

## COUNCIL MEETING MINUTES – August 4, 2014

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

### **Public Hearing**

Small Cities Community Development Block Grant Programs

Performance Hearing for the Small Cities Community Development Block Grant Programs

Colleen Crippen, Township Grants Coordinator, briefly explained the hearings, one to review the performance and status of activities for the program, and the other to review eligible activities and consider proposals for application.

Mayor Beck added that it pertains to the ADA improvements at the Recreation Center and Fishing Creek School.

### **Consent Agenda**

Approval of Minutes	July 21, 2014
Res. #2014-221	Payment of Vouchers \$3,341,247.51
Res. #2014-222	Resolution Approving Settlement of Tax Appeal Litigation Knows As SCP2010-C36-039, LLC C/O CVS Pharmacies (original Assessment \$2,805,300 new assessment \$2,700,000)
Res. #2014-223	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (JIF Safety Incentive Program \$1,500)
Res. #2014-224	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (JIF Optional Safety Program \$2,000)
Res. #2014-225	Approval of Change Order #2 – Improvements At the "Old" Fishing Creek School (additional \$4,400)
Res. #2014-226	Authorization for Refund of Taxes (1 property \$1,213.86)
Res. #2014-227	Resolution Authorizing A Review of Compliance With Prior Annual Continuing Disclosure Obligations and Participation in the Securities and Exchange Commission's Municipalities Continuing Disclosure Cooperation Initiative (SEC regulation compliance - approval strongly suggested by bond counsel and auditor)
Res. #2014-228	Approval of Contribution to the Lenape Nation 2014 Nation River Journey and Treaty Signing (\$5,000 Council approved at April 7 <sup>th</sup> mtg)

Solicitor Gelzunas requested Resolution #2014-222 be removed from the Agenda.

**Motion to remove Resolution #2014-222 moved by Councilmember Conrad, seconded by Councilmember Neville.**

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

**Consent Agenda**

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

**Regular Agenda**

Res. #2014-229

Award of a Professional Service Contract Without Public Bidding – Engineering Design Associates, PA (Civil Engineering Services, Public Safety Building Not to exceed \$28,650.)

Councilmember Conrad commented on the resolution, stating that the actual cost and inclusions for the project have not yet been established, therefore he is against it.

Councilmember Neville pointed out the differences in the professional engineering service proposals and commented on the public perception regarding contracts “without public bidding”.

Councilmember Simonsen believes it would be hasty to move forward with the resolution when a study is still pending on the structural integrity of the current building, and the project bonding has not yet been approved. Mayor Beck voiced his disapproval with the county and reminded of the intrinsic value of location. He affirmed that a more accurate figure cannot be obtained without hiring an engineer and an architect to write the bid specs. A discussion ensued over when the county interjected. Mayor Beck talked about the importance of safety. Manager Voll assured that if the contract is awarded, the specs can be written to obtain the cost, which Councilmember Conrad has been asking for. Solicitor Gelzunas confirmed that the contract is a necessary step in the process to resolve the question about cost.

Ed Butler, Villas, asked Councilmember Conrad why he changed his mind about moving the police back to Ward 1, referencing the purchase of the Manzoni property. He questioned the lack of inquiry over remodeling township hall if there was no intent to move the police. He made his position known in favor of moving public safety back to township hall for both safety and efficiency reasons.

Janet Pitts, Villas, addressed Councilmember Conrad about any questions that still remains unanswered for him. She concluded that it is a money issue. Councilmember Conrad stated that it does not matter to him where the police are located; he is concerned about the cost. An argument ensued over Councilmember Conrad's reluctance to admit that his problem is solely about money. He stated that he wants what is best for the police department and the tax payers, especially the people in Ward 1 that cannot afford a tax increase. Ms. Pitts questioned the integrity of the current public safety building and stated her reasons for wanting the police back at the municipal complex. She expressed her resentment for him not wanting the same for the people of the township.

Frank Seracco, Lower Township, addressed Council to remind that a building report was written ten years ago on the current public safety building and suggested that certain councilmembers read it.

Robert Rizzo, Mickel's Run, Ward 3, addressed Councilmember Simonsen to give the county a message about spending money in Lower Township.

Betty Somers, Villas, addressed Councilmember Conrad to inform that she was the victim of a speeding vehicle, hit and run accident which she believes could have been avoided if the police station were located on Bayshore Road.

John Sworonski, 607 Arctic Avenue, stated that he would prefer having the police located next to township hall.

Edmund Peckiconis, North Cape May, said he has a master's degree in criminal justice administration and has not been able to find a police department in South Jersey that is not next to or near city hall.

Johnny Walker, questioned Councilmember Conrad's statement about not caring where the police department is located. He expressed his disapproval with him for not leading the charge to get the police back to Ward 1 with the increase of crime in the Villas. He urged Councilmember Conrad to change his mind for the safety of the people.

Glenn Douglass, North Cape May, stated the intent of the resolution and reminded Councilmember Conrad that the issue has been discussed for many years. He spoke of the many advantages to the project, urging Councilmember Conrad and Councilmember Simonsen to do what is best for the people of the township. Councilmember Conrad argued that the resolution is for a site plan only. Councilmember Simonsen corrected Mr. Douglass's comment about a state of the art building. A dispute followed Councilmember Conrad's accusation toward Mayor Beck. Mr. Douglass declared that he would vote for the project if he were on Council.

Rosalie Gallagher, Cape May Beach, addressed Councilmember Conrad and Councilmember Simonsen about their vested interest with the County Freeholders. Councilmember Conrad denied the charge. Ms. Gallagher pointed out the perception of their opposition. She vowed her indifference to a tax increase if it means being safe.

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

Res. #2014-230      Appointment to the Recreation Advisory Board

Mayor Beck opened the subject up for discussion.

Lois Jacobs, Beach Drive, expressed her concern about Mr. Morey's reappointment to the Recreation Advisory Board due to the engineering firm that he is employed with.

Bruce Fournier, Lower Township, member of the Recreation Advisory Board (RAB), pointed out the purpose of the RAB and, on behalf of all its members, supports Mr. Morey and appreciates the work he has done over the years.

Deb Johns, Villas, Chairman of the RAB, recommended Steve Morey for reappointment to the board. She assured that he is an asset to the RAB as well as the Township.

Councilmember Simonsen motioned to nominate Steve Morey to the Recreation Advisory Board.

Mayor Beck informed that he sought advice from Solicitor Gelzunas regarding conflicts of interests and pointed out the difference between an advisory board and a board of record.

Solicitor Gelzunas explained that advisory board members are volunteers; therefore they are not subject to conflict of interest provisions. Mayor Beck spoke of his concern about the perception of conflict. He suggested a notice of caution to the boards. Deputy Mayor Clark agreed and encouraged abstention in these situations.

Deb Johns gave clarification in defense of Mr. Morey's position. Discussion ensued about the ethical obligation and the perception of conflict.

Steve Morey, Engineer with Hatch Mott McDonald, clarified his position and his ethical obligation to the company. He informed of past abstentions from votes that may have been questionable.

Councilmember Conrad gave testimony that Mr. Morey is an asset to the township.

Councilmember Simonsen expressed a desire to keep the same board members that developed the 5 year Master Plan. Upon inquiry, Deb Johns informed that the five year Master Plan will be completed by the next council meeting.

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

Res. #2014-231      Appointment to the Recreation Advisory Board

Councilmember Neville motioned to nominate Robert Lamoreux to the Recreation Advisory Board.

Deb Johns, on behalf of the RAB, expressed her wishes to have Council consider Mary Bispels for the RAB.

Marie Markovitz, Townbank, addressed Council in support of Mary Bispels for the RAB.

Tom Frisoli, Lower Township, highly recommended Mary Bispels for the RAB.

Mayor Beck stated his intent not to vote against any of the applicants.

Councilmember Simonsen agreed, but stated his obligation to abstain.

Deputy Mayor Clark expressed his gratitude for all of the applicant's interests in serving the township.

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

Solicitor Gelzunas cautioned Council to abstain from discussion as well as the vote if there is a conflict of interest.

Ordinance #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 – 2<sup>nd</sup> reading and Public Hearing

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

**Administrative Reports**

Personnel Action Report  
Monthly Report - Construction

**Council Comments**

Councilmember Conrad encouraged everyone to attend National Night Out and have a safe summer.

Councilmember Neville commented on the Coombs/Douglass Run and thanked all the departments responsible for its success. He suggested that Council explore possible candidates for the board of Environmental Commission. He spoke briefly about the FEMA meeting and the Resiliency Grant. He also urged Council to work on the Community Rating Service, and informed of a website ([www.region2coastal.com](http://www.region2coastal.com)) for residents to explore their risks for flooding. Mayor Beck also commented about the FEMA meeting. Councilmember Conrad requested we put the link on the township website.

Councilmember Simonsen commented on the Coombs/Douglass Run and gave kudos to the Recreation, Police and Fire Departments. He also mentioned the Queen of the Crest Triathlon that included parts of Diamond Beach in Lower Township. He reminded residents about National Night Out and the great resources available there.

Deputy Mayor Clark informed about the necessary votes from Council on major issues involving large sums of money. He challenged Council to set aside their personal and political concerns, do the necessary homework, and communicate with the people in an effort to do what is best for the township. He also discussed the freedoms that come from running as an independent. He expressed his gratitude to the Friends of Lower Township and pointed out the recognition board. Upon request, Manager Voll read the names aloud. He also thanked Carl Suit from House of Print for the banner.

Mayor Beck asked for direction from Council on how to approach the advisory board issue. Councilmember Conrad suggested a work session at a future meeting. Mayor Beck announced the following events: National Night Out, concerts at the Ferry, and the Lenape Nation Treaty Signing.

**Call to Public**

Cecilia Axelsson, part owner of the Blue Claw Restaurant, addressed Council regarding her property taxes. She explained that she did not receive notice of a reassessment, nor did she receive notice of the tax increase until she received her tax bill. She spoke with both the Township Tax Assessor and the County Tax Assessor and was advised to come before Council to request a hardship variance. Solicitor Gelzunas

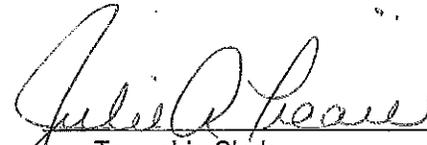
said he is not aware of any process in which Council has that authority. Mayor Beck instructed her to meet with the manager or solicitor. She inquired about deferred tax payments. Manager Voll agreed to gather the proper sources to meet with her.

Dean Umsheid, Property Owner's Association, thanked Mayor Beck and Council as well as Manager Voll for their help with the Whale of a Day Festival. He also acknowledged the Public Works and Police Departments and the Rescue Squad.

**Adjournment**

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:36 p.m.

  
Mayor

  
Township Clerk

Approved: *Aug. 18, 2014*