

## COUNCIL MEETING MINUTES – October 1, 2018

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 1, 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

**Proclamation** - Put the Brakes on Fatalities Day, October 10, 2018

Mayor Simonsen read a proclamation declaring October 10, 2018 as "Put the Brakes on Fatalities Day" in Lower Township, in an effort to increase awareness and improve safe driving behaviors on the roadways.

### Consent Agenda

Approval of Minutes September 17, 2018

Res. #2018-306 Payment of Vouchers \$ 859,460.01

Res. #2018-307 Authorizing Payout of Terminal Leave (J.Hill \$292.67)

Res. #2018-308 Resolution Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services (1 year)

Res. #2018-309 Authorization for the Payout of Accumulated Compensatory Time (D.Whitten \$7,769.04)

Res. #2018-310 A Resolution Appointing A Clean Communities Coordinator (L.Thomas \$3,500; 1/1/18-12/31/19)

Res. #2018-311 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction Website

Res. #2018-312 Certification of Lot Clearing Charges to the Tax Collector (5 properties \$4,350.)

Res. #2018-313 Amending Bid Acceptance and Award of 2019 Ford Explorer Base Model 4WD for Fire Safety

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

### Regular Agenda

**Ordinance 2018-19** An Ordinance Amending and Supplementing Chapter 419 – Littering, of the Code of the Township of Lower, In Order to Establish Article III, Prohibiting the Release of Balloons Inflated with Helium or Other Gases that are Lighter than Air Within the Township of Lower. This is the 2<sup>nd</sup> reading and public hearing for this Ordinance. This Ordinance has been published, posted and made available to the public.

Councilmember Conrad thanked Deputy Mayor Sippel for bringing the balloon ordinance back.

Sharon Bloom, Cape Woods, thanked Council for their support and explained the detriment of balloons and plastics to marine life.

Mayor Simonsen suggested future signage and a newspaper press release to bring about awareness.

On Ordinance #2018-19:

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

### **Manager's Report**

Manager Ridgway informed Council that he has prepared the list of members for the Green Team and the Opportunity Zone. He gave an update of LTMJA's master sewer plan for 2020 to include Trotter Way and Erma Park. He announced the Turkey Trot event on the morning of Thanksgiving, and spoke of his attendance at recent events at NASW, including the Run for the Fallen opening ceremonies, thanking Eileen Kreis for her efforts.

### **Administrative Reports**

Police, Treasurer

### **Council Comments**

Councilmember Conrad commended Eileen Kreis for her work on the Run for the Fallen. He gave an update on the berm in the Villas, and the CRS program bringing insurance breaks, and announced an upcoming Substance Abuse Information Panel Meeting on October 9<sup>th</sup> at Township Hall.

Councilmember Perry gave an update on the pipe restoration under Clubhouse Drive and the Roseann Avenue Project. He also informed of a beautification award presented to the Township from the LT Chamber of Commerce for the Beach Drive Pedestrian Safety Improvement Project and requested the RAB be invited to the next meeting to thank them publically for their efforts.

Councilmember Roy- no comments

Deputy Mayor Sippel announced the upcoming Veterans' Art Exhibit, Veterans' Parade, and American Legion hurricane relief efforts. He also spoke briefly about the Lower Township Children's Fund.

Manager Ridgway informed Council that two of the new Recreation programs have sold out.

Mayor Simonsen thanked Eileen Kreis for her work with Run for the Fallen and spoke briefly about plans for next year's event. He announced upcoming events including a free flu clinic and Autumn Fest.

### **Call to the Public**

Rich Harron, Jr., Wildwood Ave., addressed Council to voice disappointment and question the process in which an incident was handled. Solicitor Stefankiewicz explained the process. Mr. Harron described the incident, offered his opinion, and threatened to remove his children from Township sports if the Township doesn't take a stance against public protest where children are present. Solicitor Stefankiewicz advised that, though personal opinions may differ, the conduct described is Constitutionally protected and therefore Council is legally and ethically obligated to follow the law. Mr. Harron continued to question the advice of the solicitor. Mayor Simonsen informed that Council is forbidden to meet as a body without public notice.

Manager Ridgway shared his opinion as a former coach and his current role to protect the Township. Discussion continued. Solicitor Stefankiewicz suggested investigating a code of conduct for Township coaches.

Kevin Boyle, NCM, addressed Council as a Veteran, Police Officer and coach, to voice agreement with Rich Harron, Jr.

Tom Poussart, Shawmount Ave, inquired about the cost estimate for the Roseann Avenue Project and questioned the bid for site restoration. Manager Ridgway explained the change in the cost of the project and agreed to get the additional information for Mr. Poussart.

Rich Harron Jr. questioned Council's intent to make a timely decision regarding the above matter. After a brief exchange with Council, Manager Ridgway agreed to contact Mr. Harron by the end of the week.

**Closed Session**

Res. #2018-314

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 Privilege; Possible Litigation**

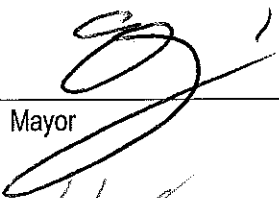
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY		X	X			
ROY	X		X			
SIPPEL			X			
SIMONSEN			X			

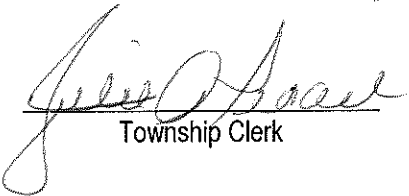
Council adjourned to closed session at 7:51pm

Council returned to open session at 8:35pm

**Adjournment**

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Roy. Motion to adjourn was unanimous. Meeting adjourned at 8:36 p.m.

  
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Mayor

  
\_\_\_\_\_  
Township Clerk

Approved: *10/15/2018*