

COUNCIL MEETING MINUTES – JULY 21, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on July 21, 2014 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 James Neville
Councilmember Erik Simonsen
Deputy Mayor Clark
Mayor Michael Beck

Also present: Michael Voll, Township Manager, Ron Gelzunas, Township Solicitor and Karen Fournier, Clerk's Office

Proclamation - Officer William McPherson

Mayor Beck opened the meeting with a proclamation honoring retiring police officer William McPherson after 25 years of service with the Lower Township Police Department. Council presented him with a certificate and wished him well on his retirement.

Swearing In - Officer Michael Nuscis

Manager Voll announced the swearing in and accomplishments of new police officer Michael Nuscis. Officer Nuscis was accompanied by his wife Amanda, and his father Tom, during his swearing in by Mayor Beck.

Chief Mastriana said farewell to Officer McPherson as he welcomed newly sworn in Officer Nuscis to the agency.

Louis Ginsburg, Knights of Columbus - presenting Certificates of Appreciation

Mr. Ginsburg, member of Knights of Columbus Council 3546 gave an update on the Kid's Music Festival and presented certificates of appreciation to Council, Manager Voll and Chief Mastriana.

Consent Agenda

Mayor Beck asked for clarification on the wording of Ordinance #2014-09. Solicitor Gelzunas informed that the language was taken directly from Assembly Bill No. 2299. Councilmember Conrad explained the intent of the ordinance. Mayor Beck warned about the wording being misinterpreted. After brief discussion, Council agreed to make a slight change to the wording of the ordinance.

Approval of Minutes	July 7, 2014
Res. #2014-209	Payment of Vouchers \$ 227,300.90
Res. #2014-210	Bid Acceptance and Contract Award for Reconstruction of Clubhouse Drive Contract #2014-06/M-8 (South State Inc \$462,439.99)
Res. #2014-211	Approval of Erma Volunteer Fire Company's Request to Conduct Two (2) Flea Markets (August 30 & October 18)
Res. #2014-212	Authorization for the Payout of Accumulated Compensatory Time (B.McEwing \$2,118.51)
Res. #2014-214	Renewal of Commercial Excavation (Gravel Pit) Licenses for Cape Mining and Recycling, LLC (Block 410.01 Lots 89,92,93-98,99.01&99.02)
Res. #2014-215	Bid Acceptance and Contract Award for Repairs at the Millman Center (Joseph Poretta Builders \$34,000 repairs due to accident)

Res. #2014-216 Authorization for Refund of Taxes (2 properties \$3,447.58)
 Res. #2014-217 Authorization for Waiver of Fees for Naval Air Station Wildwood (Township permit fees to renovate Hanger #1 electric, plumbing, building, fire, HVAC)
 Res. #2014-218 Public Facilities Grant Application for \$400,000, Various ADA Improvements
 Ord. #2014-09 Ordinance Amending Chapter 235, Uniform Construction Codes Permit And Surcharge Fees to Exempt Disabled Veterans from Construction Permit Fees for Construction Related to Accessibility to Their Living Units - 1st reading of Ordinance. 2nd reading and public hearing scheduled for August 4, 2014

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

Regular Agenda

Res. #2014-213 Authorizing Expenditure From Capital Improvement Fund For Preliminary Expenses – Public Safety Building (authorizes a budget line to be used)

Councilmember Conrad asked for a legal opinion on a possible conflict with him discussing the Public Safety Building, due to his employment with the Lower Township Rescue Squad. Solicitor Gelzunas referred him to ethics code N.J.S.A. A: 9-22.5 and stated that there does not appear to be a conflict. Councilmember Conrad questioned if the resolution refers to the amount approved for Mr. Shousky. Mayor Beck explained that the resolution does not specify an amount, it simply creates a line item for the project to move forward.

Councilmember Simonsen voiced his disagreement and stated that he would like to wait for the County to conduct a building analysis on the current public safety building to determine if it is structurally sound. Deputy Mayor Clark responded by reminding him that the resolution is to authorize a line item in the Budget, and that he had already voted for the expenditure of the architect. Councilmember Simonsen argued the process by which the architect was hired. Mayor Beck pointed out that both Councilmember Conrad and Councilmember Simonsen voted to support Mr. Shousky. Councilmember Conrad admitted to not seeing it on the bill list. Councilmember Simonsen questioned the bidding procedure. Solicitor Gelzunas assured that the contract laws would be followed and confirmed that the engineer's contract falls under the category of a Professional Service. Margaret Vitelli, Township Qualified Purchasing Agent, defined Professional Services to clarify the criteria involved and to validate the process by which Mr. Shousky's contract was awarded. She added that the specifications were outside of her expertise, therefore the Township would have been obligated to hire a professional to write them, which Mr. Shousky did at no additional expense. Mayor Beck recapped and commented on a similar situation with the Recreation Advisory Board. Manager Voll expressed his concern about public perception and justified Mr. Shousky's services. Councilmember Neville agreed that Mr. Shousky gave us an incredible deal. Councilmember Conrad questioned the cost of the project. Discussion ensued. Manager Voll reminded that Mr. Shousky provided an estimate and that an exact figure cannot be determined until a budget line is approved. Mayor Beck pointed out the importance of proximity between public safety and the school. Councilmember Conrad disagreed. Arguments were made about purchasing the Manzoni property. Councilmember Conrad insinuated that Mr. Shousky's voucher was snuck onto the bill list.

Jay Young, Cape May Beach, addressed Council to inquire about a cost analysis for the existing public safety building verses a new building at the municipal complex. Mayor Beck referred to the building analysis and the cost to repair a building that is not an essential building. Councilmember Simonsen informed that the County has not done a full scale investigation of the building to make that determination. Mr. Young asked if the Township has looked at alternative options and if a cost comparison has been done.

Mayor Beck confirmed that it has already been done by the Public Safety Building Committee. Mr. Young expressed his concern about a tax increase. Councilmember Simonson argued in favor of the County's proposed option to rehabilitate the existing building, claiming it will save the Township millions of dollars. Mayor Beck acknowledged that money is a factor, but stressed the intrinsic value of location. Mayor Beck also defended his comments at the last meeting regarding the decision making process at the LTMUA.

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

Res. # 2014-219 Authorization to Remove Special Conditions on Plenary Retail Consumption License No. 0505-33-010-009 T/A 5 West Bar & Grill (requesting removal of conditions placed on previous owner of CJ's)

Councilmember Conrad expressed concern for the neighbors who initiated the complaint about CJ's, causing the conditions to be placed on the liquor license. Paul Negro, owner of 5 West Bar & Grill, addressed Council to inform of his intentions with the request to remove the restrictions from the liquor license. He assured Council that his establishment is a restaurant that serves liquor, not a bar that serves food. Councilmember Neville advised him to put his intentions in writing. Mr. Negro agreed to comply.

MOTION TO TABLE – PENDING ADDITIONAL INFORMATION

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

Res. #2014-220 Authorization for Waiver of Fees for Cape Island Lodge #30 (1105 Seashore Road- Township construction permit fees)

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

Administrative Reports

Certification of Mailing of Tax Bills
 Monthly Reports – Fire Safety, Police, Vital Statistics

Council Comments

Councilmember Conrad reminded about National Night Out and offered his regards for a great summer.

Councilmember Neville commented on the success of the concert and the economic benefit it has on the Township. He also acknowledged the working relationship between the DRBA and the Township.

Councilmember Simonsen agreed and encouraged everyone to support Township events.

Deputy Mayor Clark thanked a list of businesses for their contributions to the recreation budget that enable the events to take place, including: Gaiss' Market, Atlantic Capes Fisheries, Lund's Fisheries, J Byrne Agency, Lower Township Chamber of Commerce and many others. He is determined to publically thank each of the contributors for their support.

Mayor Beck announced the following events: Family Fun Night, Movie Night, Concert Night, Lenape Nation Treaty Signing, LaCrosse Camp, Soccer Camp, and National Night Out. He also informed that season pool passes are available at the Recreation Department.

Solicitor Gelzunas gave an update on the school funding issue. He informed that the question will go to a referendum, but the special election date has not yet been determined.

Call to Public

Bill Greenfield, Villas, commented on an article in the newspaper about the FEMA maps. Mayor Beck responded with an update and suggested he meet with Bill Galestok, Township Planning Director.

Manager Voll expressed his frustration with the estimated cost to the taxpayers to hold a special election on the school funding issue.

Peter Satani, 231 North Station Avenue, commented on the fire departments response time to a recent automobile fire. He also addressed Council on behalf of the homeowners in Diamond Beach to voice concern about the increase in taxes. Mayor Beck discussed the impact of the tax reassessment. He recommended speaking to the tax assessor for a more detailed explanation. Mr. Satani also inquired about the condition of the bridge. Manager Voll addressed the bridge and fire concerns and pointed out the different areas of tax that may have caused his increase.

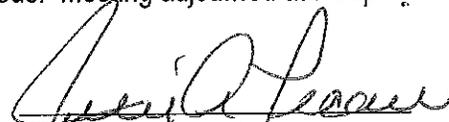
Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Simonsen, seconded by Councilmember Neville. Motion to adjourn unanimous. Meeting adjourned at 7:20pm.



Mayor

Approved: 



Township Clerk