

Regular & Work Session Meeting Minutes - February 22, 2012

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 22, 2012 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.

VFW Post 5343 Presented the Colors for the Pledge of Allegiance followed by a moment of silence.

The following members of Council were present for roll call taken by the Clerk:

Councilmember Thomas Conrad
Councilmember Walt Craig
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: Bill Blaney, Solicitor, Michael Voll, Manager and Asst. Clerk Picard

Presentation by VFW Post - Firefighter of the Year

Commander Bill Howard, VFW Post 5343, introduced Fire Chief Rich Harron, Jr, Villas Fire Company, who presented John Snyder with the Firefighter of the Year Award. Chief Harron informed the public that John is married with one child, graduated from Lower Cape May Regional High School in 2005 with honors and is a life long resident of Lower Township. Chief Harron spoke on John's accomplishments including how he placed 3rd in the State out of 266 applicants for State Firefighter of the Year. Mayor Beck and Council congratulated John Snyder and voiced their heartfelt appreciation to all Lower Township's Volunteer Firemen for their dedication and thanked them for the sacrifices made by both themselves and their families.

Proclamation - N.E.A.'s Read Across America, March 2, 2012

Work Session

Presentation by Paul Shelton, CMC Sheriff's Office - Life Saver Project

Paul Shelton gave a presentation on Life Saver Project. Officer Shelton explained that the Life Saver Project is a non profit corporation which was created in Virginia by Chief Sonders. It is a transmitter worn on the wrist or ankle which uses radio frequency to locate individuals. The project geared towards adults with cognitive diseases who tend to wonder and towards children with autism. This project is funded through donations. A bracelet with a one year supply of batteries cost \$360.00. Officer Shelton stated this program has a 100% success rate. There are currently 28 residents of Lower Township in the program and the program is receiving 8-10 calls per week from individuals wanting their loved ones included in the program. New Jersey is the only State in the Country with a project in every County. Officer Shelton left brochures and information for anyone interested in donating to the program or who may need additional

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information on applying to the program.

Review of Consent Agenda

Mayor Beck requested Resolution # 2012-68 be placed on the regular agenda.

Budget Introduction

Bill Greenfield, Villas, questioned if any allowances are being made in the budget for roads. Manager Voll replied the Public Works Department has an on-going road program, but if a serious issue arises, please contact the Managers office.

Consent Agenda

Approval of Minutes	February 6, 2012
Membership Applic.	NJ State Fireman's Association - Mark K. Delano - Town Bank Vol. Fire Co.
Res. #2012- 58	Payment of Vouchers, \$1,714,371.28
Res. #2012- 59	A Resolution Requesting Reduction of Performance Guarantee for Proposed Single Family Dwelling, Hume, Hume, Hume & Bloom, 502 Sunset Blvd; Block 790; Lot 8; Escrow #Z06-07-05 (Reducing performance guarantee by \$5832.00 for improvements completed)
Res. #2012-60	Resolution Designating Lt. Martin Biersbach as Deputy Custodian of Public Records for the Police Department (OPRA Requests)
Res. #2012-61	Introduction of 2012 Municipal Budget (Public Hearing April 2, 2012 - 7:00 p.m.)
Res. #2012-62	Click It or Ticket 2012 Mobilization (Annual resolution)
Res. #2012-63	Renewal of Trailer Park License for 2012 (annual renewal)
Res. #2012-64	Authorization for Refund of Taxes (7 properties Refunds due to State appeals or Homestead Benefit)
Res. #2012-65	Award of Contract to South Jersey Energy Service Plus as the BPU Direct Install Contractor for Energy Efficient Measures for the Public Safety Building in Lower Township in the Amount of \$14,657.04
Res. #2012-66	Authorization for the Payout of Accumulated Compensatory Time (M. Szemcsak - \$2,965.55)
Res. #2012-67	Resolution to Accept the Sixty Foot (60') Unimproved Portion of Block 329, Lots 47 & 48 Abutting Tennessee Avenue as Suitably Improved for Development (Land Use law requires building to abut a suitably improved street)
Res. #2012-69	Approval for Fireworks Display on March 3, 2012 in Lower Township for the Andrew Alameno Scholarship Fund and Wildwood Catholic High School (Required resolution to authorize display in Lower Township)

Motion to approve the Consent Agenda moved by Councilmember Douglass, seconded by Councilman Conrad

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	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

Res. #2012-68 Creating a Special Committee for Liaison to the Cape May County Board of Chosen Freeholders with Regard to Economic Development at the Cape May County Airport (Committee - Manager, Dep. Mayor & Ward 2 Councilmember

Mayor Beck stated this is an important committee and requested the committee be formed in the same way the Public Safety Building Committee was formed - brought up at a work session, discussed and then brought back in Resolution form to the following meeting. Mayor Beck questioned how this Resolution came about. Deputy Mayor Lare replied he was approached by the Freeholder liaison requesting a member/s of council and the manager meet with the County and the DRBA. Deputy Mayor Lare stated there is an exceptional opportunity here. Will Morey is leading the charge and Deputy Mayor Lare stated he is responding to the request. Mayor Beck questioned why the request did not come through the Manager and questioned why this is not being discussed prior to appointing individuals to the committee. Deputy Mayor Lare responded the County is driving the process, they have already started meeting with the DRBA and this is a liaison committee only and is at the request of the Freeholder. Councilmember Douglass advised that the Mayors Advisory Board was working on this previously and some of those individuals might have an interest in being involved. Councilman Douglass also questioned why the Councilmember representing the ward the airport is in is not involved. Deputy Mayor Lare replied portions of the airport encompass Ward 2 and 3. Councilman Douglass stated the Citizen Advisory Board is also having discussions regarding the opportunities at the airport. Deputy Mayor Lare re-iterated that this is a positive thing. A Freeholder has reached out with a renewed interest for some impact at the airport. They are requesting that Lower Township Council have representation at the meetings. Lower Township is not driving the process, the County is and this is in response to what they have asked.

Colleen Hughes, Villas, addressed Council and stated the former Mayors Advisory Board has worked diligently to bring Economic Development to the airport and were reaching great strides. Ms. Hughes volunteered to be on the committee.

Steve Sheftz, Townbank, addressed Council and stated he was the last Economic Development Director the County had. He stated when he left, there was over 90% occupancy at the airport, but most of them have left. Mr. Sheftz stated he will be meeting with Mr. Morey, and suggested only one person from the Township attend the meeting.

Frank Sorocco, Lower Township, addressed Council and requested the Resolution be read aloud in its entirety so

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the public understands what it is. Clerk Kammer read the Resolution

Joe Winters, Villas, addressed Council and questioned who requested the Resolution. Deputy Mayor Lare replied he requested the solicitor draft the Resolution. Mr. Winters questioned why Ward 1 was not included. Mr. Winters stated both the Deputy Mayor and Councilmember Craig are on the committee and work for the County. Councilmember Craig replied he does not work for the county. When requested to serve, Councilman Craig, having some knowledge of the airport and having some prior experience, replied he would be glad to serve on the committee. Mr. Sorocco stated the Deputy Mayor is employed by the County. Two of the freeholders are his bosses, if there is a conflict, he will not go against his bosses, there is a conflict. Mr. Winters questioned why the county is interested now in the property. Mr. Sorocco spoke of the contamination in the area which has been going on for years and stated both people on the committee are running for re-election and this would put them in the public's eye. Mr. Winters questioned why the Mayor is not included on this committee.

Robert Rizzo, Mickels Run, addressed Council and suggested the Mayor serve on the committee.

Bob Webber, Villas, addressed Council and stated it boggles his mind that the Mayor was not in any part of the discussions when the Resolution was drafted. Mr. Webber stated Lower Township can not allow the Freeholders free reign over our airport by putting Mr. Lare and Mr. Craig on the Committee. Mr. Weber suggested Mr. Lare and Mr. Craig step down and let Mr. Douglass and Mayor Beck be on the committee.

Bill Reinfield, Villas, addressed Council and questioned how Mr. Craig's name was placed on the Resolution. He believes Council should discuss the issue and maybe put a department head on the committee.

Mayor Beck stated if there is a committee which goes outside the Township, he believes it should be the Mayor and Deputy Mayor. An issue which impacts the entire Township, should have the Mayor and Deputy Mayor representing the Township. Mayor Beck stated he believes the issue speaks for itself. This is a board which represents the Township and can think of no good reason why the Mayor and Deputy Mayor should not be on the board. The issue of the Deputy Mayor's conflict in relationship to the Freeholder, is something that needs to be addressed. The issue of selecting individuals running for re-election, let the public decide. Mayor Beck re-iterated that he believes this is an important issue which should not be politicalized. Mayor Beck requested Council do it the right way and put the Mayor and Deputy Mayor on the Resolution. The Mayor and Deputy Mayor are the only two elected officials who represent all the wards, all the problems and have an intricate knowledge of what needs to be done and both should be on the committee.

Councilmember Douglass suggested Council authorize the Mayor and Deputy Mayor to go to the first meeting and then bring this Resolution back to a work session and discuss it.

Deputy Mayor Lare stated this Resolution is before us at the request of a Freeholder.

Councilman Craig stated when he was asked to serve on the committee, it was not to politicalize anything. He said he was doing it because he felt it was in the best interest of the Township, but is certainly more than willing to have his name removed from the Resolution and replaced with the Mayor's name.

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Deputy Mayor Lare stated all five members of Council are co-equals. He said it is at the request of the Freeholder that Lower Township be represented. An e-mail was sent to the Clerk and the Solicitor and was distributed to all Council members. Mayor Beck questioned if the Freeholder specifically requested the Deputy Mayor and the Ward 2 Councilmember sit on the committee. Deputy Mayor Lare replied it is between the Freeholder and himself. Mayor Beck and Deputy Mayor Lare discussed the way the By-Way committee was formed.

Motion to take the Ward 2 Councilman's name off the Resolution and replace it with the Mayor moved by Mayor Beck, seconded by Councilmember Douglass.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD				X		
CRAIG					X	
DOUGLASS		X	X			
LARE				X		
BECK	X		X			

Motion moved by Councilman Conrad to authorize the Mayor and Deputy Mayor to attend the meeting scheduled for next week and then bring this Resolution back to the next meeting. Motion seconded by Councilmember Craig.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG		X	X			
DOUGLASS			X			
LARE			X			
BECK			X			

Regular Agenda

Res. #2012- 70

Contract Award for Maintenance of Grounds & Parks (5 bids - 1 withdrew, 1 disqualified - awarded to next qualified bidder Douglass Landscaping, LLC)

Motion to approve Resolution 2012-70 moved by Councilmember Conrad, seconded by Councilmember Craig.

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	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG		X	X			
DOUGLASS					X	
LARE			X			
BECK			X			

Ord. #2012-02 An Ordinance Amending Chapter 400 of the Revised General Ordinances of the Township of Lower, (Amendment to Land Development stating Outdoor Wood-Burning Furnaces are not a permitted use and establishing penalties for offenses, 2nd rdg.

Public Comment

Michael Mann addressed Council and stated he strongly opposes this Ordinance and questioned if there have ever been other complaints prior to the Andrielle Lane complaints. Manager Voll replied the only complaints are on the Andrielle Lane burner. Mr. Mann stated it is not fair to the other owners of burners who have no complaints against them. He informed Council that there are approximately 6 other burners in the Township. Mayor Beck stated the complaints are only on the one on Andrielle Lane and will not impact any of the other current owners. Mr. Mann requested stipulations on set-backs and acreage rather than out right banning the burners. He stated he feels this Ordinance will lead towards banning other alternate energy, especially with fuel prices sky rocketing. He questioned if it is appropriate to pass an Ordinance on one particular property.

Joe Winters addressed Council and questioned if the burner comes in dis-repair and can't be fixed, can you replace it? Mayor Beck replied to replace it, the owner would have to get a variance. Mayor Beck stated the recommendation was to ban the burners throughout the Township, and it does not have any effect on campgrounds nor does it impact farms, which are exempt by State statute.

Emerson Eisley, property owner in Cape May County, addressed Council and stated the New Jersey DEP does not certify outdoor Wood Burners. He read an article to Council from the DEP regarding the release of CO2 and other chemicals which impact the environment and spoke of the prohibition of the burners in the State.

Diane Morton, 7 South Andrielle Lane, addressed Council and stated she lives approximately 350 feet from the outdoor wood-burner. She stated by passing this Ordinance, Council will protect residents from the unwanted invasion of wood smoke from the outdoor wood burner. She thanked Council for proposing the Ordinance and hopes all of Council will agree to pass it.

Tom Nucious, who lives around the corner from the boiler stated if Mr. Eisley is correct, then the campgrounds need to be shut down because of the camp fires. He lives by the owner in question and does not see any of the smoke.

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Elise Nelson, 2 North Andrielle Lane, addressed Council and stated her home is 265 feet from the outdoor wood burner. She stated she moved to Lower Township to get away from pollution and stated she has cancer from second-hand smoke. She considers herself a good neighbor, but when the pollution is effecting her health, she has to speak up. She stated she hopes the owner will take into consideration the health of his neighbors. Everyone has the right to breath clean air.

Frank Ziegler, 520 Shunpike Road, addressed Council and stated he lives right there are smells the campground more than the burner. He stated Council can not just ban one thing without banning everything.

Deputy Mayor Lare explained that this Ordinance does nothing to impact the problem on Andrielle. The person that currently owns the outdoor wood burner can continue to burn it. This Ordinance does nothing to impact the burners already in existence.

Motion to adopt Ordinance 2012-2 moved by Councilman Douglass, seconded by Councilman Craig.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD				X		
CRAIG		X	X			
DOUGLASS	X		X			
LARE				X		
BECK			X			

Ord. #2012-03 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-15.14) (Annual resolution done each year prior to budget adoption) 2nd rdg.

Motion to approve moved by Councilman Douglass, seconded by Councilmember Craig.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
CRAIG		X	X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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Ord. #2012-04 An Ordinance of the Township of Lower Establishing the Guidelines of the Economic Development Loan Fund, (Establishes criteria for Economic Development loans from the Township's Small Cities Grant) 2nd rdg.

Mayor Beck stated this Ordinance is a big deal. He said the Township has already seen increased interest in the program but the credit belongs to Colleen Crippen, who did all the leg work on the Ordinance.

Motion to adopt Ordinance 2012-04 moved by Councilman Conrad, seconded by Councilman Craig.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG		X	X			
DOUGLASS			X			
LARE			X			
BECK			X			

Administrative Reports

Personnel Action Report

January Reports: Animal Control, Construction Official, Dog Licensing, Engineer, Municipal Clerk, Municipal Court, Tax Collector, Vital Statistics

Council Comments

Councilmember Douglass stated he met with the Cape May Maritime Museum Foundation. The Foundation is moving forward in building a replica of the Life Saving Station. Councilman Douglass also met with the Wildwood Crest Mayor and manager, who have an interest in working a Shared Services program with the County being the lead, in continuing a bike path into the Diamond Beach Area. They are also interested in a couple of properties (one on Sunset Lake) in Lower for Open Space, public use.

Councilman Douglass stated there was an article in the paper today regarding him filing a complaint. Councilman Douglass stated the article is incorrect, he has not filed any complaints at this time. He has contacted the different agencies regarding how to file a complaint, questions were asked, no complaint was filed.

Deputy Mayor Lare clarified his no vote on the Outdoor Wood Burning Ordinance. He stated the Andrielle issue is problematic. Steps had been taken earlier for the issues to be litigated through the court system. He stated he does believe there are applicable uses for the burners in the Township, specifically in Erma and South of the Canal where there are larger lots. Deputy Mayor Lare said people have the right to breath fresh air, but it is also a right of a property owner to provide heat and hot water to their houses. He stated there should be reasonable guidelines for

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that. He advised that he will defend property rights and had hoped that a compromise could have been reached and believes Council overacted a little with the ban of the burners. Deputy Mayor Lare addressed the 2012 budget stating that Council, the Manager and the Treasurer have done an outstanding job on the budget. Lower Township is at a zero increase. We are seeing real savings through Gov Christies leadership, our fund balance increased, our tax collection rate increased, we will have put 4 new officers on the street, the manager shopped the health care plan and saved \$160,000.00. All this without cutting any services or any lay-offs.

Mayor Beck stated it is a total collaborative effort and thanked the employees for their efforts in cost savings as well. He stated we are finally seeing the tool-kit results and hopefully, over the next couple of years we will be able to increase the surplus. As stated before, it is a total team effort and Mike and Lauren are to be commended.

Call to the Public

Jack Sparks, Croydon Drive, questioned Deputy Mayor Lare regarding the argument whether he would return for the second meeting in January. Mr. Sparks quoted Deputy Mayor Lare as saying he notified Council that he would not be here for the meeting and then Councilman Douglass showed a text from the Deputy Mayor saying he would be here for the meeting. Mr. Sparks asked Deputy Mayor Lare to explain. Deputy Mayor Lare replied he notified Council informally that he would not be at the second meeting in January. The vacation was planned in advance, it was the intent to come back for the second meeting, but financially, it was not possible. Mr. Sparks stated the evidence shows that something was going on and people should take note of it.

Joe Winters, Scott Avenue, addressed Council and questioned if there is any reason why Township issued cell phones and e-mails are not used for all Township business. Mayor Beck replied we are required to only use Township issued addresses for e-mails, but how do you keep track of cell phones? Mr. Winters stated if you use your personal phone, it is not a public record. Mayor Beck replied that Council receives calls at home and you have to rely on the good intentions of the people involved in the situation. Mr. Winters then questioned why the back gate at Ponder Lodge is closed and when the lake will be stocked. Manager Voll replied the lake will be stocked this spring and the Township will be speaking with the State later this week regarding the other situations.

Emerson Eisley addressed Council and stated he believes Council made a big mistake and will be relaying the information (smoke) to the State.

Nick Thompson, Andrielle, addressed Council and questioned if any progress has been made regarding the work on Route 9. Manager Voll replied the work should be completed by July 1, 2012 and the contractor they are ahead of schedule. The problem was with the utilities, but that has been corrected.

Bob Webber, Villas, addressed Council and stated a new interactive forum called "Lower your voice.org" is up and running. This forum contains agenda packets, copies of resolutions, video's of the meetings, and encourages residents to be heard. Mr. Webber offered each Councilmember an un-restricted, un-edited "blog" page.

Closed Session

Res. #2012-71

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. (Personnel -

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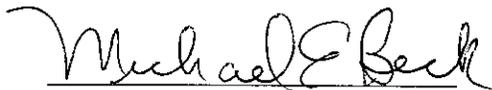
Contract Negotiations - Dental Coverage issue)

Motion to approve Resolution 2012-71 moved by Councilmember Douglass, seconded by Councilmember Conrad.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

Adjournment

Council returned to open session. There being no further business, motion to adjourn moved by Councilman Conrad, seconded by Councilman Douglass. Motion to adjourn unanimous. Meeting adjourned at 9:15p.m.


Mayor


Clerk

Approved:

PERSONNEL ACTIONS

Report for Council Meeting of 3/05/2012

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Public Safety	McGurk, Kenneth	2/27/2012	Macomber, Ernest	Promotion	Police Sgt	yes

Date of report: 2/28/2012

c: Manager
Clerk
Payroll
Asst. Treasurer
Personnel Director
Bulletin Board
File



**Lower Township Police Department
Monthly Activity Report**

2012

	January	Total:
General Complaints and Service Calls	2624	2624
Emergency Medical Calls with L. T. Rescue	150	150
Fire Alarm Call Outs (Total)	58	58
Villas Fire Company	24	24
Town Bank Fire Company	21	21
Erma Fire Company	13	13
Assaults	12	12
Robbery	1	1
Domestic Violence Complaints	34	34
Domestic Violence with Assaults	13	13
Motor Vehicle Accidents	39	39
Traffic Warnings	1	1
Traffic Summons	74	74
Motor Vehicle Stops	192	192
Local Ordinance Warnings	14	14
Local Ordinance Complaints	4	4
Assaults on Police Officers (UCR Report Return "A")	0	0
Residential and Commercial Alarm Calls	59	59
Property Checks	789	789
Death Investigations	1	1
Burglaries	28	28
Thefts	55	55
Criminal Mischief Complaints	53	53
Disorderly Conduct Complaints	21	21
Animal Control Complaints	185	185
Adult Arrests (UCR Report Return "A")	60	60
Juvenile Arrests (UCR Report Return "A")	7	7
D.W.I. Arrests (UCR Report JV & Adult Arrests Combined)	7	7
Drug Possession Arrests (UCR Report JV & Adult Arrests Combined)	5	5
Investigation Reports Completed	103	103
Supplemental Investigation Reports Completed	56	56
Total Value Property Stolen (UCR Report Return "A")	\$5,596.00	\$5,596.00
Total Value Property Recovered (UCR Report Return "A")	\$10,071.00	\$10,071.00



**Lower Township Police Department
Monthly Activity Report**

2012

	January	Total:
Man Power Loss in Hours		
Union	0	0
Suspended	0	0
Vacation	789	789
Personal	72	72
Comp Hours	36	36
Sick Hours	330	330
Injury Hours	0	0
Training Hours	220	220
Military Training	444	444
Police Department Overtime in Hours		
Operations Overtime	252.5	252.5
Operations Comp Time	22.5	22.5
Investigation Division Overtime	41.25	41.25
Investigation Division Comp Time	16	16
Court Overtime	31.5	31.5
Court Comp Time	0	0
Holiday Overtime	146	146
Holiday Comp Time	15.5	15.5
Government/Grant Funding Overtime in Hours		
Click It or Ticket	0	0
Cops n Shops	0	0
JV Curfew	0	0
DWI Patrol	0	0
Other	0	0
Private Funding Overtime in Hours		
Special Detail	17.5	17.5

Prepared by:

Chief Brian Q. Marker

Date:

Brian Q. Marker
2/22/12