

## COUNCIL MEETING MINUTES – October 5, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 5, 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, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Proclamation - Put the Brakes on Fatalities Day

Mayor Beck opened the meeting with a proclamation declaring October 10, 2015 "Put the Brakes on Fatalities Day" in Lower Township, an initiative designed to encourage safe driving behaviors to reduce traffic related injuries and deaths.

Councilmember Conrad requested the vote on Resolution # 2015-297 be moved to immediately after the work session discussion.

### **Work Session**

Public Safety Building Presentation – Manager Jim Ridgway

Manager Ridgway introduced the Director for the Cape May County Office of Emergency Management, Martin L. Pagliughi, Director of Facilities and Services for the Cape May County Administration Building, AnnMarie McMahon, and Freeholder Director, Gerald Thornton.

Mayor Martin Pagluighi presented a power point of Cape May County's two-fold proposal to Lower Township including joint dispatch, and operating from the existing public safety building located at the Cape May County Airport with renovated space allocations. He spoke of the benefits of a shared services agreement between the Township and the County and gave a cost comparison for a lease agreement from the County vs. building a new public safety building. Power point is attached. In addition, he fielded questions from Council and the public.

John Skowronski questioned the proposed amount. Mayor Pagluighi explained that the cost to the township for construction and renovations would be \$144 thousand per year for 20 years, totaling \$2.87 million, not including soft costs or utilities.

Janet Pitts, Villas, questioned the cost and the assessed value of the existing public safety building, voicing her disapproval with the MOU. Mayor Beck agreed and voiced discontent with the location and the proposal to lease the building. Councilman Conrad disagreed. Councilman Simonsen commented on the sick condition of the building. Councilman Perry reminded about the opinion of the public. A heated exchange ensued. Manager Ridgway challenged Ms. Pitts' claims and justified the proposed cost. Mayor Beck clarified the misperceptions about consolidated dispatch and leasing the building. Ms Pitts stated her resentment to rushing this issue and her belief of an ethical conflict with Councilman Conrad.

Steve Morey, Erma, addressed his discontent with Mayor Beck's willingness to pass up an opportunity for economic development.

Jay Young thanked Council for bringing this topic to discussion and voiced favor with the proposal for central dispatch at the Cape May County Airport. Mayor Beck argued against the location and the proposed lease. Discussion ensued with Manager Ridgway about the timing of the final draft.

Ed Butler, Villas, expressed concern about a guaranteed cost. Mayor Beck clarified the question. Mr. Butler asked about the foundation of the existing building. Mr. Pagliughi assured that the building design will meet state and federal standards. Ms. McMahon confirmed. Mr. Butler asked about ADA compliance and public transportation. Discussion ensued about NJ Transit.

Rich Harron expressed favor with the proposal for cost saving reasons as well as the increased ability to receive grant funding. He also voiced discontent about the former process of hiring an architect. Mayor Beck and Councilman Conrad discussed their opposing opinions on the subject.

Alex Ernst, Tabernacle Road, asked for clarification. Mayor Beck pointed out his concern about handing over the deed to the County for the current public safety building. Solicitor Stefankiewicz explained the MOU.

Manager Ridgway asked Mayor Pagliughi to compare current dispatch to the newly proposed joint dispatch. Mayor Pagliughi explained the benefits of centralized dispatch. Mayor Beck voiced support for joint dispatch but reminded that the building is a separate issue. Councilman Simonsen inquired about more savings with additional municipalities. Mayor Pagliughi informed that other municipalities have expressed interest.

Steve Sheftz, Townbank, talked about the logic in the savings with more municipalities involved.

George Doherty, Seashore Road, asked for clarification of the figures and if the costs are guaranteed. He voiced favor with the new plan for the current public safety building.

Freeholder Director, Gerald Thornton, revealed discussions from a previous meeting with Mayor Beck regarding the current public safety building. He questioned the architect's estimates on the former plan and put to rest the uncertainty regarding the expiration of the proposed lease agreement. Mayor Beck expressed concern about the location of central dispatch. Freeholder Thornton assured that the County Airport is one of the highest locations in the county. Mayor Beck disagreed and remained adamant that Woodbine would be a better location for central dispatch. Discussion continued and arguments followed.

Deborah Dunn commented in favor of the proposal.

Unknown resident agreed with Mayor Beck but suggested he surrender. Argument ensued.

John Skowronski referred back to the power point and asked for clarification about the costs. Solicitor Stefankiewicz explained.

Robert Rizzo, Mickel's Run, gave an analogy to prove his opposition to leasing from the county. Councilman Simonsen commented about the condition of the building.

Melissa Roy, Erma, spoke about the benefits of leasing.

Deputy Mayor Clark asked Manager Ridgway what had changed about the estimated cost of the project since they last met. Manager Ridgway responded. Mayor Pagliughi explained how the numbers were calculated. Manager Ridgway elaborated.

Mayor Beck reiterated his support of central dispatch and his opposition to the location and lease agreement with the county for the current public safety building. Councilmember's Simonsen, Conrad and Perry countered his statements. Discussion ensued about supporting the bond. Councilman Simonsen motioned to approve Resolution #2015-297. Councilman Conrad seconded the motion.

Res. #2015-297

A Resolution Approving the Memorandum of Understanding Between the County of Cape May and the Township of Lower Regarding the Joint Public Safety and Emergency Operations Center

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

Mayor Martin Pagliughi thanked Mayor Beck and Council for the opportunity to present the county's proposal. Councilman Perry thanked Mayor Pagliughi and Cape May County for considering Lower Township.

**Best Practices Worksheet - Resolution on Consent Agenda**

Mayor Beck gave a brief explanation of the Best Practices Worksheet and how it affects state aid. He asked about questions #4, vehicle use. Township CFO, Lauren Read assured that there is a policy in place. Mayor Beck also inquired about question #26, chain of command for emergency purchasing. Ms. Read informed that the chain of command will be changed at reorganization. Councilman Conrad commended the staff members responsible for working on this.

Deputy Mayor Clark questioned the Bond Ordinance – he inquired about putting this project out to bid. Manager Ridgway responded in the negative. Clerk Picard informed that the ordinance secures the money to do the project. Bidding out the project is a separate issue. She confirmed with Bond Counsel that an engineer does not have to be put in place. Council discussion ensued.

Motion to move Ordinance 2015-10 to Regular Agenda moved by Deputy Mayor Conrad, seconded by Councilmember Conrad.

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

**Consent Agenda**

- Approval of Minutes September 21, 2015
- Res. #2015-288 Payment of Vouchers \$ 466,902.30
- Res. #2015-289 A Resolution Requesting Release of A Demolition Bond for Block 741.04 Lot 18.02, 619 Jonathan Hoffman Road (\$500)
- Res. #2015-290 Authorizing Cancellation of Remainder of Contract with Engineering Design Associates, PA (\$22,991 for Public Safety Bldg)
- Res. #2015-291 Authorizing Closeout of Reserve for Preliminary Expenses – Public Safety Building (\$35,791)
- Res. #2015-292 A Resolution Rescinding Resolution #2015-234; Requesting Change in Title, Text or Amount of Appropriation N.J.S.A. 40A:4-85 (Chapter 159, P.L. 1948) (returning \$10,600 to Solicitor O/E line)
- Res. #2015-293 Certification of Best Practices Inventory
- Res. #2015-294 Authorizing the Sale of Township of Lower Surplus No Longer Needed For Public Use on Govdeals Online Auction Website
- Res. #2015-295 Capital Budget Amendment (adding new Bond Ordinance)

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

Ord #2015-10

Bond Ordinance Providing for Drainage and Storm water Management Improvements and Associated Road Work to Roseanne Avenue and Bayshore Estates By and In the Township of Lower, County of Cape May, State of New Jersey; Appropriating \$4,750,000 Therefore and Authorizing the Issuance of \$4,520,000 Bonds or Notes of the Township to Finance Part of the Costs Thereof – This is the First reading of this Ordinance. The second reading and public hearing will be scheduled for October 19, 2015.

Deputy Mayor Clark expressed concern about putting this project out to bid. Mayor Beck stated his support of the project but remained adamant about bidding it out. Council discussion ensued about the history of the project. Councilman Simonsen questioned the legality of putting it out to bid. Solicitor Stefankiewicz offered his legal opinion about quotes vs. bids and informed that professional service contracts are exempt from the bidding process. Discussion continued. Councilman Conrad motioned to approve Ordinance #2015-10. Mayor Beck made a motion to amend the ordinance contingent upon seeking bid proposals. Clerk Picard questioned the legality of amending the bond ordinance for this purpose. She stated that Bond Counsel assured that the bond ordinance is a separate issue from the bidding process. Solicitor Stefankiewicz cautioned the expense and time involved with writing bid specifications. Mayor Beck reiterated his opposition. Manager Ridgway reminded Mayor Beck that he stated he would not hold up this project.

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

**Regular Agenda**

Res. #2015-296

Appointment of Class III Member to the Planning Board (Councilman David Perry)

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

Ord #2015-09

An Ordinance of the Township of Lower Amending Chapter 318 of the Code of the Township of Lower (re-districting a parcel of ground from Fire District #1 to Fire District #3). This is the second reading and public hearing of this Ordinance. This Ordinance has been published, posted and made available to the public.

Councilman Conrad made a motion to Table Ordinance #2015-09, at the request of the Fire District Solicitors.

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

Ord #2015-11

An Ordinance of the Township of Lower Vacating a Portion of Oak and Pine Avenues - This is the first reading of this Ordinance. The second reading and public hearing will be scheduled for October 19, 2015

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

### **Administrative Reports**

Finance

### **Council Comments**

Councilman Conrad commended Eileen Kreis on the success of the Run for the Fallen and commented on emergency management's preparedness with the storm.

Councilman Perry reminded that October 4-10 is Fire Prevention Week and encouraged everyone to practice fire safety. He informed that he has been in contact with the county engineer regarding road conditions and crosswalks.

Councilman Simonsen commented on the Run for the Fallen and thanked Eileen Kreis for her efforts. He reported on the success of the Key Club's Lock-in event at LCMR and gave an update on the Exit 0 Interchange project.

Deputy Mayor Clark observed the passing of Captain Jack Sparks and his passion and contributions to the community.

Mayor Beck echoed the sentiments regarding Jack Sparks and offered condolences to his family. He also announced the following: October 13<sup>th</sup> is the last day to register to vote, October 12<sup>th</sup> offices will be closed for Columbus Day, Pumpkin Festival and Costume Parade at the Cold Spring Village, Haunted Trails, Trick-or-Treat, and Daylight Savings Time ends November 1<sup>st</sup>. He also thanked Eileen Kreis and the Hume Family for the Run for the Fallen.

Councilman Conrad encouraged everyone to attend the Pumpkin Festival at the Cold Spring Village.

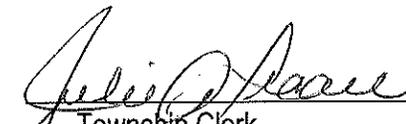
### **Call to Public**

Cossette Vassar, Bayshore Road, addressed Councilman Perry to suggest turning lanes be repainted near the Acme entrance on Bayshore Road.

### **Adjournment**

There being no further business to address, motion to adjourn moved by Councilman Conrad, seconded by Councilman Simonsen. Motion to adjourn unanimous. Meeting adjourned at 9:45 p.m.

  
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 Mayor

  
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 Township Clerk

Approved: 10-19-15

