

COUNCIL MINUTES – March 18, 2013

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 18, 2013 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 Glenn Douglass
Deputy Mayor Norris Clark
Mayor Michael Beck

Also present: Charles W. Sandman, III, Solicitor and Karen Fournier, Clerk's Office

Presentation to Jackson Sole and Jackson VonSavage - Eagle Scout

Jackson VonSavage was not present.

Jackson Sole chose for his Eagle Scout project to lead a crew in planting a vineyard at St. John Neumann parish in dedication of his father, Gene Sole. Jackson has been involved in scouts for 12 years and plans to attend Virginia Tech. Mayor Beck stated that he, Deputy Mayor Clark and Councilmember Neville were honored to attend the Eagle Scout Court of Honor for Sole. Mayor Beck congratulated him on his many achievements, adding how truly proud he is of him.

Councilmember Conrad congratulated Mr. Sole and stated that he wished his own son would have followed Jackson's footsteps.

Councilmember Neville, former Eagle Scout and Jackson's Scout Leader, stated he always knew Jackson would be an Eagle Scout.

Councilmember Douglass stated that Mr. Sole has grown into a fine young man and wishes him luck at Virginia Tech.

Deputy Mayor Clark stated that Mr. Sole set a great example at the Court of Honor and wishes him the best.

Proclamation - Supporting Click It or Ticket

Mayor Beck read the proclamation supporting Click It or Ticket Seatbelt Mobilization, May 20, 2013 – June 2, 2013, pledging to increase awareness of the mobilization and benefits of seatbelt use.

Presentation - Cape May County Dog Obedience Training Club

Representatives from the Cape May County Dog Obedience Training Club spoke on behalf of their organization, stating that during Superstorm Sandy, large dogs were turned away from the emergency shelter because the crates were not large enough to accommodate them. As a result, members of their organization made donations- in lieu of a Christmas exchange- to purchase large dog crates. To their surprise, their efforts multiplied. The Cape May County Dog Obedience Training Club matched their

donation. Furthermore, Bob Smeltzer of Smeltzer and Sons also matched their donation and offered to sell them the crates below cost. Mr. Smeltzer stated that the Township will end up with over \$1,000.00. worth of crates to be used for emergency preparedness and delivered wherever the Township designates. Don Montgomery, Lower Township Animal Control Officer accepted the donation on behalf of the Township and thanked all parties involved for their generosity. Mayor Beck stated that this came as a surprise but he is truly grateful to the CMC Dog Obedience Training Club, their representatives and Smeltzer and Sons for their generous gifts. Councilmember Conrad expressed the need and thanked CMC Dog Obedience Training Club and Mr. Smeltzer for all they do for the community. Councilmember Neville spoke on behalf of the dogs and their owners to thank all parties involved for their donations. Councilmember Douglass stated that his dogs have enjoyed working with the CMC Obedience Training Club and continue to be obedient today. He thanked them, as well as Mr. Smeltzer for bringing this opportunity to the Township. Deputy Mayor Clark also thanked the organization and Mr. Smeltzer for filling the need within the Township.

Work Session

Presentation - Qualified Purchasing Agent - Margaret Vitelli
Postponed until further notice.

Consent Agenda

Mayor Beck referred to Res. #2013-91 opposing the Senate passing an early voting system and briefly described what the bill entails and the negative effects it could have on the Township.

Councilmember Conrad thinks the bill is a terrible idea, stating that it will cost the taxpayers of this Township.

Councilmember Neville pointed out that the polls will have to be open for 15 days from 6:00 a.m. to 8:00 p.m. He argued that this is why we have the vote by mail option.

Councilmember Douglass believes that there are too many uncertainties with this bill, along with security issues.

Deputy Mayor Clark agreed.

Jack Sparks of North Cape May disagrees with Council concerning the early voting system. He informed that there are currently 32 states that have adopted this policy. Senator VanDrew and Assemblymen have endorsed it. He argued that our right to vote should be a priority and therefore urged Council to reconsider. Robert Rizzo, Mickel's Run, agreed with Mr. Sparks and requested that Council table this resolution to allow more time to research it.

Mayor Beck clarified three points regarding the opposition to this bill: first, that Council has had ample time to research it; second, that the bill is opposed by the League of Municipalities who requested this resolution; and third, that he has the utmost respect for Senator VanDrew, but feels it is in the best interest of the Township for reasons including time, cost and security. Mayor Beck foresees the future of voting through both the internet and mail in votes.

Approval of Minutes	March 4, 2013
Res. #2013-87	Payment of Vouchers \$ 2,939,754.77
Res. #2013-88	Authorizing Payment of 2013 Employer Share of Pension (\$564,646. PERS and \$931,563. PFRS)
Res. #2013-89	Authorization for Waiver of Fees for Seashore Community Church of the Nazarene

- Res. #2013-90 Authorization for Refund of Taxes (1 property paid twice \$602.09)
- Res. #2013-91 Resolution Opposing A2364/A3553 (opposing the senate creating an early voting system)
- Res. #2013-92 Approval of Change Order No. 2 for Delaware Bay Shore Outfall Extensions, Contract M-7 (net decrease of \$4,000.)
- Res. #2013-93 A Resolution Approving An Agreement with S. Vitale Pyrotechnic Industries, Inc. To Provide Fireworks Display (\$40,000. July 3, 2013 - second year option)
- Res. #2013-94 Bid Acceptance and Contract Award for Maintenance of Township Grounds and Parks/Fertilizer/Slice Seed (Tru-Green \$18,009. - second year option)
- Res. #2013-95 Approving Flea Markets - Villas Fire Company (April 6, May 4, July 6 and Aug 3, 2013)
- Res. #2013-96 Approval for Roadside Solicitation by Villas Volunteer Fire Company, Inc. (May 25, June 29 and Aug 31, 2013)
- Res. #2013-97 Click it or Ticket 2013 Mobilization (May 20 - June 2, 2013)
- Ord. #2013-07 An Ordinance Establishing a Source Separation And Recycling Policy for the Township of Lower (setting forth rules and regulations for single source recycling) - 1st reading (2nd reading and public hearing April 1st)
- Ord. #2013-08 An Ordinance Amending Chapter 432 of the Mercantile License of the Township of Lower (\$75.00 late fee)- 1st reading (2nd reading and public hearing April 1st)

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad	X		X			
Neville			X			
Douglass		X	X			
Clark			X			
Beck			X			

Regular Agenda

- Res. # 2013-98 Bid Acceptance And Contract Award for Maintenance Of Township Grounds and Parks (Douglass Landscaping, LLC \$51,925. Second year option)

	Motion	Second	Aye	Nay	Abstain	Absent
CONRAD		X	X			
NEVILLE	X		X			
DOUGLASS					X	
CLARK			X			
BECK			X			

- Res. #2013-99 Authorizing the Payment of Vouchers (\$57,259.09 KG Marine)

Mayor Beck stated that this resolution ties into the change order, Resolution # 2013-92.

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad			X			
Neville			X			
Douglass	X		X			
Clark		X	X			
Beck			X			

Administrative Reports

Personnel Actions Report

Department Monthly Reports: Animal Control, Construction, Dog Register, Fire Safety, Police, Municipal Clerk, Tax Collector and Vital Statistics

Council Comments

Councilmember Conrad thanked St. Raymond’s for their food bank donations. He also pointed out that the wooden boxes along the bay front are part of a Township resident’s Eagle Scout project to recycle fishing line and clean up the jetties. He reminded that April 1, 2013 starts single stream recycling.

Councilmember Neville wished everyone a Happy Easter.

Councilmember Douglass requested Council’s approval to add 3 non-voting, student members to the Recreation Advisory Board to assist with recreation ideas from a youth perspective. Mayor Beck expressed that it’s a great idea. He advised to speak with Deb Johns, Chairperson of the RAB, before official approval is given.

Deputy Mayor Clark introduced a new program called Friends of Lower Township, established to raise funds to underwrite the recreation department with its various events, and publicly recognize and thank its sponsors. In addition, he announced that Trip Advisor has changed the designation on their website to correctly say Sunset Beach, Lower Township. Lastly, Deputy Mayor Clark announced that Governor Christie’s team has reached out to offer help to Lower Township. He and Mayor Beck took advantage of their offer and went to Trenton to meet with Bob Martin, Commissioner of the Department of Environmental Protection, regarding our beaches. Mr. Martin previewed with them the Governor’s plan involving major beach replenishment along the entire coast of New Jersey, including the Bay, as a result of a post Sandy initiative.

Mayor Beck, having been in government for 13 years, was impressed that Governor Christie voluntarily reached out to help us. Mayor Beck, Deputy Mayor Clark and George Curvan, Township Engineer, met with Bob Martin from the DEP to discuss matters such as flooding problems, water allocation and beach erosion. In addition, Mayor Beck informed that South Jersey is experiencing an increase in drug use and commended the County Task Force for their great work, as well as the Township Police Department. He has taken the concern to the commissioner of human services, the prosecutor and school representatives to assure that everyone is aware of the problem, as he strongly believes that there is an educational and rehabilitation component to it. The Police Department requested he announce their Hear It, See It, Report It initiative. For anonymous reports, call 886-1619 extension 156. He affirmed that these drug offenders will be found and locked up.

Mayor Beck announced the following: Easter Egg Hunt, Saturday, March 23, 10:00 a.m. at Bennett's Field; Thursday, April 25, Genesis Health Fair. He thanked Principal Denise LaBov of Maud Abrams School for inviting him to judge the Irish Potato Contest and congratulated David Burr's 3rd grade class on their victory.

Call to the Public

Fred Long of Cold Spring addressed Council regarding 2 bills in the State Legislature: A2753 and S1923 which directly affect the energy tax receipts in Lower Township's budget. The above bills would require the state to restore \$331 million dollars back to the municipalities. He has requested that Council consider a resolution supporting the passage of these bills, including a provision that no diversions occur. Prompt attention is necessary, as this bill is now positioned for a vote on the assembly floor.

Mayor Beck agreed that this is an important matter; however there is too much uncertainty in what programs the state will have to cut as a result of returning the money to the municipalities.

Councilmember Conrad agreed to support Mayor Beck's decision on this.

Deputy Mayor Clark added that the problem lies in the fact that once the state receives the money into the treasury, they forget how they got it, and spend it however they choose.

Councilmember Neville stated that it's a matter worth looking into, particularly because the League of Municipalities wants us to support it.

Mayor Beck agreed to call the League to readdress the issue, but reiterated that he wants assurance that no programs will be cut.

Patty Sparks of North Cape May addressed Councilmember Conrad to clarify the name of the group who organized the food drive as the Parish of St. John Neumann. The bags were divided between St. Raymond and St. John of God respectively. She thanked Mr. Conrad for the recognition and thanked the parishioners and the community for feeding God's sheep.

Fred Swope, 19 Redwood Avenue, addressed Council to report more storm damage. The beach access stairs at Redwood Ave. were lost as a result of the storm. He is concerned that it poses a safety issue and respectfully requested that Council address it before the start of the season.

Mayor Beck agreed to look into the matter by speaking with Manager Voll and Gary Douglass to find out who is responsible to fix it.

Joe Will, Fishing Creek, addressed Council to request they acknowledge that his father, Paul R. Will started the Recreation Center in 1962.

Closed Session

Res. #2013-100

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.

(Litigation- Tax Appeals)

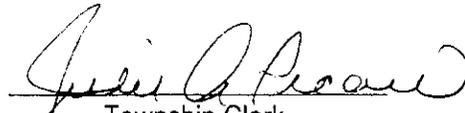
	Motion	Second	Aye	Nay	Abstain	Absent
Conrad	X		X			
Neville		X	X			
Douglass			X			
Clark			X			
Beck			X			

Adjournment

Council returned to open session and there being no further comment, motion to adjourn moved by Councilmember Douglass, seconded by Councilmember Conrad. Meeting adjourned at 8:25 p.m. by verbal "ayes".



Mayor



Township Clerk

Approved: *April 1, 2013*