

COUNCIL MEETING MINUTES – July 7, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on July 7, 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

Consent Agenda

Councilmember Conrad requested to move Resolution #2014-197 to the Regular Agenda. He also pointed out that Resolutions # 2014-201 and #2014-202 support Assemblyman Bob Andrzejczak's State Assembly Bills. Mayor Beck offered his comments in favor of both Assembly Bills.

Tom Frisoli, MUA Board Member, inquired about the additional \$15,000 for the Municipal Auditor without Public Bidding. Mayor Beck informed that a special report was prepared regarding the Municipal Utilities Authority. Councilmember Conrad reminded that this was moved to the Regular Agenda.

Approval of Minutes June 16, 2014

Res. #2014-188	Payment of Vouchers \$ 354,905.58
Res. #2014-189	Authorization for Refund of Taxes (2 properties \$1,843.28)
Res. #2014-190	A Resolution Requesting Release of Re-vegetation and Restoration Guarantee for Dune Site Plan; 13 Beach Avenue, Villas, Block 319, Lot 1.05 (\$1,000.)
Res. #2014-191	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (CMC Open Space Program \$36,260.)
Res. #2014-192	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Cops in Shops \$1,200)
Res. #2014-193	Cops in Shops Summer Shore Initiative 2014 (Public Safety grant to ABC)
Res. #2014-194	Resolution Releasing Closed Session Minutes or Portions Thereof As Reviewed By the Minutes Committee (2/2013 thru 3/2014)
Res. #2014-195	A Resolution Requesting Release of Maintenance Guarantee for Families Matter; Block 114, Lots 33& 34; Escrow #P09-07-03 (\$1,061.25)
Res. #2014-196	A Resolution Requesting Release of Maintenance Guarantee for Cape May Mobile Estates; Block 510 Lots 14.01, 15.01& 16; Escrow #P07-09-04 (\$40,262.25)
Res. #2014-197	Amending Resolution #2014-02; Appointment of Municipal Auditor for the Year 2014 Without Public Bidding (adding \$15,000)
Res. #2014-198	A Resolution Authorizing and Approving A Shared Service Agreement Between the Township of Lower and the County of Cape May for Cape May County Open Space And Farmland Preservation Program (County requested a Shared Service Agreement for ADA improvements to the Recreation Center)
Res. #2014-199	Certification to Local Finance Board of Receipt and Review of Audit Sections General Comments and Recommendations

- Res. #2014-200 Resolution of the Township of Lower in the County of Cape May, Consenting to the Cape May County Purchase of Development Rights Concerning Land Known as 1036 Seashore Road and Designated as Block 752.01, Lot 10.01 on the Tax Map of Lower Township (N. Phillips - County is purchasing to keep property as open space)
- Res. #2014-201 A Resolution Supporting New Jersey State Assembly Bill No. 2622, "New Jersey Tuition Equality for America's Military (NJTEAM) Act" (providing in-state tuition fees to military veterans)
- Res. #2014-202 A Resolution Supporting New Jersey State Assembly Bill No. 2831/A-783 "Reduces Thresholds for Certain Heroin Offenses" (toughens penalties for heroin users/dealers)
- Res. #2014-203 Authorization for Payout of Accumulated Compensatory Time (B. Donahue \$2,722.71)
- Res. #2014-204 Notice of Award of NJPA Contract to NAPA Genuine Parts Company Under a National Cooperative Purchasing Agreement Contract (co-op approved 6/2/14)
- Res. #2014-205 Issuance of Ice Cream Salesman License for the Year 2014 (E.String - Mr. Softee)
- Res. #2014-206 Renewal of Commercial Excavation (Gravel Pit) Licenses for Thomas F Brodesser, Jr. (462 Seashore Road)

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

- Res. #2014-197 Amending Resolution #2014-02; Appointment of Municipal Auditor for the Year 2014 Without Public Bidding (adding \$15,000)

Councilmember Conrad stated that he has no problem with the auditing firm, but he never authorized additional spending for the MUA report. Mayor Beck reminded him that during a closed session meeting on February 3, 2014, Council unanimously consented to the request to obtain information regarding the MUA's financial situation and the potential savings to the Township. Discussion continued about who was obtaining the information. Mayor Beck insisted that the report was done by a neutral party. Councilmember Simonsen suggested that the Township look into sharing services with the MUA as a means of saving money. Mayor Beck stated that the Township already has shared services with them. He also stated that the MUA will eventually be dissolved.

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

Regular Agenda

Res. #2014-207

Payment of Voucher - Rescue Squad \$10,000 (2nd payment – expenses)

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

Res. #2014-208

Appointment to Municipal Utilities Authority

Councilmember Conrad moved to nominate Robert Rizzo to the Municipal Utilities Authority Board and stated that he attends almost all of the MUA meetings as well as Township Council meetings. Mayor Beck disclosed the influence of the Republican Organization on the Municipal Utilities Authority. He informed that 75% of the MUA Board is made up of members from the Republican Organization, compared to 6% on all other Township Boards combined. He shared a statement from Mr. Frisoli during a closed session meeting at the MUA that exposed Local Republican Chariman Jeff Lindsay's involvement with the MUA. Also revealed were the political contributions from an MUA engineering firm, Remington & Vernick, to the Republican Party.

Councilmember Simonsen questioned if Mayor Beck had appointed two of the four MUA Board Members. Mayor Beck stated that he voted for one of the three sitting members.

Councilmember Neville pointed out a statement from one of the MUA Board Members instructing them to refrain from sending any correspondence to Lower Township Council that pertains to the MUA.

Deputy Mayor Clark gave a summation of the circumstances regarding the MUA. In his effort to make sense of it, he said he followed the money trail that led to the discovery that the Republican Party was fighting to gain control over Lower Township Council.

As conversation focused back to the MUA appointment, Mayor Beck indicated that he wants someone who has government experience.

Deputy Mayor Clark moved to nominate Jack Sparks to the Municipal Utilities Authority Board.

Councilmember Simonsen questioned the nomination for political reasons. Mayor Beck reiterated his intent to appoint someone who knows government.

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

Administrative Reports

Personnel Actions Report

Monthly Report – Clerk, Dog, Finance, Tax

Council Comments

Councilmember Conrad announced the anticipation of an ordinance to be introduced at the next meeting to support Assemblyman Andrzejczak's Bill regarding Veterans with service needs. He also thanked everyone for attending the fireworks.

Councilmember Neville commented on the Cape May-Lewes Ferry's 50th Anniversary celebration. He pointed out the success of the Kayak Club Race and Whale of a Day, and thanked those involved including Dean Umsheid and Officer Perry. He also thanked the Public Works Department, Recreation Department and Township employees for a great job with the Independence Day Festival. He announced that the Township is close to getting the Coastal Resiliency Grant to help with engineering for the flood maps.

Councilmember Simonsen gave kudos to all the participants involved in the Independence Day Festival and Whale of a Day.

Deputy Mayor Clark criticized a letter to the editor in the Herald by Councilmember Conrad and Councilmember Simonsen regarding the proposed public safety building. He pointed out that much of what was said in the letter was untrue, specifically an alleged tax increase. He reminded that Manager Voll brought qualified, objective professionals to previous Council meetings to report the facts. Mayor Beck shared his frustration with members of Council misrepresenting the facts. Councilmember Conrad presented a question about encumbered funds. In response, Mayor Beck read a statement from the Auditor, and had Township CFO Lauren Read attest to the Township's bonding capacity.

Deputy Mayor Clark referred to a document that was being circulated at the MUA entitled "The Real Facts about the LTMUA Dissolution". He indicated that this too was full of erroneous allegations. He responded to these and the previous charges with the statement, "We are entitled to our own opinion, but we are not entitled to our own facts".

Deputy Mayor Clark thanked Councilmember Simonsen for joining forces with him to help raise money for the fireworks. He also thanked community businesses for their support and the Recreation Department for their part in the festivities.

Mayor Beck thanked Manager Voll for making the call to change the date of the fireworks. He also announced the Lenape Treaty Signing and Cultural Day.

Manager Voll referred to the "propaganda paper" and claimed that MUA attorney Jeff Barnes and MUA office manager used it as a scare tactic with MUA employees. He informed that he and labor attorney, Bill Blaney, along with Colleen Crippen and Gary Douglass held a special meeting with all MUA employees to dispel the rumors and address concerns about jobs and benefits.

Manager Voll also gave an update on the status of the public safety building. He informed that he, Councilmember Simonsen, Mayor Beck, Chief Mastriana, and Dan Shousky met with County Freeholder Director, Gerald Thornton, County Administrator, Mike Laffey, County Engineer and County Architect to discuss options for the current public safety building. Everyone expressed their interests and ideas, but the County needs more information from their professionals before making a recommendation to the board. In addition, he reported his response to a letter from MUA Commissioner, Steve Sheftz that also contained untruths.

Call to Public

Jay Young, Cape May Beach, inquired about the status of road restorations from Shore Drive to Wildwood Avenue and from the S Curve to Townbank Road. Councilmember Neville informed that the contract was awarded to the same company that did Bay Drive, and they will be worked on simultaneously, starting September 2.

Betty Somers, Atlantic Avenue, voiced her opposition to Councilmember Conrad's reluctance to moving public safety back to the Villas. She expressed concern for her own safety as well as the safety of the children. Councilmember Conrad replied, stating that he dislikes the idea of criminals coming so close to the school and recreation center. He also stated his desire to get more police officers on the street. Mayor Beck shared a different opinion based on his police experience, stressing the importance of having the police close to the school, recreation center, senior center, library and municipal complex. Councilmember

Neville stated that the design of the proposed new public safety building offers an enclosed area where criminals enter the building out of the public's view.

Janet Pitts, Ward 1, Villas, addressed Council to support the idea of moving public safety back to the municipal complex for public access reasons. She also made known her opposition to the County using the current public safety building for central dispatch. She believes the township should cut its loss and get out of that sick building.

Frank Sarraco, Villas, presented a space utilization report on the current public safety building that revealed expenditures up to four million dollars. He added that this figure does not take into account the work that is presently needed on the structure. He agreed with the need for police presence in the Villas.

Stephanie Lamanna, addressed Council for clarification of the MUA audit without public bid. Manager Voll informed how he attained the recommendation for the auditor. Deputy Mayor Clark further explained the professional service contract. A brief discussion ensued. Mayor Beck offered that the report is public information.

Nancy Embs, North Cape May, voiced her resentment toward Mayor Beck for what she believed to be misrepresentation of the facts with regard to the MUA lawsuit. She expressed discontent with Council's unwillingness to help the MUA employees in their attempt to get the Board's cooperation to follow their own policy.

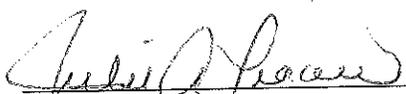
Jack Sparks, North Cape May, thanked the Councilmembers responsible for his appointment to the MUA Board and vowed to help rectify situations there. He commented on the police building controversy, and made his position known in favor of public safety being located at the municipal complex. He also made a point to validate bonding.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Councilmember Simonsen. Motion to adjourn unanimous. Meeting adjourned at 7:23 p.m.



Mayor



Township Clerk

Approved: 