

## **Regular & Work Session Meeting Minutes - APRIL 2, 2012**

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on April 2, 2012 at 6:00p.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 has been provided according to law.

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: Manager Michael Voll; Solicitor Michael Donohue and Assistant Clerk Julie Picard

### Proclamation: Animal Control Officers Week

Mayor Beck presented Lower Township's Animal Control Officers Don Montgomery, Steve Flitcroft and Steve Parker with a proclamation proclaiming April 8 thru April 14, 2012 as Animal Control Officer week in Lower Township and commended them on their outstanding work.

### Proclamation: Autism Month - Jacyn Pisieczko

Mayor Beck read a proclamation proclaiming April, 2012 as Autism Awareness Month in Lower Township and Blow Bubbles for Autism Day on April 26, 2012. Mr. Jacyn Pisieczko received the Proclamation. Jacyn's mother addressed Council and thanked the Mayor and Council for their continued support with Autism Awareness and updated Council on Autism. Jacyn then addressed Council and gave an update on how he is doing in school and presented the Mayor and Council with a plaque in appreciation.

### Certificates of Recognition to Participants of the Genesis Adult Health & Safety Fair

Mayor Beck and Council presented all the participants of the Adult Health & Safety Fair with certificates of Appreciation. Genesis thanked Lower Township for partnering with Genesis for the event and advised that there will be another health fair in the Fall. Genesis serviced over 100 Lower Township residents and gave out door prizes to participants.

### Work Session

#### Discussion of Water Quality Management Plan - William Galestok, Planning Director

Bill Galestok addressed Council and gave an update on the Water Quality Management Plan. He stated the State looked at the submission and removed several areas from the map. The State removed several areas noting a "25 acre clip" area. There are a few areas which will be corrected. Mr. Galestok stated the County received 180 days to complete the process and Lower Township meet with the County on March 18<sup>th</sup> and then met with the DEP on the 29<sup>th</sup> to point out certain areas. Mayor Beck questioned this is as a result of a change in the regulations? Mr. Galestok replied the time line is the result in the change of the regulations but we knew they were going to remove items from the map.

**Consent Agenda**

- Approval of Minutes March 19, 2012  
 Res. #2012-91 Approving the Municipal Access Plan (tabled March 19)  
 Res. #2012-92 Payment of Vouchers, \$1,819,351.98  
 Res. #2012-93 Approval of Cold Spring Presbyterian Church's Application To Conduct A Flea Market (May 26, 2012)  
 Res. #2012-94 Awarding an Economic Development Loan to Cape May Brewing, LLC (Loan of \$68,165.78)  
 Res. #2012-95 Resolution for Self-Examination of Budget (Annual resolution)  
 Res. #2012-96 Authorizing Change Order Number 4 with Gen li, Inc., in Connection with Contract No. M-5, roof Replacement and Related Work at the Recreation Center (final payment of \$51,519.58 minus all liquidated damages amounting to \$30,935.18)  
 Res. #2012-97 Recycling Tonnage Grant Certification of Taxes Paid (Requirement of the Recycling Enhancement Act which funds the recycling tonnage grants to municipalities)  
 Ord. #2012-06 An Ordinance Amending Chapter 157, Alcoholic Beverages, of the Code of the Township of Lower, 1<sup>st</sup> rdg. (Establishes guidelines and regulations for underage consumption of alcohol on private property) 2<sup>nd</sup> rdg. & public hearing Apr. 16<sup>th</sup>)

Motion to adopt the consent agenda 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   |     |         |        |

**Regular Agenda**

**Budget Review - Leon Costello, Township Auditor**

Mr. Leon Costello, Township Auditor addressed Council and stated this is the public hearing on the 2012 budget. This process started in September with Lauren Read, CFO and Mike Voll, Manager, meeting with department heads, getting information together, meeting with Council, getting the introduction together and now we are at the Public Hearing. Mr. Costello stated Council's mission was to formulate a budget with no increase, which you were successful in doing. This is not an election year budget by any means, there are no gimmicks, no "one-timers", there is no miscellaneous junk, you are not raiding the fund balance, it is true hard working zero tax increase. Lower is within all the state mandates, otherwise you would not be able to do this. Tonight is the time for the public to comment and ask questions.

Deputy Mayor Lare stated this was a communal effort by the Department Heads and employees. Council sets the parameters and understands where the public wants to be, with taxes being the most critical issue. Council gets the credit for it, but it is the department heads that deserve the credit. Deputy Mayor Lare

thanked the employees of the Township, the department heads, the CFO and Manager for their hard work in obtaining the zero tax increase.

Mayor Beck echoed the Deputy Mayors sentiments and stated we have asked our employees to do more with less, and one of the key factors is that we have reduced the work force over the last few years significantly. Also, we are finally seeing relief through the long awaited tool kit. Mayor Beck questioned the savings in the pension contributions and the impact of the health insurance increase. Lauren Read, CFO, replied the health insurance employee contributions decreased the line by approximately \$132,000.00 and the pension contributions are reduced by \$335,135.00 in the current fiscal year.

Res. #2012-98 Adoption of 2012 Municipal Budget (Final budget with 2 minor changes to State Aid - budget remains at zero tax increase)

Public Comment - None

Motion to adopt Resolution 2012-98 moved by Councilmember 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

Department Reports January & February - CFO

**Clerk’s Certification on Referendum Petition Re: Ord. #2012-02**

Clerk Kammer stated that regarding the Wood Burner Ordinance, a petition was filed containing 775 signatures, 601 signatures were validated. There were 174 signatures not validated for various reasons including duplicate signatures, illegible, no addresses and residents not registered.

Councilmember Douglass stated regarding the wood burner issue, he believes Council still needs to send it back to the planning Board for review with recommendations of restrictions because of the outpouring of residents who came forward to voice their opinion regarding the total banning. Mr. Douglass made a motion to repeal the Ordinance and send it back to the Planning Board for review, motion seconded by Mayor Beck. Mayor Beck requested the solicitor introduce an Ordinance at the next meeting which would repeal the original Ordinance and once the Planning Board has crafted their opinion, then we can institute a new Ordinance on the same issue. Manager Voll stated as requested by Council, this Ordinance has been sent back to the planning board for review and is scheduled for April 19<sup>th</sup> at 7:00 p.m.

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

Council Comments -

Councilmember Conrad congratulated Cape May Brewery on their economic development loan, it is a wonderful operation there. Cape may Brewing Company addressed Council and stated they competed at the Atlantic City Beer Festival and won first place for Best Indian Pale Ale. Councilman Conrad wished everyone a Happy Easter.

Councilmember Craig commended the supervisors on the budget they put forth and wished everyone a Happy Easter.

Councilmember Douglass thanked all the department heads and CFO Read and Manager Voll for doing a good job and stated he appreciated everyone working together, it makes it a lot easier to go through the process in this manner. Councilmember Douglass wished everyone a healthy and safe Easter.

Deputy Mayor Lare congratulated the Lacrosse team for an outstanding win against Middle Township. Deputy Mayor Lare wished everyone who does celebrate the Easter Holiday to have a happy and safe holiday.

Mayor Beck thanked the Fish & Wildlife for the stocking of the pond at Ponder Lodge. They loaded 500 trout in Flint Pond. Opening day is this Saturday. A number of residents stated prior to this being stocked, they had to drive to Dennis Township. Mayor Beck announced that the County provides prescription drug cards to anyone who does not presently have RX coverage. You can get discounts ranging from 2% to 50%. You can get additional information on the County web site @ [capemaycounty.gov](http://capemaycounty.gov).

Mayor Beck announced that the Lower Township Rotary Club is having a spaghetti dinner on Friday, April 20<sup>th</sup> from 4:30 to 8:00 p.m. at Uncle Bills Restaurant. Proceeds benefit the local food banks and programs. Tickets are available at Town Hall through Clerk Claudia Kammer.

Call to the Public -

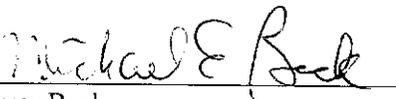
John Fleming, 8 North Andrielle, addressed Council and stated he is confused regarding the rush for Council to take an Ordinance, which was properly developed and approved by the Council, based on a petition which is not even valid. Mayor Beck replied it is based upon a petition which has a lot of

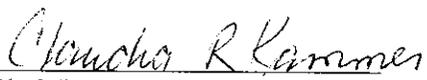
their evidence or opinions as to how the Ordinance should be adjusted. Mr. Fleming stated the public has already had that opportunity and the petition is not valid. Mr. Fleming suggested that if the petition is presented with the adequate signatures, then repeal the Ordinance. Mayor Beck replied there are a lot of people that have an issue with this Ordinance and this will give the Planning board another shot to look at the Ordinance and make additional recommendations. The new Ordinance will also have two readings and there will be public comments on that as well.

Dianne Morton, 7 South Andrielle Lane, addressed Council and handed out pictures. She stated an outdoor wood boiler is not just a structure to heat a house. It comes with smoke and fumes, piles and piles of wood, unsound structures to try to keep the wood dry and the sound of chainsaws on a quite Sunday morning. Ms. Morton addressed Mr. Lare and said he previously stated he would defend the rights of property owners and questioned the rights of the people who live around this burner. She stated after repeatedly talking to the owner, the neighbors they came to Council in August of 2011. This journey has been written about in the papers numerous times. The smoke and fume Ordinance was amended to include a special section regarding OWB's. There were no comments from the owners at that time. The Planning Board decided to ban the burners and Council passed the ban unanimously at the first reading. No one objected to the ban until the second reading. Now, there are 700 people who signed a petition to repeal the Ordinance. Where were all these people during the hearings? The Ordinance clearly states it does not include fire places. This Ordinance was to protect the health, safety and welfare of residents of Lower Township so they would not have to go through what these neighbors went through. Many of the people signed the petition without knowing what the Ordinance is truly about. OWB's do not belong in residential areas, but if they are, restrictions should include at least 5 acres and at least a 500 foot set back, burn times should be between Nov 1<sup>st</sup> to May 1<sup>st</sup>, new owb's should be at least EPA phase 2 certified and the fuel should be specified. Wood burning is not good for you. Numerous studies link burning to health problems and increase susceptibility to asthma. People think they are saving money by burning wood, but the health effects may be very expensive. Mayor Beck again reiterated that this is heading back to the Planning Board and the opportunity for both sides to present their case and perhaps come to a compromise will be available.

#### Adjournment

There being no further business, motion to adjourn moved by Councilmember Conrad, seconded by Councilman Craig. Motion approved unanimously by verbal "ayes". Meeting adjourned at 6:55p.m.

  
\_\_\_\_\_  
Mayor Beck

  
\_\_\_\_\_  
Clerk Kammer

Approved: April 16, 2012

|                                   | Total                | Jan                 |
|-----------------------------------|----------------------|---------------------|
| <b>BEG. BAL. JAN. 1, 2012</b>     | <b>5,285,705.22</b>  | <b>5,285,705.22</b> |
| <b>RECEIPTS:</b>                  |                      |                     |
| <b>Per Revenue Status</b>         | 13,352,114.81        | <b>5,486,213.36</b> |
| less: post cash surplus           | 0.00                 |                     |
| Interest due from-<br>Dev. Escrow | (69.42)              | (39.12)             |
| Capital                           | (1.90)               | (0.82)              |
|                                   | <b>13,352,043.49</b> | <b>5,486,173.42</b> |
| <b>Grants Received</b>            |                      |                     |
| JIF \$ Recd                       | 4,700.00             | 4,700.00            |
| NJ DOT \$ Recd                    | 38,597.40            |                     |
| 43,297.40                         |                      |                     |
| <b>TOTAL RECEIPTS:</b>            | <b>13,395,340.89</b> | <b>5,490,873.42</b> |
| <b>DISBURSEMENTS:</b>             |                      |                     |
| 2011 Reserves                     | 393,033.00           | 232,832.41          |
| 2012 Current                      | 11,765,008.47        | 5,311,769.49        |
| 2012 Capital                      | 412,614.96           | 273,213.44          |
| 12,570,656.43                     |                      |                     |
| <b>Appropriation Refunds:</b>     | (61,813.41)          | (44,880.23)         |
| <b>TOTAL DISBURSEMENTS</b>        | <b>12,508,843.02</b> | <b>5,772,935.11</b> |
| <b>END. BAL. DEC. 31, 2012</b>    | <b>6,172,203.09</b>  | <b>5,003,643.53</b> |
| Total Appropriation Refunds       | (61,813.41)          | (44,880.23)         |

|                              |                     |
|------------------------------|---------------------|
| <b>Bank Balance</b>          |                     |
| Checking                     | 4,598,733.32        |
| Online Payment Acct          |                     |
| MBIA                         | 1,522,699.19        |
| Total Bank Balance           | 6,121,432.51        |
| ADD: Deposits in Transit     | 475,480.23          |
| LESS: Outstanding Checks     | (1,593,269.21)      |
| <b>Adjusted Bank Balance</b> | <b>5,003,643.53</b> |
|                              | 0.00                |

OUTSTANDING CHECKS

JAN 2012

PRIOR

|          |       |        |
|----------|-------|--------|
| 12/10/10 | 43930 | 26.25  |
|          | 44435 | 17.16  |
|          | 45910 | 30.00  |
|          | 45943 | 115.40 |
|          | 46104 | 20.00  |

208.81

JAN

|           |           |
|-----------|-----------|
| DUE TRUST | 600.00    |
| 46655     | 275.00    |
| 46689     | 300.21    |
| 46693     | 24,438.33 |
| 46694     | 1,248.75  |
| 46695     | 30.92     |
| 46696     | 699.64    |
| 46697     | 724.30    |
| 46698     | 195.60    |
| 46699     | 407.14    |
| 46700     | 550.00    |
| 46702     | 1,250.00  |
| 46703     | 22.00     |
| 46704     | 74.80     |
| 46705     | 67.29     |
| 46706     | 186.00    |
| 46708     | 79.17     |
| 46710     | 917.14    |
| 46711     | 399.46    |
| 46713     | 1,190.00  |
| 46714     | 257.90    |
| 46717     | 2,305.87  |
| 46718     | 131.46    |
| 46719     | 8,604.66  |
| 46720     | 73.68     |
| 46722     | 170.94    |
| 46723     | 215.92    |
| 46726     | 1,042.50  |
| 46727     | 150.00    |
| 46728     | 3,144.79  |
| 46737     | 88.15     |
| 46738     | 306.00    |
| 46739     | 270.40    |
| 46741     | 177.93    |
| 46742     | 205.00    |
| 46743     | 120.00    |
| 46744     | 360.00    |
| 46745     | 399.59    |
| 46747     | 41.04     |
| 46749     | 34.00     |
| 46750     | 858.00    |
| 46752     | 22.29     |
| 46755     | 150.00    |
| 46757     | 6,481.00  |
| 46762     | 195.00    |
| 46763     | 925.00    |
| 46764     | 653.00    |
| 46766     | 7,500.00  |
| 46768     | 2,890.43  |
| 46771     | 2,650.00  |
| 46773     | 8.40      |
| 46775     | 1,461.52  |
| 46776     | 300.00    |
| 46777     | 300.00    |
| 46778     | 51.25     |
| 46779     | 50.00     |
| 46780     | 25.00     |
| 46782     | 900.00    |

DUE CAP 1,515,733.93  
DUE TRUST 150.00

1,593,060.40

DIT'S

|                           |
|---------------------------|
| 442.39 DUE FROM ESCROW    |
| 83,454.81 DUE FROM GRANTS |
| 4,767.45                  |
| 9,369.00                  |
| 1,540.15                  |
| 10,033.00                 |
| 578.51                    |
| 40,179.80                 |
| 26,603.62                 |
| 39,915.54                 |
| 85,862.82                 |
| 122,250.52                |
| 49,281.22                 |
| 50.00                     |
| 387.00                    |
| 58.00                     |
| 5.00                      |
| 40.00                     |
| 653.00                    |
| 8.40 DUE DOG              |

TOTAL OUTSTANDING CHECKS

1,593,269.21

475,480.23

|                                   | <u>Total</u>         | <u>Jan</u>          | <u>Feb</u>          |
|-----------------------------------|----------------------|---------------------|---------------------|
| <b>END. BAL. JAN. 1, 2012</b>     | <b>5,285,705.22</b>  | <b>5,285,705.22</b> | <b>5,003,643.53</b> |
| <b>RECEIPTS:</b>                  |                      |                     |                     |
| <b>Per Revenue Status</b>         | 13,352,265.03        | 5,486,213.36        | 7,866,051.67        |
| less: post cash surplus           | 0.00                 |                     |                     |
| Interest due from-<br>Dev. Escrow | (69.42)              | (39.12)             | (30.30)             |
| Capital                           | (1.90)               | (0.82)              | (1.08)              |
|                                   | <b>13,352,193.71</b> | <b>5,486,173.42</b> | <b>7,866,020.29</b> |
| <b>Grants Received</b>            |                      |                     |                     |
| JIF \$ Recd                       | 4,700.00             | 4,700.00            |                     |
| NJ DOT \$ Recd                    | 38,597.40            |                     | 38,597.40           |
| 43,297.40                         |                      |                     |                     |
| <b>TOTAL RECEIPTS:</b>            | <b>13,395,491.11</b> | <b>5,490,873.42</b> | <b>7,904,617.69</b> |
| <b>DISBURSEMENTS:</b>             |                      |                     |                     |
| 2011 Reserves                     | 393,033.00           | 232,832.41          | 160,200.59          |
| 2012 Current                      | 11,765,008.47        | 5,311,769.49        | 6,453,238.98        |
| 2012 Capital                      | 412,614.96           | 273,213.44          | 139,401.52          |
| 12,570,656.43                     |                      |                     |                     |
| <b>Appropriation Refunds:</b>     | (61,813.41)          | (44,880.23)         | (16,933.18)         |
| <b>TOTAL DISBURSEMENTS</b>        | <b>12,508,843.02</b> | <b>5,772,935.11</b> | <b>6,735,907.91</b> |
| <b>END. BAL. DEC. 31, 2012</b>    | <b>6,172,353.31</b>  | <b>5,003,643.53</b> | <b>6,172,353.31</b> |
| Total Appropriation Refunds       | (61,813.41)          | (44,880.23)         | (16,933.18)         |

| <b>Bank Balance</b>          |                     |                     |
|------------------------------|---------------------|---------------------|
| Checking                     | 4,598,733.32        | 6,024,799.59        |
| Online Payment Acct          |                     | 1.00                |
| MBIA                         | 1,522,699.19        | 1,522,711.37        |
| Total Bank Balance           | 6,121,432.51        | 7,547,511.96        |
| ADD: Deposits in Transit     | 475,480.23          | 177,377.95          |
| LESS: Outstanding Checks     | (1,593,269.21)      | (1,552,536.60)      |
| <b>Adjusted Bank Balance</b> | <b>5,003,643.53</b> | <b>6,172,353.31</b> |
|                              | 0.00                | 0.00                |



# PERSONNEL ACTIONS

## Report for Council Meeting of 4/02/2012

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| <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     | Anzelone, Lauren | 3/30//2012       | Crawford, Dorothy | PT to FT      | Dispatcher   | yes                  |
| Public Safety     | McCabe, Kristi   | 3/30/2012        | Camp, Brenda      | PT to FT      | Dispatcher   | yes                  |
| Recreation        | Brown, Kathleen  | 4/02/2012        |                   | New Hire      | PT Rec Aide  | yes                  |

Date of report: 3/28/2012

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