

COUNCIL MEETING MINUTES – June 6, 2016

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 6, 2016 at 7:00 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, Deputy Township Clerk

Jersey Shore Youth Lacrosse League Champions – Councilman David Perry

Councilman Perry honored the third and fourth grade boys Jersey Shore Youth Lacrosse League Champions, under the direction of Head Coach Ken Brown and Assistant Coach Kurt Lindsay, and highlighted their team record for the 2016 season. Mayor Beck and Council presented each player and coach with a Certificate of Congratulations.

Work Session

Captain Jack Moran of Sea Tow – Life Jacket Loaner Program Presentation - Councilman Erik Simonsen

Captain Jack Moran, franchise owner of Sea Tow, was unable to attend the meeting. Councilman Simonsen read a portion of a press release regarding the lifejacket loaner program located at Spicer Creek boat ramp and thanked Captain Jack Moran and David Craig for their contributions.

Consent Agenda

Mayor Beck questioned an item on the bill list. After a brief search, Public Works Supervisor, Gary Douglass, informed that the item was reimbursement for damages due to a raised manhole cover.

Jim Yost, General Manager of Seapointe Village, addressed Council regarding Resolution #2016-175, renewal of Liquor License to Hotel Icona. On behalf of the Master Council at Seapointe Village, he voiced opposition to the neighborly actions and behaviors controlled by Hotel Icona and requested that their liquor license be denied. Solicitor Stefankiewicz stated for the record that he was not the Township Solicitor during the timeframe Mr. Yost referred to.

Larry Willis, Seapointe Village, voiced frustration with the noise and light pollution coming from Hotel Icona past midnight. He stated that numerous complaints have been made to the Police Department. After several allegations against Hotel Icona, he respectfully requested that restrictions be put on their license.

Manager Ridgway informed that Police Reports from the last two weeks were indicative of three total complaints, one of which was anonymous. He also informed that he contacted the ABC to inquire about violations on the eighteen liquor licenses being renewed; all of which have a clean record.

Eustice Mita, owner of Hotel Icona, countered Mr. Yost's comments and made reference to his meeting with Mr. Yost upon which the above items were discussed and Mr. Mita generously compromised. He also spoke of property value by pointing out the investment he made in Lower Township, contributing to Diamond Beach being rated one of the most famous places in the country. He advised Mr. Yost to come to him directly with any problems.

Kathy Chiaro, Seapointe Village #205, voiced frustration with the noise from the events at Hotel Icona infringing on the family atmosphere at Seapointe Village. She expressed a desire for the Township to modify their liquor license.

Randall Davis, General Manager of Hotel Icona, communicated that he was unaware of underage drinking at Hotel Icona. He countered the comments about noise complaints and informed about a situation that occurred with Seapointe Village guests.

Jim Yost apologized to Council and stated his intention in revealing code violations with Hotel Icona's Beach Bar. A brief exchange took place with Mayor Beck.

Mayor Beck made suggestions to Mr. Yost in an attempt to create a peaceful coexistence between Hotel Icona and Seapointe Village.

Councilman Simonsen reminded that a meeting took place last summer regarding this matter.

Manger Ridgway confirmed the same and spoke about the increased number of events taking place. He also commented about the direction of the speakers and wind being factors in the sound traveling.

Councilman Simonsen suggested another meeting. All parties present agreed.

- Approval of Minutes May 16, 2016
- Res. #2016-166 Payment of Vouchers \$544,793.60
 - Res. #2016-167 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Clean Communities \$90,672.08)
 - Res. #2016-168 Reappointment to the Zoning Board of Adjustment (R. Sweeten)
 - Res. #2016-169 Reappointment to the Zoning Board of Adjustment (M. DiStefano)
 - Res. #2016-170 Reappointment to the Planning Board (C. McDuell)
 - Res. #2016-171 Approving a Professional Service Contract with Hatch Mott MacDonald for Standby Generator Set Replacements, Public Works Facility and Recreation Center (\$28,130)
 - Res. #2016-172 Approving a Professional Service Contract with Hatch Mott MacDonald for Professional Engineering Services and Permit Application Service for Water Allocation Permit/Temporary Dewatering Permit Roseanne Avenue Stormwater Improvement Project (\$18,500)
 - Res. #2016-173 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (FEMA Hazard Mitigation \$75,000)
 - Res. #2016-174 Authorization to Award Ecoverse through the Houston Galveston Area Council (H-GAC Buy) Doppstadt Trommel Screen (\$293,484.)
 - Res. #2016-175 Annual Renewal of Liquor Licenses for the Year 2016-2017
 - Res. #2016-176 Authorizing the Sale of Township Surplus No Longer Needed for Public Use on Govdeals Online Auction Website (Office Furniture/Misc Equipment)
 - Res. #2016-177 A Resolution Authorizing the Sale of Certain Real Property Located in the Township of Lower (Block 703, Lot 1 Approx lot size 100 X 150 Seaview & Rochester)
 - Res. #2016-178 Bid Acceptance and Contract Award for Re-Bid of Tennis/Basketball Court Renovations at the Freeman Douglass Park (\$232,185.)
 - Res. #2016-179 Issuance of Ice Cream Peddling and Ice Cream Salesman Licenses for the Year 2016 (Kona Ice)

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

Regular Agenda

Councilman Conrad pointed out that this is a great savings to the Township.

- Res # 2016-180 Authorization for 2016 Incentive Award for Insurance Waiver (\$56,833.33 per Contracts)

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

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

Administrative Reports

April - Treasurer

Manager's Comments

Manager Ridgway gave Council an update and power point presentation on the status of select Township departments upon review of first quarter performances. He reported safety compliance from the state with the integration of Municipal Court at Townhall, and he informed of a safety meeting with Lower Township Elementary Schools Superintendent, Resource Officers and Head of Security.

Council Comments

Councilman Conrad reminded to use caution with children playing, as school will let out soon. He informed that the butterfly habitat plantings have been pushed back to July.

Councilman Perry made reference to the Youth LaCrosse Champions and applauded the parents for steering their children in the right direction. He also reminded drivers along the Bayfront to slow down, be careful and share the road.

Councilman Simonsen spoke of Council's attendance at the Villas VFW Memorial Day Service. He informed of a project to construct a two-lane boulevard as a gateway to the CMC Airport Complex. He reminded of the upcoming Escape the Cape Triathlon Event and encouraged people to be aware of road closures and to stay safe.

Deputy Mayor Clark shared news about the Early Childhood Education Program and the use of the Fishing Creek School. He also reported development with the Delaware Bayshore Council concerning beach resiliency and beach preservation.

Mayor Beck announced the following upcoming events: Escape the Cape Triathlon and the Independence Day Festival and Fireworks.

Call to Public

Ray Flickenger, 1700 Washington Boulevard, read a letter stating support of the beach access improvement project for reasons of public safety and environmental protection. He pointed out that access paths are overgrown.

Jan Tirrell, 105 Beach Drive, addressed Council to voice her support of the beach access improvement project for reasons of dune preservation, pedestrian safety and environment sensitivity.

Tom Frisoli, Villas, Vice-Chairman of LTMUA, spoke of his meeting with NJDEP Commissioner and his conversation regarding saltwater intrusion, water and sewer problems throughout the state, and assistance he can offer. He also discussed the problem with the Local Finance Board approving dissolutions of Municipal Utilities Authorities.

Closed Session

Res. #2016-182

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. **POSSIBLE LITIGATION / SHARED SERVICE NEGOTIATIONS / CONTRACT NEGOTIATION UPDATE**

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

Council adjourned to Closed Session at approximately 8:20 p.m.
 Council returned to Open Session at approximately 8:58 p.m.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Perry, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 8:59 p.m.


 Mayor


 Township Clerk

Approved: June 20, 2016