

COUNCIL MEETING MINUTES – MAY 4, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 4, 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

Proclamations - Joshua Smith & John Payne (Arrow of Light)

Mayor Beck opened the meeting with two proclamations for the Arrow of Light Award presented to Joshua Smith and John Payne. He congratulated Frank LoMonaco, Pack 63, for his leadership.

Mayor Beck read a proclamation supporting the Click it or Ticket Mobilization of May 18 through May 31, 2015.

Lower Township Community Pride - Kathy Louderback, Chamber of Commerce

Kathy Louderback, Lower Township Chamber of Commerce, invited Council to participate in a Community Pride initiative. She presented several ideas and asked for Council's support. She also suggested the adoption of "home of the best sunsets" as the Township's official slogan. Council offered their comments in favor of her initiative. Mrs. Louderback inquired about better signage throughout the Township.

Work Session

Hatch Mott MacDonald Presentation/Roseanne Avenue - Manager Jim Ridgway

Manager Ridgway introduced Mark Shray and Robert Mainberger of Hatch Mott MacDonald.

Mr. Shray gave an update on the engineering study of the Roseann Avenue project. He spoke about their last presentation to Council in September, 2012 following the underwater investigation. Again, they proposed to move forward with Phase III, tasks 3-5, to complete the work on the Roseann Avenue project.

Sally Yerk, Roseann Avenue, voiced her concern about the drainage issues on Roseann Avenue and urged Council to move forward on this project.

Mr. Shray informed that the Phase III study proposal is intended to be presented to Council in August, should Council decide to move forward.

Kathleen Dynan, Tranquility, asked how long the study will take and who will complete the work.

Councilmember Conrad agreed to move forward with the project.

Councilmember Perry stated that the problem has existed far too long and needs to be rectified.

Councilmember Simonsen, Deputy Mayor Clark and Mayor Beck all agreed.

Jim O'Reilly, Clearwater, voiced his concern about the outfall pipe being clogged. Discussion ensued with Mayor Beck.

Ed Sherretta, 306 Roseann Avenue, urged Council to move forward on this project.

Joe Link, Townbank, complimented Councilmember Perry for listening to his constituents. He voiced his desire to see Council work together and get this problem resolved.

Paul Yerck, 229 Roseann Avenue, voiced concern about the safety factor with the street sinking.

Brian O'Connor, 4 Edgewater Road, GIS Specialist for Cape May County, offered his ideas about the tide gate at Cox Hall Creek and how to resolve the flooding problems.

Unknown, addressed Council with a comment about Cox Hall Creek and asked if a check valve would solve the flooding problem.

Councilmember Perry confirmed with Mr. Shray about what to expect with the completed study.

Ordinance #2015-04 -- Beach Rules

Councilmember Perry ascertained from Solicitor Stefankiewicz that the beach rules pertain only to Township owned beaches.

Bill Greenfield, Villas, referred to part 172 of the Ordinance defining watercraft, and voiced concern about kayaks being in the same category as jet skis and motorboats. Discussion ensued about the wording of the ordinance.

Bob Crane, Townbank, reminded Council about the freedoms we enjoy on Lower Township beaches and requested that they not make restrictions to jeopardize that.

Joe Link, Townbank, voiced his opinion that Cape May Beach Property Owner's Association should establish beach rules consistent with the Township.

Consent Agenda

Councilmember Simonsen requested to move Ordinance #2015-04 to the Regular Agenda.

Councilmember Perry requested to move Resolution #2015-135 to the Regular Agenda.

Approval of Minutes	April 20, 2015
Res. #2015-134	Payment of Vouchers \$ 1,026,559.78
Res. #2015-135	Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (replacing Safety Coordinator from J.Dilworth to K.Brown)
Res. #2015-136	Requesting Change in Title, Text or Amount of Appropriation N.J.S.A. 40A: 4-85 (Chapter 159, P.L. 1948) (move \$10,000 from Feasability Study to contributions to First Aid Organizations)
Res. #2015-137	Authorization for Clothing Allowance (A.McCloskey \$425.)
Res. #2015-138	Resolution Acknowledging the Award to Constellation/New Energy (CNE) for Electric Generation Supply Services for the Township of Lower and Cooperative Members
Res. #2015-139	Capital Budget Amendment
Res. #2015-140	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (JIF Wellness Incentive Award \$1,000)
Res. #2015-141	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Click It or Ticket \$4,000)
Res. #2015-142	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (S.Jersey Gas – Game On \$1,000)
Res. #2015-143	Authorization for the Payout of Accumulated Compensatory Time (5 officers \$25,070.95)
Res. #2015-144	Issuance of Ice Cream Peddling And Ice Cream Salesmen Licenses for the year 2015 (Mr. Softee, Kona Ice & A & T Ice)
Res. #2015-145	Issuance of 2015 Limousine and Operator License (G Transportation O.Cabrera)
Res. #2015-146	Approval of Change Order #1 to Hatch Mott MacDonald Contract for Bayshore Estates Stormwater Investigation – Phase 3 (increase of \$2,949.40)
Ordinance: # 2015-03	Bond Ordinance Providing For Various 2015 Capital Improvements, By and In the Township of Lower in the County of Cape May, State of New Jersey (the Township) Appropriating \$1,645,000 Therefor and Authorizing the Issuance of \$1,560,000 Bonds or Notes of the Township to Finance Part of the Costs Thereof – This is the first Reading of this Ordinance Second reading and Public Hearing will be scheduled for May 18, 2015.

Ordinance #2015-04

Ordinance Revising and Restating Chapter 178, Beaches of the Code of the Township of Lower --- This is the first reading of this Ordinance. Second reading and Public Hearing will be scheduled for May 18, 2015.

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

Regular Agenda

Res. #2015-135

Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (replacing Safety Coordinator from J. Dilworth to K. Brown)

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

Ordinance #2015-04

Ordinance Revising and Restating Chapter 178, Beaches of the Code of the Township of Lower -- This is the first reading of this Ordinance. Second reading and Public Hearing will be scheduled for May 18, 2015

As Amended (In definition of watercraft: removal of kayaks, stand-up paddle boards, bodyboards, and bellyboards with skegs.)

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

Res. #2015-147

Appointment to the MUA Board

Motion to appoint Jacqueline Henderson to the LTMUA Board moved by Councilmember Simonsen, seconded by Councilmember Conrad.

Kathleen Dynan, Portsmouth Road, presented a written request asking Council to put Appointments on hold in the interest of adopting a policy mandating background checks for volunteer and board appointments. Please see attached.

Helen Thompson, Villas, disagreed with having to provide a Social Security Number in order to become a board member. Discussion ensued regarding Manager Ridgway's background check.

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

Council Comments

Councilmember Conrad remembered Marvin Hume for his many contributions to Lower Township. He informed that Mr. Hume's flag will be flown on Memorial Day at Sunset Beach. He reminded about Relay for Life and encouraged support for Lower Cape May Little League.

Councilmember Perry thanked the residents of Bayshore Estates for attending the meeting and vowed to do his part to get their problem solved. He reminded to use caution with open flames during the dry weather condition and informed of the current ban on outside fires.

Councilmember Simonsen reiterated sentiments about Marvin Hume. He thanked supporters of the Thomas Family and reminded of upcoming events at the LCMR PAC Center.

Deputy Mayor Clark also honored the memory of Marvin Hume.

Mayor Beck spoke about Marvin Hume as a true Lower Township treasure. He also announced the following upcoming events: Coast Guard Community Festival, Rabies Clinic, Armed Forces Celebration, Shred Day, and Relay for Life. He also reminded that pool passes are available for sale at the Rec. Department.

Call to Public

Betsy Kramer, addressed Council to express concern about restricting dogs from Lower Township beaches.

Joe Link, Townbank, commended Manager Ridgway on a job well done and commented about open government.

Jay Young, Cape May Beach, voiced concern about restricting dogs from Lower Township beaches.

Bob Crane, asked who will be enforcing the new beaches rules.

Helen Thompson, agreed that dogs should be allowed on Lower Township beaches. She also addressed Solicitor Stefankiewicz about the extreme weather provision in the Animal Ordinance. After a lengthy discussion about the wording of the ordinance, Mayor Beck suggested that any objections be emailed to Manager Ridgway.

Jim Neville, Townbank, defended his case against Councilmember Simonsen's comments at the last meeting regarding the map.

Bill Greenfield, Villas, asked about Animal Control responding to barking dogs on the weekends.

Mary Reader, Villas, voiced favor to all dogs being leashed on the beach.

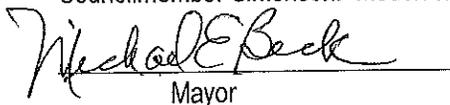
Tom Frisoli, Villas, Vice-Chairman of LTMUA, addressed Mayor Beck to invite him to a LTMUA meeting to keep informed of any current changes.

Jacqueline Henderson, Mickel's Run, thanked Council for her nomination and looks forward to serving on the LTMUA Board.

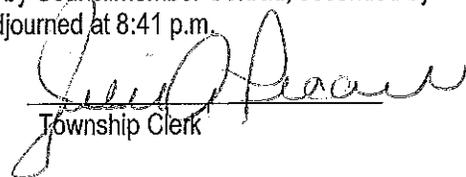
Gary Muller, Baywood Park, commented on the leaf and branch schedule.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Simonsen. Motion to adjourn unanimous. Meeting adjourned at 8:41 p.m.



Mayor



Township Clerk

Approved: *May 18, 2015*

In the interest of not appointing inappropriate individuals to any Volunteer and/or Council-Appointed position, all such appointments are on hold until the following Policy is adopted and ready for implementation.

Policy for All Volunteer and Council Appointments

Effective immediately, the Township of Lower must use the same State-mandated criminal background check for anyone working with children in the Township of Lower for all Board and non-Board Volunteer appointments made by Council.

To further facilitate the process used to conduct criminal-background checks, *The Township of Lower Citizen Leadership Form* is amended to include: applicant's Social Security number; street address; and proof of full-time residency in Lower Township. Because utility bills and other items with addresses do not prove legal residency, a driver's license, passport or voter's registration card is required. A copy of the item proving legal residency will be provided to the individual(s) reviewing *The Township of Lower Citizen Leadership Form* and retained with that *Form* for the Township of Lower's files.

If a candidate has had a criminal background check conducted within the last three years, a copy of that report must be provided with the candidate's application for a position. Candidates who have not had this check and who are appointed to any position will pay for this report and be reimbursed by the Township of Lower. Should an appointment be made prior to the completion of this process, the appointment is contingent upon receipt by the Township of a clean, criminal-background report.

A copy of this **Policy for All Volunteer and Council Appointments** must be provided to every applicant with *The Township of Lower Citizen Leadership Form*.