoke about the FEMA maps and the law that places many Lower Township properties in a flood zone. He addressed the shore protection problem and informed of upcoming concerns with FEMA. He thanked the residents for attending the Council meetings and encouraged more residents to get involved.

Councilmember Conrad pointed out a contradicting formula used by FEMA in determining the flood zones. Mayor Beck further informed about the V zone. Deputy Mayor Clark communicated the problem of barriers. Council discussion continued.

### **Call to Public**

Helen Thompson, 44 E. Delaware Parkway, addressed the dog ordinance. She voiced her concerns and her discontent about tabling the ordinance. Mayor Beck defended his position about the language of the ordinance. Council discussion ensued. Ms. Thompson argued her ideas for protecting the animals.

John Skowronski, 607 Arctic Avenue, asked for an update on resolving issues at the public safety building. Manager Ridgway reported information from his meeting with the County. Mayor Beck asked about the mold issue. Council disagreements followed about maintenance to the building. Councilmember Simonsen informed that a meeting is scheduled for April 6.

Tom Frisoli, Villas, addressed Council with comments about FEMA. He also voiced discontent about prejudicial articles in the newspaper.

Janet Pitts, Villas, voiced concerns about the budget and requested that the Township shop around for health insurance. Mayor Beck informed that the budget hearing is scheduled for April 20, 2015.

Ed Butler, Villas, addressed the need for political assistance in fighting the FEMA issues and encouraged residents not to give up. Councilmember Conrad commented about getting proper mitigation.

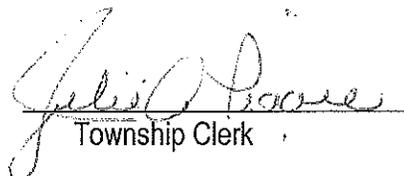
Mike Rosenberg, Villas, asked about FEMA maps being approved. Councilmember Conrad replied. Mayor Beck assured that information will be given on FEMA's projected meeting.

Mr. Rosenberg also asked for the block and lot of the land that is being donated. Mayor Beck informed him of the address. Councilmember Conrad pointed out where it is located.

#### Adjournment

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 7:07 p.m.

  
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Mayor

  
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Township Clerk

Approved: *March 16, 2015*